



**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
TWIN FALLS DISTRICT  
BURLEY FIELD OFFICE  
15 EAST 200 SOUTH  
BURLEY, IDAHO 83318**



**DECISION RECORD  
for the**

**Auger Falls Congressional Land Conveyance  
NEPA No. DOI-BLM-ID-T020-2010-0022-EA**

**INTRODUCTION**

On March 30, 2009, the Omnibus Public Lands Management Act of 2009 (the Act) was signed into law by the President of the United States as Public Law 111-11. Section 2607 of the Act (see Exhibit B of Environmental Assessment No. DOI-BLM-ID-T020-2010-0022-EA) directs the Secretary of the Interior, acting through the Bureau of Land Management, to convey four (4) parcels of public land, as described in the EA, to the City of Twin Falls, Idaho. Further, the Act requires that the conveyance be subject to all valid existing rights. The Act also gives the Secretary the opportunity to apply additional terms and conditions, over and above those required by the Act, that may be necessary to protect the interests of the United States.

**DECISION AND RATIONALE FOR THE DECISION**

I have decided to convey approximately 165 acres to the City of Twin Falls, Idaho, without requiring any additional terms and conditions.

As required by the Act, the following terms and conditions will be imposed:

- (1) The land shall be used to support the public purposes of the Auger Falls project.
- (2) The land shall not be used for residential or commercial purposes.
- (3) If the land is no longer used to support public purposes of the Auger Falls project, the land shall revert to the United States at the discretion of the Secretary of the Interior.
- (4) The land conveyance is subject to valid existing rights.

Valid existing rights include two rights-of-way, two withdrawals, and a FERC power project license. Management of the two rights-of-way would transfer to the City of Twin Falls, the two withdrawals and the FERC power project license would be reserved in the conveyance documents.

Surveys of the four parcels and scoping efforts did not reveal any information that indicated additional terms and conditions were needed to protect the interests of the United States.

## **APPEALS INFORMATION**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is filed, the notice of appeal must be filed in this office (15 East 200 South, Burley, ID 83318) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision is in error.

If a petition (request) is filed pursuant to 43 CFR Part 4 for a stay (suspension) of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If a stay is requested, the requestor has the burden of proof to demonstrate that a stay should be granted.

### **Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on any person named [43 CFR 4.421 (h)] in the decision and the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise, ID 83706.

/s/ Jim Tharp \_\_\_\_\_ 9/16/2010 \_\_\_\_\_  
James E. Tharp Date  
Assistant Field Manager

cc:  
City of Twin Falls  
P.O. Box 1907  
Twin Falls, ID 83303