

**DECISION RECORD FOR
WILLIAMS BURIED IRRIGATION WATER PIPELINE ROW
ENVIRONMENTAL ASSESSMENT
ID-220-2009-EA-3769**

INTRODUCTION:

Jeff Williams has filed an application with the Idaho BLM Burley Field Office for a right-of-way pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976, as amended (43 U.S.C. 1761), to construct, operate and maintain a buried 12” diameter, 80 psi plastic irrigation pipeline that would deliver Salmon River Canal Co. irrigation water to private farm land owned by him. The proposed pipeline is needed so that Mr. Williams can convert irrigation on this particular farm from flood to sprinkler and make more efficient use of the irrigation water and reduce his need for electric power.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision that a 20 foot wide by 2400 foot long right-of-way be granted to Jeff Williams, to allow the construction, operation, maintenance, and termination of a buried irrigation pipeline across public land as described in Environmental Assessment No. ID-220-2009-EA-3769 (EA) and shown on the maps, Exhibits “A-1” and “A-2”. The right-of-way should be granted for a period of 30 years with the right of renewal and subject to the terms and conditions of 43 CFR 2800 and the stipulations listed in Exhibit “B”. Implementation of the proposed action as described in the EA and implementation of the BMP described in said stipulations, including seeding all disturbed areas, timing construction for the protection of bird species, and weed control will serve to minimize the potential impacts to the environment identified in the EA.

To ensure compliance to this Decision, compliance and monitoring will be accomplished as follows:

The Burley Field Office Realty Specialist will be responsible for seeing that compliance inspections are conducted as prescribed in the regulations at 43 CFR 2800 to ensure that the right-of-way grant stays in compliance with its terms, conditions and stipulations.

The proposed action will result in minimal impacts to natural resource values. The proposed action will allow Jeff Williams to construct a buried irrigation pipeline that will deliver water directly to a new center pivot irrigation system and result in more efficient use of water and the electric power it takes to pressurize the system. It represents an appropriate use of the public lands.

BACKGROUND:

Jeff and Billy Williams were consulted as the applicants for the proposed pipeline project. A thirty (30) day public scoping period was initiated with general information about the proposal being posted to the internet via the BLM NEPA database on May 22, 2009. In addition, interested publics Katie Fite of Boise, ID and Julie Randell of the Prairie Falcon Audubon Chapter in Kimberly, ID were provided with scoping notices on the proposed project. No comments regarding the proposal were received from the public during the scoping period.

The only alternative considered in the EA is the no action alternative. Under the no action alternative, no pipeline construction or other disturbance would occur on public land. The applicant would continue to utilize his Salmon River Canal Company water through an open ditch on public land and flood-irrigate his farm. Field examination of the subject area did not reveal any alternative routes for the proposed pipeline that do not involve public land. The proposed route is the shortest, most direct and best utilizes the available terrain.

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 taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have 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.

/S/ Ken Knowles, acting for
Michael C. Courtney
Burley Field Manager

June 25, 2009
Date