

**United States Department of the Interior
Bureau of Land Management**

**Documentation of LUP Conformance and Determination of NEPA Adequacy (DNA)
FERC/EIS-0232F, CP09-54-000**

July 2010

**Ruby Pipeline Project
Final Environmental Impact Statement
Record of Decision
Eastern Portion of Southern Langel Valley Variation**

Location: Klamath Falls Resource Area (Lakeview District)

Applicant/Address: Ruby Pipeline L.L.C.
Two North Nevada Avenue
Colorado Springs, Colorado 80903

Klamath Falls Resource Area
(Lakeview District)
2795 Anderson Avenue, Bldg. #25
Klamath Falls, OR 97603
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Worksheet

Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy

U.S. Department of the Interior
Oregon Bureau of Land Management
Klamath Falls Resource Area (Lakeview District)

The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

OFFICE: Klamath Falls Resource Area (Lakeview District)

TRACKING NUMBER: FERC/EIS-0232F

CASE FILE/PROJECT NUMBERS: 2880 NVN-084650

PROPOSED ACTION: Ruby Pipeline Project/Natural Gas Pipeline Minor Reroutes

APPLICANT: Ruby Pipeline, L.L.C.

LOCATION/LEGAL DESCRIPTION:

Table 1.1 BLM Permanent ROW							
		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
<u>T. 41 S., R. 13 E., Thirty-Third Principal Meridian</u>							
sec. 19	SW/4NE/4	1352.1024	50	1.552	Langell Valley Re-Route	R671	115
sec. 19	SE/4NE/4	2712.958	50	1.575	Langell Valley Re-Route	R671	115
sec. 20	Lot 1	518.532	50	0.598	Langell Valley Re-Route	R670	114
sec. 20	Lot 2	588.489	50	0.675	Langell Valley Re-Route	R670	114
sec. 20	SE/4NE/4	1346.004	50	1.545	Langell Valley Re-Route	R670	114
sec. 20	SW/4NW/4	753.349	50	0.866	Langell Valley Re-Route	R670	114
sec. 21	SW/4NW/4	2841.254	50	1.717	Langell Valley Re-Route	R670	114
sec. 24	SE/4NE/4	1386.23	50	1.59	Langell Valley Re-Route	R666.5	113
<u>T. 41 S., R. 14 E., Thirty-Third Principal Meridian</u>							
sec. 19	NE/4NE/4	1342.14	50	1.166	Langell Valley Re-Route	R664.9	113
sec. 20	NW/4NW/4	2376.959	50	1.564	Langell Valley Re-Route	R664.9	113
sec. 23	Lot 1	2670.12	50	1.531	Langell Valley Re-Route	R662	113A

sec. 23	Lot 2	2688.616	50	1.552	Langell Valley Re-Route	R662	113A
sec. 23	SE/4NW/4	53.182	50	0.064	Langell Valley Re-Route	R662	113A
sec. 24	Lot 1	1300.394	50	1.494	Langell Valley Re-Route	R661	113A
sec. 24	Lot 2	1314.3	50	1.51	Langell Valley Re-Route	R661	113A
sec. 24	Lot 3	1317.563	50	1.513	Langell Valley Re-Route	R661	113A
sec. 24	Lot 4	1323.184	50	1.517	Langell Valley Re-Route	R661	113A
sec. 24	SE/4NE/4	1554.817	50	1.782	Langell Valley Re-Route	R667	113A
<u>T. 41 S., R. 14.5 E., Thirty-Third Principal Meridian</u>							
sec. 19	Lot 3	1470.562	50	1.691	Langell Valley Re-Route	R659	112A
sec. 19	Lot 4	1334.142	50	1.533	Langell Valley Re-Route	R659	112A
sec. 19	Lot 5	1336.698	50	1.537	Langell Valley Re-Route MLV 41 - (fenced 50' X 75')	R659	112A
sec. 19	Lot 6	1356.458	50	1.558	Langell Valley Re-Route	R659	112A
sec. 20	Lot 1	1384.031	50	1.591	Langell Valley Re-Route	R658	112A
sec. 20	Lot 2	1378.707	50	1.585	Langell Valley Re-Route	R658	112A
sec. 20	Lot 3	1383.527	50	1.588	Langell Valley Re-Route	R658	112A
sec. 20	Lot 4	1397.422	50	1.614	Langell Valley Re-Route	R658	112A
sec. 21	Lot 1	1351.363	50	1.56	Langell Valley Re-Route	R657	112A
sec. 21	Lot 2	1357.881	50	1.557	Langell Valley Re-Route	R657	112A
sec. 21	Lot 3	1358.716	50	1.557	Langell Valley Re-Route	R657	112A
sec. 21	Lot 4	1367.843	50	1.57	Langell Valley Re-Route	R657	112A
sec. 22	Lot 1	1403.513	50	1.608	Langell Valley Re-Route	R656	112A
sec. 22	Lot 2	1356.503	50	1.554	Langell Valley Re-Route	R656	112A
sec. 22	Lot 3	1356.917	50	1.566	Langell Valley Re-Route	R656	112A
sec. 22	Lot 4	1367.855	50	1.579	Langell Valley Re-Route	R656	112A
sec. 23	Lot 1	1284.409	50	1.471	Langell Valley Re-Route	R655	112A
sec. 23	Lot 2	1343.503	50	1.545	Langell Valley Re-Route	R655	112A
sec. 23	Lot 3	1372.639	50	1.573	Langell Valley Re-Route	R655	112A
sec. 23	Lot 4	1392.571	50	1.594	Langell Valley Re-Route	R655	112A
sec. 24	NW/4SW/4	1342.21	50	1.54	Langell Valley Re-Route	R654	112A
sec. 24	NE/4SW/4	1338.56	50	1.54	Langell Valley Re-Route	R654	112A
<u>T. 41 S., R. 15 E., Thirty-Third Principal Meridian</u>							
sec. 17	NW/4SW/4	1318.665	50	1.525	Langell Valley Re-route	R652	111
sec. 17	NE/4SE/4	1331.643	50	0.918	Langell Valley Re-route	R652	111
sec. 17	NE/4SW/4	1310.354	50	1.508	Langell Valley Re-route	R652	111
sec. 17	NW/4SE/4	1338.384	50	1.539	Langell Valley Re-route	R652	111
sec. 17	SE/4SE/4	534.9168	50	0.614	Langell Valley Re-route	R652	111
sec. 18	SE/4SW/4	183.103	50	0.211	Langell Valley Re-route	R653	111
sec. 18	NE/4SE/4	523.807	50	0.601	Langell Valley Re-route	R653	111
sec. 18	SW/4SE/4	1485.077	50	1.717	Langell Valley Re-route	R653	111
sec. 18	SE/4SE/4	980.787	50	1.129	Langell Valley Re-route	R653	111
sec. 19	NW/4NE/4	1321.6	50	1.52	Langell Valley Re-route	R653	111
TOTALS		67804.56		69.60			

Table 1.2 Reclamation Permanent ROW							
		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
<u>T. 41 S., R. 14 E., Thirty-Third Principal Meridian</u>							
sec. 20	NW/4NE/4	1,137.66	50	1.31	Langell Valley Re-route	R664.9	113
sec. 20	SW/4NE/4	181.24	50	0.21	Langell Valley Re-route	R664.9	113
sec. 20	SE/4NE/4	1,389.95	50	1.60	Langell Valley Re-route	R664.9	113
sec. 20	NE/4NW/4	1,360.44	50	1.57	Langell Valley Re-route	R664.9	113
sec. 21	SW/4NE/4	1,337.51	50	1.54	Langell Valley Re-route	R664	113
sec. 21	SE/4NE/4	1,377.21	50	1.59	Langell Valley Re-route	R664	113
sec. 21	SW/4NW/4	1,258.96	50	1.45	Langell Valley Re-route	R664	113
sec. 21	SE/4NW/4	1,341.12	50	1.54	Langell Valley Re-route	R664	113
sec. 22	SW/4NE/4	1,341.16	50	1.54	Langell Valley Re-route	R663	113A
sec. 22	SE/4NE/4	1,364.00	50	1.56	Langell Valley Re-route	R663	113A
sec. 22	SW/4NW/4	1,344.09	50	1.55	Langell Valley Re-route	R663	113A
sec. 22	SE/4NW/4	1,349.33	50	1.55	Langell Valley Re-route	R663	113A
sec. 23	Lot 3	1,396.66	50	1.60	Langell Valley Re-route	R662	113A
sec. 23	Lot 4	24.39	50	0.03	Langell Valley Re-route	R662	113A
sec. 23	SW/4NW/4	1,322.15	50	1.48	Langell Valley Re-route	R662	113A
TOTALS		17,525.86		20.10			

Table 1.3 BLM Temporary Workspace							
		<u>Length/Feet</u>	<u>Acreage</u>	<u>Facility/Legend</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>	
<u>T. 41 S., R. 13 E., Thirty-Third Principal Meridian</u>							
sec. 19	SW/4NE/4	1352.10	4.168	Temporary Workspace	R671	115	
sec. 19	SE/4NE/4	2712.96	2.036	Temporary Workspace	R671	115	
sec. 20	Lot 1		0.412	Staging Area	R670	114	
sec. 20	Lot 1	518.53	0.587	Temporary Workspace	R670	114	
sec. 20	Lot 2		1.225	Staging Area	R670	114	
sec. 20	Lot 2	588.49	0.636	Temporary Workspace	R670	114	
sec. 20	SE/4NE/4	1346.00	4.494	Temporary Workspace	R670	114	
sec. 20	SW/4NW/4	753.35	1.306	Temporary Workspace	R670	114	
sec. 21	SW/4NW/4	2841.25	3.831	Temporary Workspace	R670	114	
sec. 24	SE/4NE/4	1386.23	5.179	Temporary Workspace	R667	113A	
<u>T. 41 S., R. 14 E., Thirty-Third Principal Meridian</u>							
sec. 19	Lot 3	1342.14	0.039	Temporary Workspace	R664.9	113	
sec. 19	NE/4NE/4	2376.96	3.479	Temporary Workspace	R664.9	113	
sec. 20	NE/4NE/4	2670.12	0.16	Temporary Workspace	R664.9	113	
sec. 20	NW/4NW/4	2688.62	3.85	Temporary Workspace	R664.9	113	
sec. 23	Lot 1		1.999	Temporary Workspace	R662	113A	
sec. 23	Lot 2	53.18	3.784	Temporary Workspace	R662	113A	

sec. 23	Lot 1	1300.39	0.914	Staging Area	R661	113A
sec. 23	SE/4NW/4		0.512	Temporary Workspace	R661	113A
sec. 24	Lot 1	1314.30	1.948	Temporary Workspace	R661	113A
sec. 24	Lot 1	1317.56	0.92	Staging Area	R661	113A
sec. 24	Lot 2	1323.18	2.388	Temporary Workspace	R661	113A
sec. 24	Lot 3	1554.82	2.594	Temporary Workspace	R661	113A
sec. 24	Lot 4		1.979	Temporary Workspace	R661	113A
<u>T. 41 S., R. 14.5 E., Thirty-Third Principal Meridian</u>						
sec. 19	Lot 3	1470.56	2.207	Temporary Workspace	R659	112A
sec. 19	Lot 4		0.286	Staging Area	R659	112A
sec. 19	Lot 4	1334.14	1.99	Temporary Workspace	R659	112A
sec. 19	Lot 5		0.389	Staging Area	R659	112A
sec. 19	Lot 5	1336.70	3.215	Temporary Workspace	R659	112A
sec. 19	Lot 6	1356.46	3.603	Temporary Workspace	R659	112A
sec. 20	Lot 1	1384.03	2.063	Temporary Workspace	R658	112A
sec. 20	Lot 2	1378.71	2.056	Temporary Workspace	R658	112A
sec. 20	Lot 2		1.341	Staging Area	R658	112A
sec. 20	Lot 3	1383.53	2.073	Temporary Workspace	R658	112A
sec. 20	Lot 3		0.038	Staging Area	R658	112A
sec. 20	Lot 4	1397.42	2.074	Temporary Workspace	R658	112A
sec. 21	Lot 1	1351.36	2.004	Temporary Workspace	R657	112A
sec. 21	Lot 2	1357.88	2.031	Temporary Workspace	R657	112A
sec. 21	Lot 2		0.624	Staging Area	R657	112A
sec. 21	Lot 3	1358.72	2.033	Temporary Workspace	R657	112A
sec. 21	Lot 3		0.756	Staging Area	R657	112A
sec. 21	Lot 4	1367.84	2.037	Temporary Workspace	R657	112A
sec. 22	Lot 1	1403.51	2.093	Temporary Workspace	R656	112A
sec. 22	Lot 2		1.375	Staging Area	R656	112A
sec. 22	Lot 2	1356.50	2.028	Temporary Workspace	R656	112A
sec. 22	Lot 3	1356.92	2.019	Temporary Workspace	R656	112A
sec. 22	Lot 4	1367.86	2.027	Temporary Workspace	R656	112A
sec. 23	Lot 1	1284.41	1.909	Temporary Workspace	R655	112A
sec. 23	Lot 2		0.611	Staging Area	R655	112A
sec. 23	Lot 2	1343.50	2.215	Temporary Workspace	R655	112A
sec. 23	Lot 3	1372.64	2.055	Temporary Workspace	R655	112A
sec. 23	Lot 3		0.306	Staging Area	R655	112A
sec. 23	Lot 4	1392.57	2.08	Temporary Workspace	R655	112A
sec. 24	NW/4SW/4	1342.21	3.54	Temporary Workspace	R654	112A
sec. 24	NE/4SW/4	1338.56	3.53	Temporary Workspace	R655	112A
<u>T. 41 S., R. 15 E., Thirty-Third Principal Meridian</u>						
sec. 17	NE/4SW/4	1310.35	3.301	Temporary Workspace	R652	111
sec. 17	NE/4SW/4		0.46	Staging Area	R652	111
sec. 17	NW/4SW/4		0.917	Staging Area	R652	111
sec. 17	NW/4SW/4	1318.67	1.99	Temporary Workspace	R652	111
sec. 17	NE/4SE/4	1331.64	1.308	Temporary Workspace	R652	111

sec. 17	NW/4SE/4	1338.38	2.149	Temporary Workspace	R652	111
sec. 17	SE/4SE/4	534.92	0.671	Temporary Workspace	R652	111
sec. 18	SE/4SW/4	183.10	0.201	Temporary Workspace	R653	111
sec. 18	NE/4SE/4		0.656	Staging Area	R653	111
sec. 18	NE/4SE/4	523.81	1.208	Temporary Workspace	R653	111
sec. 18	SW/4SE/4	1485.08	2.202	Temporary Workspace	R653	111
sec. 18	SW/4SE/4		0.556	Staging Area	R653	111
sec. 18	SE/4SE/4	980.79	1.534	Temporary Workspace	R653	111
sec. 18	SE/4SE/4		1.45	Staging Area	R653	111
sec. 19	NW/4NE/4	1321.60	1.52	Temporary Workspace	R653	111
TOTALS		67804.56	123.66			

Table 1.4 Reclamation Temporary Workspace

		<u>Length/Feet</u>	<u>Acreage</u>	<u>Facility/Legend</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
<u>T. 41 S., R. 14 E., Thirty-Third Principal Meridian</u>						
sec. 20	NW/4NE/4	1137.66	2.51	Temporary Workspace	R663	113A
sec. 20	SW/4NE/4	181.24	5.94	Temporary Workspace	R662	113A
sec. 20	SE/4NE/4	1389.95	2.01	Temporary Workspace	R663	113A
sec. 20	NE/4NW/4	1360.44	4.32	Temporary Workspace	R662	113A
sec. 21	SW/4NE/4	1337.51	2.00	Temporary Workspace	R664	113
sec. 21	SE/4NE/4	1377.21	2.05	Temporary Workspace	R664	113
sec. 21	SW/4NW/4	1258.96	1.88	Temporary Workspace	R664	113
sec. 21	SE/4NW/4	1341.12	2.01	Temporary Workspace	R664	113
sec. 22	SW/4NE/4	1341.16	1.53	Temporary Workspace	R663	113A
sec. 22	SE/4NE/4		0.85	Staging Area	R664.9	113
sec. 23	SE/4NE/4	1364.00	1.85	Temporary Workspace	R664.9	113
sec. 22	SW/4NW/4	1344.09	2.02	Temporary Workspace	R664.9	113
sec. 22	SE/4NW/4		0.10	Staging Area	R664.9	113
sec. 23	SE/4NW/4	1349.33	1.10	Temporary Workspace	R664.9	113
sec. 23	Lot 3	1,396.66	1.76	Temporary Workspace	R664.9	113
sec. 23	Lot 4	24.39	1.91	Temporary Workspace	R664.9	113
sec. 23	SW/4NW/4	1322.15	0.20	Temporary Workspace	R664.9	113
TOTALS		17,525.86	34.04			

A. Description of the Proposed Action and Any Applicable Mitigation Measures

The Ruby Pipeline Project (Project), proposed by Ruby Pipeline, LLC (Ruby), is composed of approximately 675.2 miles of 42-inch diameter natural gas pipeline, along with associated compression and measurement facilities, located between Opal, Wyoming and Malin, Oregon. The Project would include an approximate 2.6-mile lateral, known as the PG&E Lateral, to be constructed in Klamath County, Oregon. As proposed, the Project would have a design capacity of approximately 1.5 million Dekatherms per day, depending on final subscriptions. The Project's rights-of-way (ROWS) would cross four states: Wyoming, Utah, Nevada, and Oregon. In addition to the existing King Compressor Station at Opal, Wyoming, Ruby proposes to install four new compressor stations for the Project: one located near the Opal

Hub in Wyoming, one in western Utah, one near the mid-point of the Project north of Elko, Nevada, and one northwest of Winnemucca, Nevada.

The BLM Klamath Falls Resource Area (KFRA) in consultation with the Klamath Tribes, identified potential concerns with the original route through the Antelope Creek Archaeological District (ACAD). Given some other non-cultural concerns with that original route, an acceptable alternative to the south was developed that avoids the ACAD as well as the other non-cultural concerns. Those concerns included constructability issues at the Lost River, the potential crossing of a Natural Resource Conservation Service (NRCS) Wetland Reserve Program (WRP) Easement, and crossing three Reclamation ditches and/or streams. The route that was selected in the FEIS is now known as the Southern Langell Valley Route. A complete cultural resource survey subsequent to the FEIS identified numerous cultural resource sites that would potentially be impacted by this Southern Langell Valley Route (Dobschuetz et al. 2010).

Recent route adjustments to the Southern Langell Valley Route, referred to as the Eastern Portion Southern Langell Valley Variation, were made to avoid several cultural resource sites that were identified through survey. This route variation will reduce site impacts by way of numerous small route adjustments and by “boxing out” or limiting the construction ROW along portions of Ruby’s work space. The section of the Southern Langell Valley route analyzed in the Ruby Pipeline Project Final EIS is approximately 14 miles in length and its 300 foot corridor encompasses 361 acres of land (see Table 2). The Eastern Portion of the Langell Valley Variation is approximately 14 miles in length and the 300 foot corridor encompasses 360 acres of land.

Table 2 Summary of Variation in Klamath County					
County	Start MP	End MP	Previous Route Acres	Variance Acres	Variance Difference (Acres)
Klamath	651	656	133.3	138.8	5.5
Klamath	657	659	73.2	65.2	-8.0
Klamath	660	661	34.2	34.0	-0.2
Klamath	662	665	120.7	121.9	1.2
Totals	590	665	361.4	359.9	-1.5

As part of its ROW grant application, Ruby must submit “a detailed construction, operation, rehabilitation, and environmental protection plan,” also known as a Plan of Development (POD) to BLM. 43 C.F.R. § 2804.25(b). Ruby’s POD describes how it will comply with the applicable laws, regulations, and BLM Resource Management Plans in the construction and operation of the Project, it also describes additional environmental protection measures that Ruby will implement on the public and private lands crossed by the Project. The POD, incorporated by reference herein, also identifies the avoidance, minimization, and conservation measures specific to the Eastern Portion of the Southern Langell Valley Variation. The Ruby Pipeline Final EIS indicates that continuing cultural resources surveys, evaluation, consultation, and treatment will be necessary to ensure Ruby avoids and/or

implements mitigation for cultural resources potentially occurring along the route, and recommended a Certificate condition in section 4.10 of the final EIS. The Memoranda of Agreement (MOA) further stipulates a protocol for conduct of additional survey for anticipated reroutes, and if necessary, treatment of National Register-eligible historic properties that may be present in the reroute.

B. Land Use Plan (LUP) Conformance

The Land Use Plan that provides direction for this area is the Klamath Falls Resources Area (Lakeview District) Resource Management Plan (1995).

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The KFRA RMP “Rights-of-Way Objectives” states that the District should continue to make BLM-administered lands available for needed ROWs where consistent with local comprehensive plans, Oregon statewide planning goals, and rules, and the exclusion and avoidance of areas identified in the RMP (BLM, 1995 [page 66]). The RMP also allows BLM to “consider new locations for rights-of-way projects on a case by case basis. In cases where the applicant can demonstrate that the use of an existing route or corridor will not be technically or economically feasible; that the proposed project is otherwise consistent with the RMP; and that it is designed to minimize damage to the environment, the proposed action would conform to the utility location management direction in the RMP. No land use plan amendments were needed.

C. Identify the applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

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D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes
 No

Documentation of answer and explanation:

The analysis of the Southern Langell Valley Route alternative was included in the Final EIS referenced above in Section 3.4.15, pages 3-51 through 3-54. The new variation is in close geographical proximity to the Southern Langell Valley Route and contains similar resource conditions to the original route analyzed in the Final EIS. The legal descriptions for the proposed route variations are noted above.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action (or existing proposed action), given current environmental concerns, interests, and resource values?

Yes
 No

Documentation of answer and explanation:

This Eastern Portion of the Southern Langell Valley Variation is similar to the Southern Langell Valley Route in the FEIS and within the range of alternatives of the FEIS. This Variation is just further refinement based on field survey data. These minor route changes of the Eastern Portion of the Southern Langell Valley Variation accomplishes further avoidance of a number of cultural sites compared to the Southern Langell Valley Route in the Final EIS. It was determined that it would have an overall environmental advantage over the corresponding segment of the pipeline route in the FEIS.

3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes
 No

Documentation of answer and explanation:

The Southern Langell Valley Route was resurveyed for cultural resources following release of the FEIS. Ruby worked with the BLM and the Klamath Tribes to design in minor route variations to avoid or minimize impacts to identified cultural resources. The BLM also conducted a review for new information, studies, and analyses that would materially differ from earlier analysis in the Ruby Pipeline Project Final EIS. Resource data were compiled for a 300 foot survey corridor for the proposed route change and the existing route identified in the FEIS. The tables and narrative in Appendix A provide a comparison of resources on the route variance and the previous project route.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes
 No

Documentation of answer and explanation:

The Eastern Portion of the Southern Langell Valley Variation reduces direct effects to cultural resources, and specifically minimizes effects to what the BLM Klamath Falls Resource Area Archaeologist and the Klamath Tribes have identified as National Register-eligible cultural resources of exceptional significance. Indirect and cumulative effects for cultural and botanical

resources would be less than, but similar to, and within the range of those identified in the Ruby Pipeline Project Final EIS (refer to Appendix A).

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes
 No

Documentation of answer and explanation:

The Project's Final EIS was distributed to all interested members of the public and government agencies for review. Review of outstanding reports and surveys by interagency staff is ongoing. Ongoing Section 106 consultation is continuing as stated in the Ruby Pipeline Project Final EIS and a Certificate Condition is noted in the Final EIS, section 4.10.

E. BLM Interdisciplinary Staff Consulted:

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Don Hoffheins	Supervisory Planner	Resource Planning
Brooke Brown	Archaeologist	Archaeology
Molly Boyter	Botanist	Botany/Noxious Weeds
Shane Durant	Supervisory Forester	Timber Management

CONCLUSION

Plan Conformance:

This proposal conforms to the applicable land use plan.

Determination of NEPA Adequacy

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

/s/ Donald J. Holmstrom
Donald J. Holmstrom
Manager, Klamath Falls Resource Area

July 9, 2010
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENTS:

Appendix A. Comparison of Resources Affected

Langell Valley Variation June 2010 MP 652 to MP 656 (Map of the Eastern Portion of the Southern Langell Valley Variation)

Langell Valley Variation June 2010 MP 657 to MP 661 (Map of the Eastern Portion of the Southern Langell Valley Variation)

Langell Valley Variation June 2010 MP 661 to MP 665 (Map of the Eastern Portion of the Southern Langell Valley Variation)

REFERENCES CITED

2010 Dobschuetz, Kris, Rachelle Robinson, Cara Lonardo, Rebecca Halbmaier, Sierra Mandelko, Sandy McDaniel II 2010
A Cultural Resource Survey for the Ruby Pipeline Project: Oregon Segment – Lake and Klamath Counties, Oregon. Addendum II – Reroutes Near Goose Lake, Big Valley, Rogger Meadow, and Southern Langell Valley. EPG, Phoenix.

2010 Roster, Noreen
East South Langell Valley, Oregon Ruby Variance Report. July 2010. Ecology & Environment, Inc. (Memorandum on file).

Appendix A. Comparison of Resources Affected

Introduction

The purpose of this report is to address route Variance 160 associated with the Ruby Pipeline Project (Project) on Bureau of Land Management (BLM) land in Southern Oregon, See Langell Valley Variation June 2010 Map. This variance includes changes to the route, access roads and changes in other project features such as staging areas. In this case the impact analysis is based on a 300-foot wide corridor and is compared to a 300-foot wide segment of the previous route alignment. The variance actually consists of several small route realignments over approximately 14 miles from Milepost (MP) 651 to MP 665. The Tables and narrative below summarize those route realignments that only occur on BLM managed lands.

1.0 Cultural Resources

Table A-1 Summary of Cultural Resources Sites Impacted		
Identified Cultural Sites	Previous Route	Variance Route
Eligible Sites	20	3
Potentially Eligible Sites	5	5
Total	25	8

2.0 Water Resources

2.1 Wetlands

Existing conditions and potential wetland impacts within the Eastern Portion Southern Langell Valley Variation in Klamath County have been adequately addressed in the Ruby FEIS (FERC 2010).

There are three wetlands present within the 300-foot study corridor of both the proposed variance and in the 300-foot study corridor of the previous route. Both the proposed variance and the previous route would impact a total of 0.5 acres.

There are no wetlands that would be impacted outside of the 300-foot study corridor.

2.2 Streams

Existing conditions and potential impacts to streams within the Project area have been adequately addressed in the Ruby FEIS (FERC 2010). The following sections describe the existing conditions and potential impacts to surface water resources within Project area variances.

Six streams are potentially impacted by the pipeline variance in Klamath County. Three of these streams are fish bearing and include sensitive fish species. Since the data is based on a 300-foot study corridor the actual construction impacts will be less because the construction area is limited to a maximum of 195-feet and all stream crossings are necked down to minimize impacts. Streams that are within the construction ROW, but not crossed are buffered to protect the stream.

Table A-2 Streams Potentially Impacted in Klamath County							
Stream Name	Start MP	End MP	Length in Variance (ft)	Length in Previous Route (ft)	Type	Fish Present	Sensitive Fish Species
Rock Creek	651.0	656.2	952.1	236.6	Perennial	Yes	redband trout
E. Fork Lost Creek	661.3	661.7	404.5	437.2	Perennial	Yes	Lost River Sucker Shortnose Sucker
Unnamed	661.3	661.7	294.8	107.5	Perennial	Yes	Lost River Sucker Shortnose Sucker
Unnamed	661.7	665.1	0.0	150.4	Ephemeral	No	No
Unnamed	661.7	665.1	286.6	286.6	Ephemeral	No	No
Unnamed	661.7	665.1	286.6	437.0	Ephemeral	No	No

2.3 Springs and Seeps

There is one spring/seep identified within the 300-foot survey corridor of the proposed variance in Klamath County between MP 651 and 656.2 and the same one is also within the 300-foot survey corridor of the previous route. Although the springs/seep has been identified within the study corridor it is unlikely it will be impacted because all springs and seeps are avoided. Prior to construction all springs and seeps within 200-feet of the construction area are sampled prior to construction and post-construction to ensure the spring/seep flow has not been impacted by the project.

3.0 Soils Resources

Existing conditions and potential soil impacts within the South East Langell Valley variance Klamath County have been adequately addressed in the Ruby FEIS (FERC 2010). Potential changes to soil impacts due to variances to the Project on BLM-managed lands are addressed in this section. The variance crosses similar soil units as the proposed route. Please refer to Table A-3 for a summary of the impacts.

Table A-3 Comparison of Soils Characteristics Potentially Impacted								
	Start MP	End MP	Acres	County	Name	Prime Farmland	Texture	Drainage
Previous Rte	651.00	656.20	130.7	Klamath	Lorella-Deven-Bieber-Adinot	NA	Sandy loam	Moderately well drained
Variance	651.00	656.20	133.6	Klamath	Lorella-Deven-Bieber-Adinot	NA	Sandy loam	Moderately well drained
Previous Rte	657.00	658.90	73.3	Klamath	Lorella-Deven-Bieber-Adinot	NA	Sandy loam	Moderately well drained
Variance	657.00	658.90	71.2	Klamath	Lorella-Deven-Bieber-AdinoT	NA	Sandy loam	Moderately well drained
Previous Rte	659.70	660.60	34.5	Klamath	Lorella-Deven-Bieber-Adinot	NA	Sandy loam	Moderately well drained
Variance	659.70	660.60	33.4	Klamath	Lorella-Deven-Bieber-Adinot	NA	Sandy loam	Moderately well drained
Previous Rte	661.70	665.10	79.9	Klamath	Lorella very stony loam, 2 to 35 percent south slopes	Not prime farmland	NA	Well drained
Variance	661.70	665.10	80.5	Klamath	Lorella very stony loam, 2 to 35 percent south slopes	Not prime farmland		Well drained
Previous Rte	661.70	665.10	12.7	Klamath	Lorella-Deven-Bieber-Adinot	NA	Sandy loam	Moderately well drained

Table A-3 Comparison of Soils Characteristics Potentially Impacted								
	Start MP	End MP	Acres	County	Name	Prime Farmland	Texture	Drainage
Variance	661.70	665.10	12.6	Klamath	Lorella-Deven-Bieber-Adinot	NA	Sandy loam	Moderately well drained
Previous Rte	661.70	665.10	29.5	Klamath	Stukel-Salisbury-Lorella-Fiddler-Dehlinger-Capona	NA	Loam	Well drained
Variance	661.70	665.10	28.7	Klamath	Stukel-Salisbury-Lorella-Fiddler-Dehlinger-Capona	NA	Loam	Well drained

4.0 Fish, Wildlife, and Vegetation

4.1 Fish

Based on field delineations, the proposed variance could potentially impact three fish-bearing streams including Rock Creek, an unnamed tributary to East Fork of the Lost River and the East Fork of the Lost River between MP 651.0 to 661.3. See Table A-2

Impacts on fish species would be minimized through the implementation of measures discussed in the FEIS and the Plan of Development (POD). Implementation of the access road variances would have no effect on overall project impacts on fish populations on BLM-managed lands.

4.2 Wildlife

4.2.1 Big Game

Big game resources potentially impacted by the East South Langell Valley Variance in Klamath County are adequately discussed in the FEIS. The proposed variance would have similar impacts on designated big game winter and crucial winter habitats. Please refer to Table A-4.1 for a summary of the impacts.

The total acres impacted are greater than the total acres within the 300 foot ROW, because the elk and mule deer key winter range overlap.

Table A-4.1 Big Game Habitat Comparison				
Big Game	Start MP	End MP	Variance Key Winter Range (Acres)	Previous Route Key Winter Range (Acres)
Elk	651.0	656.2	106.7	100.1
Mule Deer	651.0	656.2	73.5	70.4
Mule Deer	651.0	658.9	65.2	73.2
Mule Deer	659.7	660.6	34.0	34.2
Mule Deer	661.7	665.1	121.9	120.7
Totals			401.3	398.6

4.2.2 Pygmy Rabbits

The impacts of the Project on pygmy rabbits are adequately discussed in the FEIS. The East South Langell Valley Variance would not affect known pygmy rabbit populations.

4.2.3 Greater Sage-grouse

The variance is not located within designated greater sage-grouse habitats.

4.2.4 Raptors

The impacts of the Project on raptors are adequately discussed in the FEIS. See Table A-4.2 below. The proposed variance and the previous route would all encroach on the buffer area of three active bald eagle nests.

Table A-4.2 Raptors Potentially Impacted							
Variance Number	Start MP	End MP	Variance (Total Acres)	Previous Route (Total Acres)	Species	Status	Acres Affected by Raptor Buffer
160	651.0	656.2	133.3	133.3	Bald Eagle	Active Nest	45.8
160	651.0	656.2	138.8	138.8	Bald Eagle	Active Nest	37.4

4.3 Vegetation

4.3.1 Habitat Types

Potential changes vegetation impacts as well as noxious weeds due to the variance are addressed in this section. The Project traverses nine vegetation cover types: sagebrush steppe, salt desert

scrub, juniper woodland, mix conifer forest, mixed forest, riparian, grasslands, mountain meadow and barren/developed (pasture). For a complete description of vegetation cover types please refer to Table 4.4.1-1, Upland Vegetation Communities Occurring along the Ruby Pipeline Project in the FEIS for the Ruby Pipeline Project (FERC 2010). Wetland vegetation crossed by the Project is discussed in section 2.1. Ruby will minimize vegetation impacts during and after construction activities, as detailed in Ruby's Upland Erosion Control, Re-vegetation, and Maintenance Plan, Ruby's Wetland and Waterbody Construction Procedures, and Ruby's Restoration Revegetation Plans (see FEIS Appendices F and L, or the POD Appendices, D, F, and E.).

Table A-5 summarizes and compares the habitat type between the previous route and the proposed East South Langell Valley Variance. The differences are minor among all habitat categories, with the biggest difference being less impact to juniper woodlands (9 acres).

4.3.2 Noxious Weeds

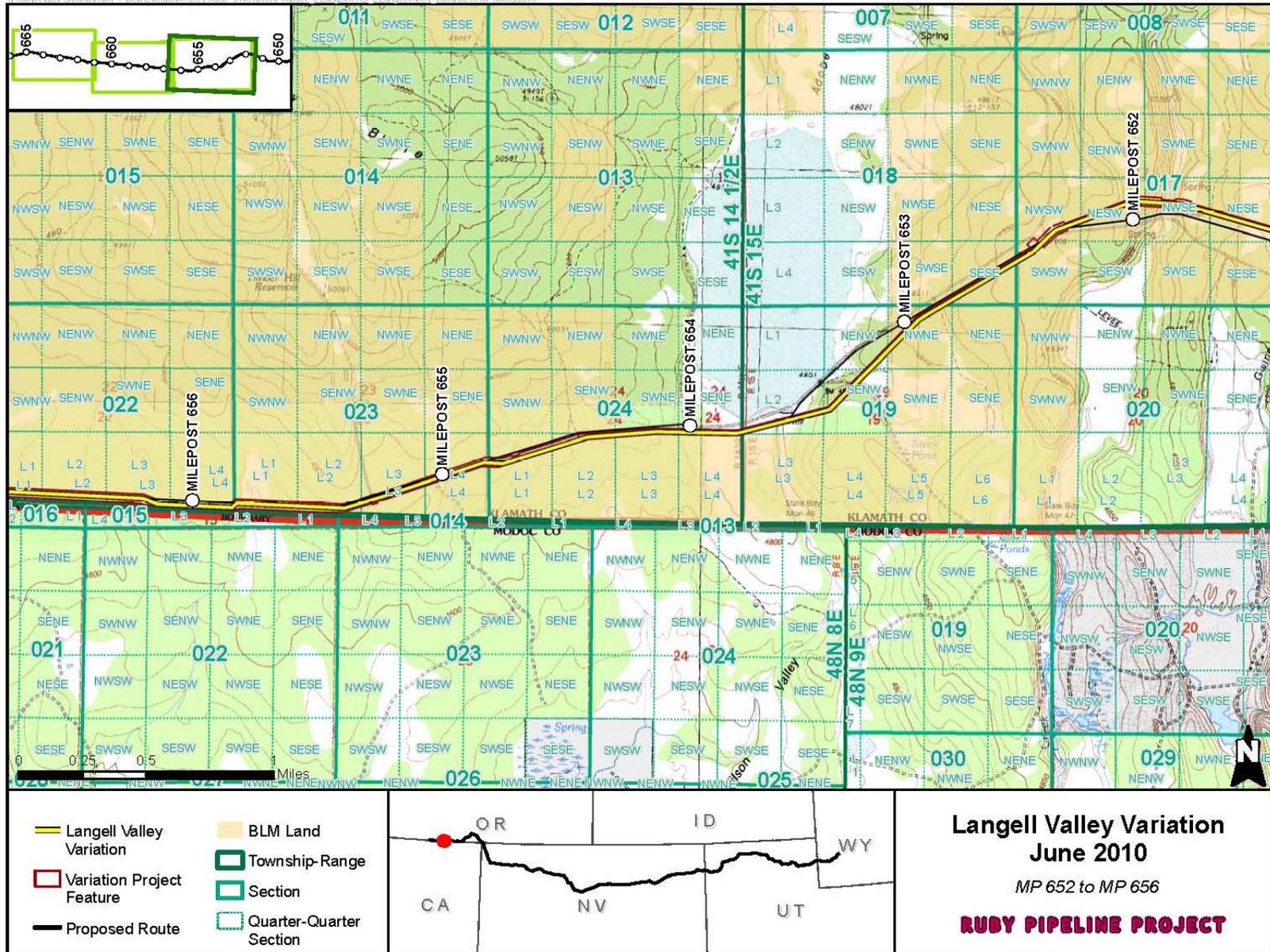
Potential impacts due to the presence of noxious weeds have been thoroughly discussed in the FEIS, section 4.4.6. Ruby would implement a number of measures designed to prevent the establishment of new noxious weed populations and to control the spread of existing populations. Noxious weed control measures are described in detail in Ruby's Noxious and Invasive Weed Control Plan (POD Appendix H) and are further discussed in the FEIS.

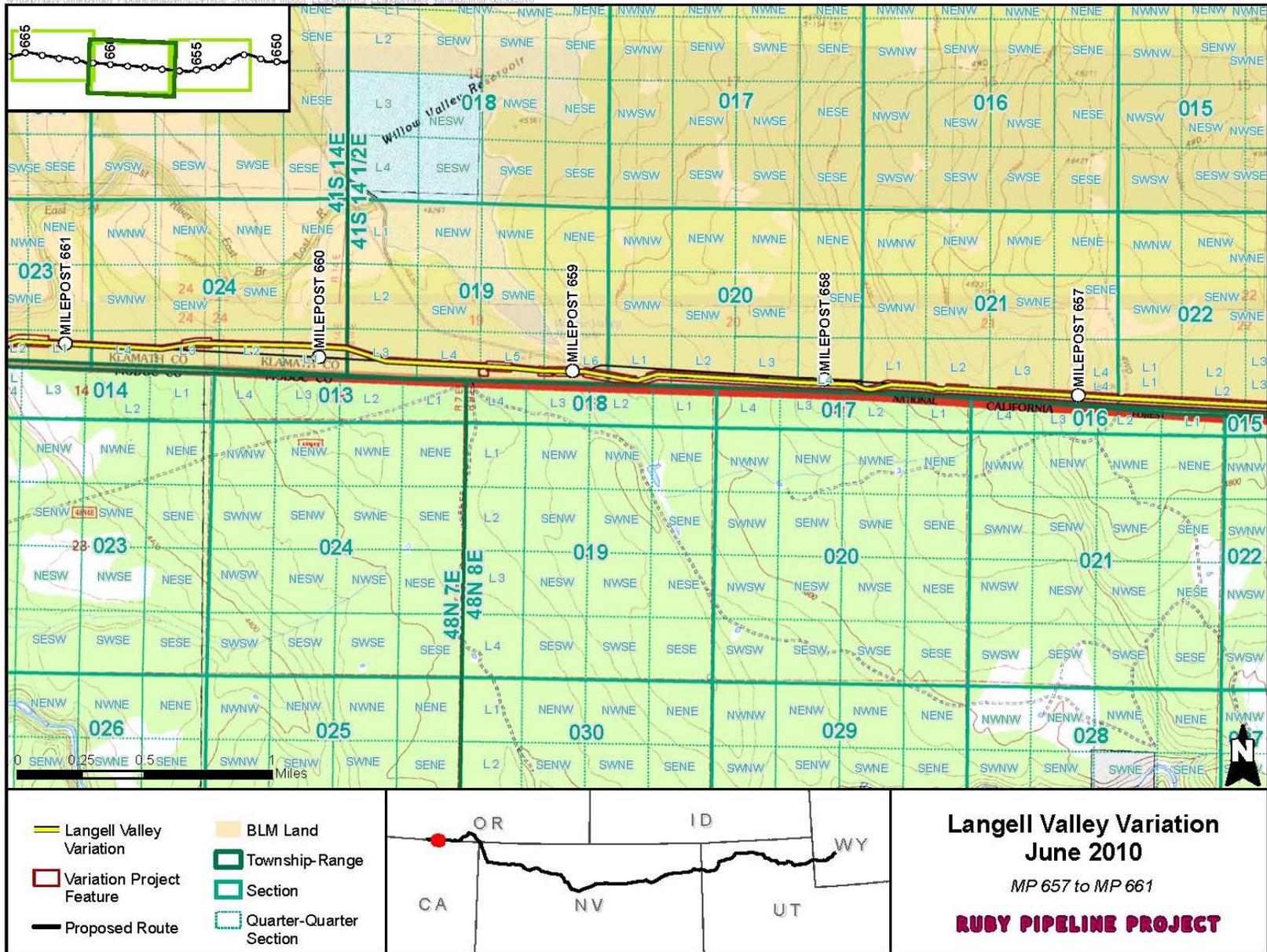
Within the proposed East South Langell Valley Variance in the Klamath County there are four areas where significant infestations of noxious weeds occur.

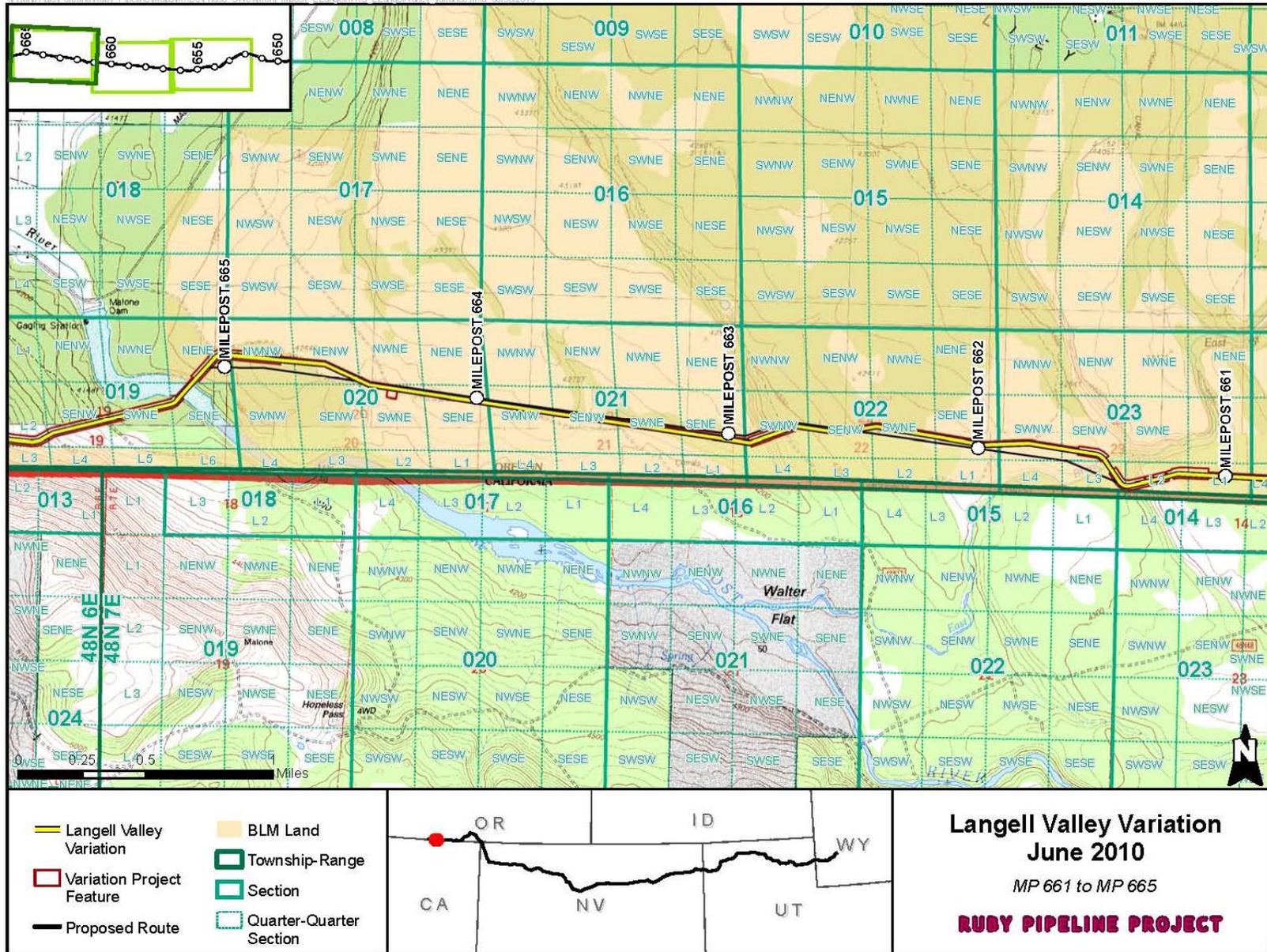
- Medusahead rye, Mediterranean rye, musk thistle; and *Taeniatherum caput-medusae* occur between MP 651.1 to MP 656.2 in mosaic patterns ranging from less than 5 percent cover to more than 100 percent cover.
- Between MP 657 and 658.9 Medusahead rye is the dominant noxious weed ranging from 5 to 100 percent cover.
- From MP 559.7 to MP 660.6 is another large infestation of Medusahead rye ranging from 25 to 100 percent cover.
- Between MP 661.7 and MP 665.1 is also dominated by Medusahead rye ranging from 25 to 100 percent cover.

Table A-5 Comparison of Habitat Types

Variation Klamath Falls Resource Area	Start MP	End MP	Grass Land	Juniper Woodland	Mixed Conifer	Mixed Forest	Mountain Meadow	Sage Steppe	Salt Desert Scrub	Riparian	Barren/ Developed
Previous Route	651.0	656.2	0	24.2	34.9	0	0	71.8	0	2.0	0.5
Variance	651.0	656.2	0	25.1	38.5	0.2	0	72.8	0	1.4	0.7
Previous Route	657.0	658.9	0	0	0.3	0	0	71.8	0	0	1.2
Variance	657.0	658.9	0	0	0	0	0	64.0	0	0	1.1
Previous Route	659.7	660.6	0	0	0	0	0	33.4	0.9	0	0
Variance	659.7	660.6	0	0	0	0	0	33.6	0.1	0	0.3
Previous Route	661.7	665.1	0	10.1	0.3	0	0	6.6	101.9	0	1.8
Variance	661.7	665.1	0	6.3	0.5	0	0	8.9	104.9	0	1.5
Previous Route	Totals	361.4	0	34.3	35.2	0	0	183.6	102.8	2	3.5
Variance	Totals	359.9	0	31.4	39.0	0.2	0	179.3	105.0	1.4	3.6







Langell Valley Variation
June 2010
 MP 661 to MP 665
RUBY PIPELINE PROJECT