

## DECISION RECORD

Prospector Pipeline Company Application for Right-of-Way for the  
Eureka Pipeline Project, Eureka County, NV

NVN-092048

DOI-BLM-NV-N020-2014-0002-EA

On April 29, 2013, Prospector Pipeline Company (PPC), a domestic corporation licensed to conduct business in the State of Nevada and a subsidiary of Energy Operations Management of Rancho Cordova, California, submitted to the BLM's Tuscarora Field Office an application for a right-of-way over and through the public land portions of a proposed 18.1 mile pipeline that would convey natural gas from the North Elko Pipeline to the mining operations at the Newmont Leeville and Gold Quarry Mines. The proposed natural gas pipeline lies within Eureka County.

The proposed pipeline would provide natural gas to replace the use of propane gas at the Leeville and Gold Quarry Mines. The pipeline application includes about 7.4 miles of public lands, with the remaining 10.7 miles entirely on private land. The pipeline would be 12 inches in diameter buried at a minimum depth of 48 inches. The pipeline would include construction of three surface facilities: the Leeville Regulating/Metering Station, on public land, that would provide for metering and control of gas flows; the Leeville Main Line Valve, on public land, that would provide a required shut-off mainline valve as well as provide a lateral connection through which to deliver gas to the Leeville Mine; and the Gold Quarry Meter Station, on private land, that would be equipped with gas conditioning, regulation and measurement equipment.

In response to the application, serialized as NVN-092048, the BLM's Tuscarora Field Office prepared Environmental Assessment DOI-BLM-NV-N020-2014-0002-EA (EA) to analyze the impacts of the proposed project. The EA was posted on the Elko District's website for 15 days. Having considered the analysis and all comments submitted during the preparation of the EA and in response to the posting of the EA, I have made the following decision.

### **Decision**

As authorized by Title V of the Federal Land Management Policy Act of October 21, 1976 (90 Stat. 2776 43 U.S.C. 1761) and Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), and in accordance with regulations found at 43 CFR 2800 and 43 CFR 2880, it is my decision to approve the issuance of a right-of-way grant to PPC for a 12 inch diameter natural gas pipeline over and through public lands in Eureka County that are managed by the BLM. The involved public lands are described and analyzed for environmental impacts in DOI-BLM-NV-N020-2014-0002-EA. The right-of-way will extend approximately 18.1 miles across both public and private land from the North Elko Pipeline to the Leeville and Gold Quarry Mines. The right-of-way will be 100 feet wide construction corridor during construction from June 2014 through September 2014. For safety and construction purposes, in areas where the slope is 20 percent or more the pipeline will require a temporary ROW of 125 feet wide. Subsequently the right-of-way for the remainder of the 30 year term, which will expire on December 31, 2043, will be 30 feet wide centered on the completed pipeline alignment.

Exhibit A provides a legal description and map for the public lands encumbered by the right-of-

way. Exhibit B provides the terms and stipulations that Prospector Pipeline is required to complete or implement upon acceptance of the grant that are in addition to those that are a standard part of Form 2088-14, Right-of-Way Grant/Temporary Use Permit.

### **Monitoring**

The pipeline right-of-way will be monitored in compliance with the 43 CFR 2800 regulations.

### **Mitigation**

PPC agreed to all environmental protection measures proposed by the BLM for environmental protection. The measures were incorporated into the Plan of Development (POD) as design features of the proposed project, or in the Supplemental Stipulations. PPC will post \$46,400.00 in financial security with the BLM to ensure that disturbed surface areas will be successfully revegetated as described in the POD and as required by the Supplemental Stipulations.

### **Rationale**

As described in the EA, the proposed right-of-way is consistent with the BLM Elko Resource Management Plan as well as Eureka County plans and Federal, state, and county laws and regulations.

I also recognize the socio-economic value gained in reducing energy costs at the Leeville and Gold Quarry Mines which in turn enhance the potential economic life of the mines, thereby extending employment opportunities and local revenues. Also, the reduction in traffic by propane-carrying trucks would enhance public safety and reduce carbon emissions, fugitive dust, and other pollutants.

I have determined that the measures incorporated into this project are adequate to protect cultural resources and meet the standard for complying with BLM's responsibilities under Section 106 of the Archaeological Resources Protection Act of 1979.

The Limited Operating Periods (LOPs), environmental protection measures, and construction methods designed are adequate to protect mule deer, raptors, and other wildlife from human-caused disturbances during construction activities.

The pipeline project area supports fragmented PGH due to the extent and level of mining activity within the area. Leks have been removed or abandoned. Undisturbed areas which border the mining activity are not consistently utilized by Greater sage-grouse. Therefore, proposed pipeline construction activities would not likely adversely affect their incidental use of the area in.

### **Public Involvement**

A press release was issued by the BLM on March 4, 2014, when the Environmental Assessment was posted on the Elko District website for 15 days. A second press release will be released to inform the public of this decision.

The Elko Daily Free Press posted online and published an article on March 4, 2014, entitled "BLM seeks comments on proposed Eureka Pipeline Project" that described the proposed pipeline project. No protests or comments in opposition to the proposed pipeline were received

from the public in response to this outreach. Comments were received from U.S. Environmental Protection Agency, Nevada State Clearinghouse, Nevada Division of Water Rights, and Nevada Division of Forestry. Comments providing substantive new information relevant to the analysis were included in the EA and FONSI.

The Tuscarora Field Office has conducted and will continue to conduct Native American consultation on this project. The proposed pipeline alignment was routed to avoid impacts to cultural resources. BLM managers presented information on the EPP to the Te-Moak Tribe, Battle Mountain Band, Elko Band, South Fork Band, and Wells Band on July 25, 2013. In addition, information was shared at council meetings and a copy of the EA was provided to the above tribes and bands to review.

**Effective Date and Appeal Rights**

This decision is effective as of the date of my signature below. Anyone who feels they may be adversely affected may appeal this decision to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. An appeal must be filed within 30 days from receipt or notification of this decision. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file a petition pursuant to regulations at 43 CFR 4.21 for a stay 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. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Questions related to this decision and the process for appeals may be directed to Elisabeth Puentes, Realty Specialist, at 775-753-0294.

/s/ Richard E. Adams  
Richard E. Adams, Manager  
Tuscarora Field Office

4/16/2014  
DATE