
Determination of NEPA Adequacy

DOI-BLM-NV-0000-2012-0002-DNA

Ruby Pipeline: Amendment to the Right of Way Grant

July 12, 2012

Prepared by:

U.S. Bureau of Land Management
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Worksheet

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management
Winnemucca District

The signed CONCLUSION at the end of this of this Worksheet is part of an interim step in the BLM's internal decision 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: Winnemucca District Office

TRACKING NUMBER: FERC/EIS-0232F

NEPA NUMBER: DOI-BLM-NV-0000-2012-0002-DNA

CASEFILE/PROJECT NUMBER: 2880 NVN-084650

PROPOSED ACTION TITLE/TYPE: Ruby Pipeline Project/Natural Gas Pipeline Amendment to the Right-of-Way Grant

LOCATION/LEGAL DESCRIPTION: Legal descriptions are included in the July 12, 2010 Record of Decision and subsequent amendment decisions.

APPLICANT (if any): Ruby Pipeline L.L.C

A. Description of the Proposed Action and any applicable mitigation measures

Background

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 includes an approximate 2.6-mile lateral, known as the PG&E Lateral, constructed in Klamath County, Oregon. As part of the Project, Ruby built four new compressor stations: 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. As built, the Project has a design capacity of approximately 1.5 million Dekatherms per day. The Project's ROW crosses four states: Wyoming, Utah, Nevada, and Oregon.

The original Proposed Route for the pipeline was analyzed in the Ruby Pipeline Project Final Environmental Impact Statement (FEIS) published in January 2010. The BLM issued a Record of Decision (ROD) on July 12, 2010 to authorize a Right of Way (ROW) grant and Temporary Use Permit (TUP) for the Ruby Pipeline Project. Ruby initiated construction on July 31, 2010 and the pipeline went into service on July 28, 2011.

In June 2012, Ruby submitted documents that describe the project as built, final documentation of approved variances from the permitted project, and the final Plan of Development (POD).

Variances

Unforeseen or unavoidable field conditions occurred during construction that required minor changes in the approved mitigation measures, ROW reconfiguration, and Ruby's construction procedures. Additionally, the need for extra work spaces and minor route realignments arose, and needed to be considered, with land owner concurrence and land management agency approval. In accordance with the Environmental Compliance Plan (POD, Appendix U), changes to previously approved mitigation measures, construction procedures, and construction work areas were conducted in the form of Variance requests that were submitted by Ruby and reviewed and approved or denied by FERC, the BLM (on all federal land), or the Compliance Monitor/Manager.

There were 3 levels of variance requests, all described in Appendix U of the Plan of Development (POD). Level 1 Variances were site-specific, minor changes to project specifications or mitigation measures that provided equal or better protection to environmental resources, did not alter performance-based requirements, did not violate agency requirements or impact new landowners, and were within the previously surveyed corridor. These variances were approved by the Compliance Monitor.

Level 2 Variance requests generally involved project changes that would affect an area outside of the previously approved work area, but within the corridor previously surveyed for cultural resources and sensitive species. Before the Compliance Manager could approve a Level 2 Variance request, FERC, BLM, and other authorized regulatory agency staff were required to review and approve the request. Generally, the decision to approve a Level 2 Variance was made at the field office/forest level. No further NEPA was required since the project changes were an activity/activities previously analyzed in the FEIS, and in the original survey corridor. A list of approved Level 2 variances is in Attachment A.

A Level 3 Variance request generally involved project changes that would affect an area outside of the previously approved work area or have potential to impact cultural resources, sensitive species, or other sensitive resources. Level 3 Variance requests were formally filed with the FERC Secretary. All Level 3 Variance requests required a formal approval letter from the FERC Environmental Project Manager. On Federal land the BLM Project Manager and other appropriate agency personnel determined and conducted supplemental NEPA documentation and associated agency and tribal consultation.

Variance Reports memorialize all approved Level 2 variances. A summary Variance Report is in Attachment A. Additionally, the BLM memorialized each Level 3 Variance with a Record of Decision that included modifications to the ROW Grant and TUP as well as any substantive changes to the POD.

As a result of these variances, the as built project varies from the project as permitted in the July 12, 2012 ROW Grant. This decision amends the ROW Grant to include all of the revisions from all three levels of variance decisions in a single ROW Grant.

Long Term Monitoring Plan

The POD included preliminary Restoration and Revegetation Plans (as Appendix E) and a preliminary Wetland Mitigation Plan (as Appendix Q). These procedures were further refined and described in the Long Term Monitoring Plan. In accordance with Title 43 CFR Part 2800, Ruby has provided the BLM with the LTMP for inclusion as Appendix W in the final POD. The LTMP describes the procedures for long-term monitoring of the ROW upland, wetland, and riparian revegetation; revegetation of extra work spaces; minimization of noxious and invasive weed establishment; and restoration of biological soil crust. Revegetation includes reforestation on pipeline Spreads 6 and 7 in Oregon. The LTMP also presents the standard operating procedures for the monitoring metrics and criteria to evaluate revegetation success. The second part of the DNA is to determine the adequacy of existing NEPA documentation to support the decision to amend the ROW Grant to include the LTMP as appendix W of the POD.

The LTMP restoration and revegetation efforts are designed to establish a perennial vegetation cover in accordance with FERC's guidelines on upland erosion control and revegetation (18 CFR § 380.15), minimize noxious and invasive weed establishment, stabilize the soil surface, and restore wildlife habitat. Restoration of the ROW and extra temporary workspace consists of backfilling excavated subsoils, restoring pre-existing terrain contours, replacing the topsoil, installing erosion control devices, preparing seedbeds, performing weed abatement efforts, and seeding as appropriate, as fully described in the Upland Restoration and Revegetation plans (POD, Appendix E) and Wetland, Waterbody, and Riparian Restoration Plan (POD Appendix Q).

The establishment of the perennial vegetation cover would be assessed through the detailed evaluation of upland, wetland, and riparian monitoring plots. The monitoring plots would be placed in the various seed mix and seedling planting areas along the ROW to ensure adequate representation of the various ecological sites. Areas identified during pre-construction surveys as having a high infestation of noxious and invasive weeds would also be monitored. All equipment wash stations would be examined for weed colonization. The ROW would also be monitored for newly established weed sites. Appropriate remedial action would occur to correct undesirable situations in consultation with FERC, BLM and the appropriate land management agencies.

Proposed Action

The proposed action is to amend the ROW Grant to include legal descriptions, alignment sheets and rental calculations representing the pipeline as built. In addition, the proposed action accepts minor changes to the POD and the LTMP as Appendix W of the POD.

All other elements of the July 12, 2010 Record of Decision and subsequent decisions remain in full force and effect, including all stipulations, monitoring, and mitigation measures.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate

Implementation Plans

Land Use Plans Related to the Ruby Pipeline Project		
Office	LUP/Other Document Name	Date Approved
Kemmerer Field Office	Kemmerer RMP	2010
Salt Lake Field Office	Randolph MFP	1980
Salt Lake Field Office	Box Elder RMP	1986
Elko District Office	Wells RMP	1985
Elko District Office	Elko RMP	1987
Winnemucca District Office	Sonoma-Gerlach MFP	1982
Winnemucca District Office	Paradise-Denio MFP	1982
Surprise Field Office	Surprise RMP	2008
Surprise Field Office	Black Rock National Conservation Area	2004
Lakeview District	Klamath Falls Resource Area RMP	1995
Lakeview District	Klamath Falls RMP	2008
Lakeview District	Lakeview Resource Area RMP	2003
Fremont-Winema National Forest	Land and Resource Management Plan	1989
Uinta-Wasatch-Cache National Forest	Land and Resource Management Plan	2003

The FEIS provides analysis of the project's conformance with LUPs. Section 1.5.2 specifically addresses BLM LUPs, which are referred to as Resource Management Plans (RMP) or Management Framework Plans (MFP). Section 1.5.3 specifically addresses Forest Service LUPs. In addition, subsequent decisions to amend the ROW Grant led to additional LUP conformance verification. Both Forest LUPs were amended for the Ruby Project. The table below summarizes where the proposed action is in conformance with LUPs *because it is specifically provided for in the following LUP decisions*:

LUP	Relevant Section/Decision
Randolph MFP	Lands, Decision 1
Box Elder RMP	Lands Program, Decision 3
Wells RMP	Corridor Designation, Decision 2
Elko RMP	Management Decision Corridor Designation
Surprise RMP	Sections 2.3.3.1, 2.3.3.2, 2.7.2.3,
Black Rock Desert-High Rock Canyon National Conservation Area	Section 2.2.16, decisions LAND-4 & LAND-2
Klamath Falls RMP (2005)	Rights-of-Way Objectives (p. 66), Land Use Allocation
Klamath Falls RMP (2008)	Lands, Realty, Access, and Transportation management objectives (p. 50)

LUP	Relevant Section/Decision
Lakeview RMP	Lands and Realty Management Goal 2, ROW Avoidance and Exclusion Areas (Map L-8)- project alignment crosses the western edge of a ROW avoidance area, it was determined that the alignment is in conformance with the avoidance area management direction
Fremont LRMP, as amended	Ruby Pipeline Project (Fremont Forest Plan Amendment Number 35)
Wasatch-Cache LRMP, as amended	Ruby Pipeline Project (Wasatch-Cache Amendment Number 9)

The table below summarizes where the proposed action is in conformance with LUPs *because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions)*:

LUP	Decision
Kemmerer RMP	This action is in conformance with the planning direction developed for this area.
Sonoma-Gerlach MFP	It is the intent of the plan “to provide lands for rights-of-way on or across public lands.”
Paradise-Denio MFP	It is the intent of the plan “to provide lands for rights-of-way on or across public lands.”

As there is no additional ground disturbance associated with this decision, it is also deemed in conformance with LUPs.

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

- Ruby Pipeline Project Final Environmental Impact Statement (January 2010, FERC/EIS-0232F), CP09-54-00, Record of Decision (ROD), July 12, 2010
- Ruby Pipeline Determination of NEPA Adequacy (November 2010, DOI-BLM-NV-W030-2011-001-DNA), Decision Summit Lake TCP Route Variation, December 10, 2010
- Ruby Pipeline Determination of NEPA Adequacy (February 2011, DOI-BLM-NV-W030-2011-0001-DNA), Decision Klamath County Reroute, February 24, 2011
- Ruby Pipeline Determination of NEPA Adequacy (October 2011, DOI-BLM-UT-W010-2012-0001-DNA), Decision Cathodic Protection Facilities December 7, 2011

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 proposed action is a feature of the agency-selected alternative. The FEIS Cleanup and Restoration (2.3.1.7) section notes that Ruby would seed the ROW in accordance with the specification outlined in its Restoration and Revegetation Plans (POD, Appendix E). Additional monitoring requirements are described in Post-Construction Monitoring (2.3.1.9) where the FEIS states “Ruby would monitor areas disturbed by construction, including access roads, until revegetation thresholds are met and temporary erosion control devices are removed.”

FERC Staff’s Recommended Mitigation section of the FEIS (5.2) also includes several references to developing revegetation monitoring plans. Point #29 requires Ruby to submit a Wetland Restoration Plan (POD, Appendix Q). Point #31 outlines riparian habitat restoration including monitoring restoration for 5 years.

Changes to the legal descriptions, alignment sheets, and rental calculations reflect previously approved decisions. These decisions were approved as either Level 1, 2, or 3 variances. As noted above, Level 1 and 2 variances did not require additional NEPA since all activities covered by them were approved in the FEIS, and in the original survey corridor. Level 3 variances required additional NEPA analysis.

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

Yes No

Documentation of answer and explanation:

The procedures proposed in the LTMP are further refinements of those proposed in the Restoration and Revegetation Plan (POD Appendix E) and Preliminary Wetland Mitigation (POD Appendix Q). Noxious and Invasive Weeds (POD Appendix H) and the Upland Erosion Control, Revegetation and Maintenance (POD Appendix D) provide additional guidelines incorporated into the LTMP.

There is no need to assess additional alternatives because there would be no unresolved conflicts with implementation of the LTMP. Changes to the legal descriptions, alignment sheets, and rental calculations reflect previously approved decisions. These decisions were approved as either Level 1, 2, or 3 variances. As noted above, Level 1 and 2 variances did not require additional NEPA since all activities covered by them were approved in the FEIS, and in the original survey corridor. Level 3 variances required additional NEPA analysis.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists 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:

No new information or circumstances have arisen since the completion of the Ruby Pipeline FEIS in 2010 that would substantially change the analysis of the new proposed action. ID team members conducted a series of LTMP reviews from June, 2011 through April, 2012 and have jointly made this determination (see Attachment B for a list of staff who reviewed the LTMP). The only change in baseline conditions is that the pipeline project has been completed.

Changes to the legal descriptions, alignment sheets, and rental calculations reflect previously approved decisions. These decisions were approved as either Level 1, 2, or 3 variances. As noted above, Level 1 and 2 variances did not require additional NEPA since all activities covered by them were approved in the FEIS, and in the original survey corridor. Level 3 variances required additional NEPA analysis.

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 proposed action is mitigation for effects described in the Environmental Analysis chapter of the FEIS. This chapter describes direct and indirect impacts of the Project along with proposed mitigation to address these effects, specifically the Wetland Restoration Plan (4.3.3.3). The residual impacts after application of the LTMP would be essentially the same as those analyzed in the Construction and Restoration Procedures (4.4.1.2), and Riparian Habitats (4.4.3) sections of the FEIS.

Changes to the legal descriptions, alignment sheets, and rental calculations reflect previously approved decisions. These decisions were approved as either Level 1, 2, or 3 variances. As noted above, Level 1 and 2 variances did not require additional NEPA since all activities covered by them were approved in the FEIS, and in the original survey corridor. Level 3 variances required additional NEPA analysis.

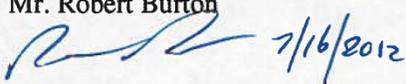
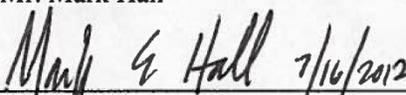
5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes No

Documentation of answer and explanation:

Public involvement efforts during preparation of the Ruby Pipeline Project FEIS are adequate for the proposed action. FERC, in close cooperation with the BLM, held six public scoping meetings in April 2008 at locations along the route to provide the public with an opportunity to learn more about the Ruby Pipeline Project and to comment on environmental issues that should be addressed in the Ruby Pipeline Project EIS. The draft EIS was filed with the US Environmental Protection Agency (EPA) and a formal notice of availability was issued in the Federal Register on June 26, 2009. A copy of the draft EIS was mailed to those agencies, tribes, organizations, and individuals that attended meetings or submitted written comments on the project, as well as other interested parties. A 45-day comment period was provided for the draft EIS. Seven public comment meetings were held during the comment period. All timely environmental comments on the draft EIS are addressed. The Ruby Pipeline Project FEIS was distributed to all interested members of the public and government agencies for review. In addition, the BLM has notified the public of this proposal by posting it on the Nevada BLM Ruby Pipeline Project web page at http://www.blm.gov/nv/st/en/info/nepa/ruby_pipeline_project.html and the **Ruby Pipeline LLC website, www.rubypipeline.com** . None of the agencies or other stakeholders have expressed opposition to the proposed LTMP.

E. Persons/Agencies/BLM Staff Consulted

Office	Staff	Position
Winnemucca District Office	Mr. Robert Burton  7/16/2012	Soils and Vegetation
Winnemucca District Office	Mr. Mark Hall  7/16/2012	Ruby Point-of-Contact

Also see Attachment B- Table of Long Term Monitoring Plan Reviewers

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion *(If you found that one or more of these criteria is not met, you cannot conclude that the NEPA documentation fully covers the proposed action.)*

Plan Conformance:

- This proposal conforms to the applicable land use plan
- This proposal does not conform 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.

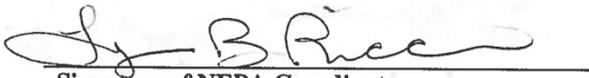
- The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.



Signature of Project Lead
Project Lead Name: Mark Mackiewicz
Title: National Project Manager
Office: Price Field Office

7-26-2012

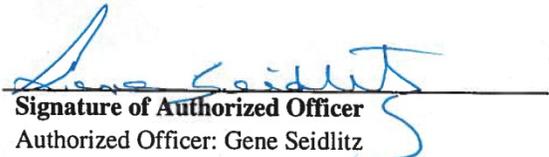
Date



Signature of NEPA Coordinator
NEPA Coordinator Name Lynn B. Ricci
Title Planning and Environmental Coordinator
Office BLM - NV - Winnemucca District

7/18/12

Date



Signature of Authorized Officer
Authorized Officer: Gene Seidlitz
Title: District Manager
Office: Winnemucca

7/18/12

Date

NOTE: The signed CONCLUSION on this Worksheet is part of an interim step in the BLM's internal decision making 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

- Attachment A: List of Level 2 Variances**
- Attachment B: Table of Long Term Monitoring Plan Reviewers**