



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Nevada State Office
1340 Financial Boulevard
Reno, Nevada 89502-7147
<http://www.blm.gov/nv>

JUL 27 2012

In Reply Refer To:
2880
NVN-084650, OR-64807,
UTU-82880, WYW-171168

Decision

Mr. Dan Gredvig
Ruby Pipeline, L.L.C
2 North Nevada Ave
Colorado Springs, CO 80944

Right-of-Way NVN-084650

Right-of-Way Amended Details of Amendment

On July 12, 2010, Ruby Pipeline L.L.C (Ruby) was granted a Right-of-Way (ROW) Grant, Serial No. NVN-084650 authorizing the construction, operation and maintenance of a 42-inch-diameter natural gas pipeline on federal lands. The grant was authorized under Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185 *et seq.*) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*).

The pipeline went into service on July 28, 2011. By June, 2012, Ruby had submitted documents that described the project as built and the final Plan of Development (POD). The ROW Grant is hereby amended to incorporate changes to the legal descriptions, alignment sheets and rental calculations contained in the original July 12, 2010 ROW Grant. These changes reflect previously approved decisions and thus reflect the pipeline as built. In addition, the POD is amended to include the addition of Appendix W: the Long Term Monitoring Plan (LTMP), as well as minor changes to the POD. See Exhibit A: Permanent Pipeline Right-of-Way and Related Facilities and Exhibit B: Alignment Sheets.

Unless specifically modified by this Decision, 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. See Exhibit C: Special Stipulations for ROW Grant and TUP NVN-84650.

Term of the ROW

Unless specifically modified by this Decision, all other elements of the July 12, 2010 ROD and subsequent decisions remain in full force and effect, including all stipulations, monitoring, and mitigation measures.

Appeal of This Decision

Consistent with D-3 Section 313(b) of the Energy Policy Act (EPA) of 2005, which amended the NGA, grants the U.S. Court of Appeals original and exclusive jurisdiction to review Federal decisions to issue, condition, or deny a Federal authorization for any facility that will be constructed or operated subject to 15 U.S.C. § 717b or 15 U.S.C. 717f.

The U.S. Court of Appeals for the circuit in which a facility subject to section 717b or section 717f of this title is proposed to be constructed, expanded, or operated shall have original and exclusive jurisdiction over any civil action for the review of an order or action of a Federal agency (other than the Commission) or State administrative agency acting pursuant to Federal law to issue, condition, or deny any permit, license, concurrence, or approval (hereinafter collectively referred to as "permit") required under Federal law, other than the Coastal Zone Management Act of 1972.

This Decision is an order or action of a Federal agency issuing a permit, as that term is used in EAct, 15 U.S.C. § 717r (d)(1), because it is an agency decision to issue and condition a BLM ROW grant for the use of Federal lands involved in the Ruby Pipeline Project, which is a facility that will be constructed and operated pursuant to 15 U.S.C. § 717f. Accordingly, this Decision is appealable directly to an appropriate U.S. Court of Appeals in accordance with 15 U.S.C. § 717r and the Federal Rules of Appellate Procedure (FRAP).

The NGA requires that any party aggrieved by a FERC order on rehearing file a notice of appeal with the appropriate U.S. Court of Appeals within sixty (60) days, 15 U.S.C. § 717r (b). The 2005 EAct amendments to the NGA and the legislative history of that legislation indicate that Congress intended to streamline the NGA approval and review process for other Federal authorizations needed for NGA projects. Any notice of appeal of this Decision must be filed in an appropriate U.S. Court of Appeals within sixty (60) days of the date of this Decision.


 Amy Lueders
 Authorized Officer and
 Nevada State Director
 Bureau of Land Management

JUL 27 2012

 Date

Enclosures (4)

- EXHIBIT A: Permanent Pipeline Right-of-Way and Related Facilities
- EXHIBIT B: Alignment sheets (17" by 11")
- EXHIBIT C: Special Stipulations for ROW Grant and TUP NVN-84650
- EXHIBIT D: Variance Report