

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY NOTICE TO PROCEED

Certified/Registered Mail-Return Receipt Requested

Right-of-Way or Temporary Use Permit (TUP) Serial Number

NVN-084650 (NTP No. 56)

Date

3/9/2011

Issuing Office

Nevada State Office

Right-of-Way or TUP name

Ruby Pipeline

INSTRUCTIONS — Use Certified or Registered Mail or hand deliver. Send or give original to Holder. Distribute other copies as indicated after receipt date.

Holder:

In accordance with the terms and conditions of the above referenced right-of-way grant or TUP you are hereby authorized to proceed with the activities noted below in the locations specified. Map(s) are attached. Yes No

Activity	Location
<p>Approval of Ruby's Implementation Plan 2 and authorization to commence construction in the areas specified under location heading. Ruby will file at a later date for authorization to commence construction in those areas presently excluded due to pending cultural mitigation.</p> <p>Approval for the following: Commence pipeline construction in the right-of-way areas identified here and in the referenced alignment and quadrangle sheets.</p> <p>All activity shall comply with the stipulations and mitigation measures detailed in the Record of Decision and Right-of-Way Grant (July 12, 2010) and Decisions to Amend Right-of-Way and Temporary Use Permit (December 10, 2010 and February 24, 2011).</p> <p>The BLM-Lakeview Resource Area has the following stipulations:</p> <p>Cultural Resources:</p> <p>If unanticipated cultural resources are discovered on BLM land Ruby shall work with the Oregon State Historic Preservation Officer (SHPO) and BLM to resolve inadvertent discoveries pursuant to the Unanticipated Discovery Plan outlined in Appendix A of the September 2010 Historic Properties Treatment Plan (HPTP) accepted by Reclamation through the execution of the Memorandum of Agreement (MOA) and the implementing stipulations within dated July 29, 2010.</p> <p>Cultural Resources by MP:</p> <p>MP Redacted Text Redacted Text</p> <p>Site area between trench and Area of Potential Effect (APE) to be surface-protected with straw under excavated fill and wood mat. Temporary barrier along APE.</p>	<p>This NTP applies only to federal lands located within the following mileage range:</p> <p>1. BLM Lakeview Resource Area, BLM Klamath Falls Resource Area, and Bureau of Reclamation OR. In Spreads: 6 and 7</p> <p>Mileposts (MP): MP 588.5 to 589.7 (BLM Lakeview) MP 597.4 to 601.2 (BLM Lakeview) MP 653.0 to 658.5 (BLM Klamath Falls Resource Area)</p> <ul style="list-style-type: none"> • Access Roads K-3F and K-8. <p>MP664.4</p> <ul style="list-style-type: none"> • Access Road K-10E (BLM Klamath Falls Resource Area and Reclamation) <p>Alignment Sheets Referenced: 300A-242; 300A-245 through 300A-247; 300A-268 through 300A-270</p> <p>Quadrangle Sheets Referenced: 101-103; 111-112A</p>

MP **Redacted Text** vicinity

Redacted Text

Temporary barricade along eastern side of construction corridor. Full capability for identification and mitigation documentation of **Redacted Text** to be immediately available during all construction within realigned portion of pipeline/site area (see attached map).

MP **Redacted Text**

Redacted Text

Barricade possible **Redacted Text** outside APE or install temporary barricade on east side of APE through site.

MP **Redacted Text**

Redacted Text

Install temporary barricade along both sides of APE through site.

Redacted Text

Redacted Text

Install temporary barricade along both sides of APE through site.

Archaeological Monitors are required on all sites.

The BLM-Klamath Falls NTP 56 in Spread 7 (approximate Mileposts [MP] 653.0 to 658.5) is approved with the following stipulations:

- Ruby must comply with all terms, conditions and stipulations as outlined in the Bureau of Land Management's Right-of-Way Grant Serial Number NVN-084650 dated July 12, 2010.
- Ruby must comply with the practices and procedures Ruby Pipeline Project Plan of Development (POD), as amended, and as identified in Attachment A (NTP56_BLM_KFRA_Mile-by-Mile_Stipulations_110307.pdf). This document clarifies stipulations from the POD and includes General Stipulations, and mile-by-mile stipulations for:
 - Juniper treatment including meeting coarse woody debris requirements,
 - Juniper deck locations,
 - Roads,
 - Riparian crossings,
 - Wildlife habitat planting.
- Ruby must provide at least 48 hours notice prior to implementation of construction on BLM lands.
- The following general stipulations for cultural resources must be adhered to:
 - Ruby shall follow all appropriate avoidance and mitigation measures for cultural resources,

as appropriate.

- If unanticipated cultural resources discoveries are identified on Reclamation withdrawn lands, Ruby shall work with the Oregon State Historic Preservation Officer (SHPO) and Reclamation to resolve the discovery pursuant to the Unanticipated Discovery Plan outlined in Appendix A of the September 2010 Historic Properties Treatment Plan for Oregon (HPTP) accepted by Reclamation through the execution of the Memorandum of Agreement (MOA) and the implementing stipulations within dated July 29, 2010.
- If human remains are discovered, the stipulations of the Native American Graves Protection and Repatriation Act (NAGPRA) apply. Reclamation cultural resources staff shall be notified immediately and all project work shall halt in the immediate vicinity pursuant to the September 2010 HPTP and the BLM/Reclamation NAGPRA Plan of Action.
- Ruby shall apply the stipulations identified by site as listed in Attachment B (Table of CR Stipulations for KFRA Segment of NTP56_Corrected_w-SHPO.pdf).
- The BLM-Klamath Falls also approves use of three roads identified in NTP 56 in Spread 7: Road K-3B, Road K-8, Road K-10E (BLM portion) with the following stipulation:
 - Ruby shall follow the '*Roads and Pipeline Crossing Stips*' portion of Attachment A (NTP56_BLM_KFRA_Mile-by-Mile_Stipulations_110307.pdf).

The Bureau of Reclamation has the following stipulations:

Pursuant to Reclamation parcel status for the requested NTP 56, the portion of the Ruby Pipeline Project covered under NTP 56 is the K10E road. This road enters onto withdrawn lands under Reclamation jurisdiction from the north near Milepost 664.4. As such, Reclamation concurs with the approval of NTP 56 with the following stipulations:

- Ruby must comply with all terms and conditions and stipulations as outlined in the Bureau of Land Management's Right-of-Way Grant Serial Number NVN-084650 dated July 12, 2010.
- Ruby must comply with the practices and procedures Ruby Pipeline Project POD and appendices therein.
- Ruby must ensure that all approved variance request activities are implemented, as necessary.

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- Ruby must comply with all specific BLM stipulations regarding vegetation management and reclamation.
 - Ruby must comply with all applicable laws, regulations, and permits associated with the Ruby Pipeline Project and subsequent actions therein.
 - Ruby must use only the portion of Road K10E as proposed in NTP 56. Use of K10E south of the ROW would require additional analysis.
 - Ruby must provide at least 48 hours notice prior to implementation of construction on Reclamation withdrawn lands.

After reviewing the NTP request, Reclamation has no historic properties that will be impacted as a result of the use of the K10E road. As a result following stipulations for cultural resources must be followed:

- Ruby shall follow all appropriate avoidance and mitigation measures for cultural resources, as appropriate.
- If unanticipated cultural resources discoveries are identified on Reclamation withdrawn lands, Ruby shall work with the Oregon SHPO and Reclamation to resolve the discovery pursuant to the Unanticipated Discovery Plan outlined in Appendix A of the September 2010 HPTP accepted by Reclamation through the execution of the MOA and the implementing stipulations within dated July 29, 2010.

If human remains are discovered, the stipulations of the NAGPRA apply. Reclamation cultural resources staff shall be notified immediately and all project work shall halt in the immediate vicinity pursuant to the September 2010 HPTP and the BLM/Reclamation NAGPRA Plan of Action.

Authorized officer is:

Amy Leuders
Name

Acting Director, BLM, Nevada State Office
Title

Onsite inspection and compliance of the Right-of-Way or TUP stipulations will be conducted by the authorized officer's representative

Mark Mackiewicz, National Project Manager, WO-350
Name of Authorized Officer's Representative

Price Field Office, 125 South 600 West, Price, Utah 84501
Office, Street, Address, City, State, Zip

(435) 636-3616
Office Phone Number

Home Phone Number (Optional)

/s/ Mark Mackiewicz
Authorized Officer's or Representative's Signature
Holder's acknowledgement when notice is delivered in person.

March 9, 2011
Date

Signature of Recipient

Ruby Pipeline, LLC
Firm Name

Daniel G. Gredvig
Name of Recipient

March 9, 2011
Date

Attachment A

NTP56_BLM_KFRA_Mile-by-Mile_Stipulations_110307.xlsx
(Six [6] Pages Included)

Attachment B

NTP56 Table of CR Stipulations for KFRA Segment of NTP56_Corrected_w-SHPO.pdf
(One [1] Page Included)

NTP 56 Mile-By-Mile Construction / Restoration Stipulations For BLM Klamath Falls Resource Area

General Stipulations

1. Follow POD Guidance unless clarified below:
2. Restoration and final grading should result in a surface level enough to assure adequate seeding of the selected grass-forb mix. Rocks that were removed from the trenchline are to be removed from the ROW. Some of these may be used to block access points along the ROW to discourage off-road vehicle use.
3. The entire ROW ground surface does not need to be tilled or disked to be left in a "roughened" condition. Access points should be rocked or otherwise effectively blocked to discourage off-road vehicle use. At most, the first 150 to 200 feet of the ROW adjacent to access points can be roughened if sufficient rock is not available to block the access.
4. Direct seed drilling will be the primary method for seeding within the ROW, (POD Appendix E – Oregon, Page 5-14) except for areas that are too steep or rough for a drill. These areas can be broadcast seeded per the POD but a harrow or "drag" (such as behind an ATV) should be used to cover the seed with soil. Fall seeding is preferred.
5. For sections that have approval for "lop and scatter" of the original vegetation, or where vegetation has been set aside to meet Coarse Woody Debris requirements, the vegetative material should be scattered on the ROW preferably after seeding has occurred. Spreading large litter and CWD before seeding will interfere with drill seeding. BLM believes that if litter and CWD is picked up from the edges of ROW and spread back across previously drill seeded will interfere with drill seeding. BLM believes that if litter and CWD is picked up from the edges of ROW and spread back across previously drill seeded will interfere with drill seeding. BLM believes that if litter and CWD is picked up from the edges of ROW and spread back across previously drill seeded will interfere with drill seeding.
6. For sections that have rock that has been set aside to be replaced on the ROW after construction, drill seeding should be completed first. BLM believes that if rock is pushed back across previously drill seeded ROW, it should not scrape off the seed to the extent to make seeding unsuccessful. If Ruby is concerned that too much seed has been moved after spreading rock across previously drill seeded ROW, they can broadcast seed to fill in voids.
7. Clarification of Planting Information:
 - A. Ponderosa pine seedlings plantings -
 - MPs for the ponderosa pine seedlings = The locations for replanting of pine are mapped and displayed in a GIS shapefile, and listed KFRA Ruby Pipeline "Mile by Mile" Stipulations and shown below.
 - Ponderosa pine seedlings can be purchased from Stone Nursery in Medford, Rock Bottom Ranch Nursery in Bonanza, or any local nursery that carries the appropriate stock. Contact BLM to confirm seed zone specifications before purchasing. Seedlings planted in the Ruby pipeline area should be at least 2.0 bareroot seedlings (or larger)
 - Seeds should have been collected from seed zone 722, suitable for elevations at or above 4500-5500 feet elevation.
 - Seedlings should be planted at approximately 8 foot by 8 foot spacing.
 - Tubing is not necessary.

7. Clarification of Planting Information:

B. Curleaf mountain mahogany –

- BLM and BOR only need bitterbrush planted. No mahogany is necessary in this stretch.

C. Bitterbrush –

• MPs for the shrub seedling plantings = The locations for replanting of shrubs are mapped and listed in the KFRA Ruby Pipeline “Mile-by-Mile”

Stipulations and shown below.

- Bitterbrush seed should be collected locally and grown out at a nursery. Stone Nursery in Medford is a preferred nursery for the BLM.
- 1-0 bareroot seedlings are preferred; containerized seedlings (“plugs”) are acceptable.
- When planting, if there is any established vegetation or recent seeding, a 24 inch diameter scalp or basin should be made and seedlings planted in the center.
- Plant on approximate 10 foot x 10 foot spacing. Ideally it is better to plant in an irregular (less of a grid) pattern, but it is difficult to write that into a “contract”. In this type of planting there is a high mortality due to the competition from new vegetation (i.e., grasses) therefore, we plant even spacing and let the mortality develop the patchiness of the seedlings as you would find in a more natural setting. Ultimately, the 10 x 10 spacing will give the proper number of seedlings per acre considering mortality.
- In extreme rocky areas (greater than 30% ground surface coverage), or where bedrock is very shallow, no planting is necessary.
- Timing of planting is crucial. Winter/Spring planting is required. Summer/Fall planting is not acceptable.
- Vexar tubing is essential. Need to use two stakes per tube. The tubes would remain for 4-5 years until the root system is established.

8. Cultural - Make sure that juniper deck landings, brush storage, and firewood storage areas are away from cultural sites.

9. Visuals - buffer (leave any vegetation not required to be removed) along Willow Valley Road wherever possible, especially with any realignments.

Mile-By-Mile

Note: the following stipulations are described to be implemented at a milepost; or start at that point and be in effect from that point westward until the

Wildlife Habitat Planting Stips				
From_MP	To_MP	Stips	From_Sta	To_Sta
R654.17	R654.53	Plant Antelope Bitterbrush at 10 foot x 10 foot spacing	34546+10	34558-10
R654.78	R655.08	Plant Antelope Bitterbrush at 10 foot x 10 foot spacing	34573+50	34588+00
R655.19	R655.33	Plant Antelope Bitterbrush at 10 foot x 10 foot spacing	34595+20	34601+60
R655.43	R655.77	Plant Antelope Bitterbrush at 10 foot x 10 foot spacing	34607+25	34624+75
R655.85	R658.5	Plant Antelope Bitterbrush at 10 foot x 10 foot spacing	34628+65	34793+20

Juniper Treatment Stips					
From_MP	To_MP	Stips	From_Sta	To_Sta	treatment
R653.0	R653.16	Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to north ROW edge at road near station 34479+00; Lop and scatter or chip and haul remaining Juniper material	34470+85	34486-55	Firewood
R654.23	R654.69	Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to north ROW edge at road near station 34556+35; Lop and scatter or chip and haul remaining Juniper material	34548+50	34567+40	Firewood
R654.69	R655.09	Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to south ROW edge at road near station 34577+55; Lop and scatter or chip and haul remaining Juniper material	34567+40	34589+00	Firewood
R655.09	R655.44	Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to south ROW edge at road near station 34601+15; Lop and scatter or chip and haul remaining Juniper material	34589+00	34607+30	Firewood
R655.44	R655.8	Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to south ROW edge at road near station 34621+40; Lop and scatter or chip and haul remaining Juniper material	34607+30	34630+80	Firewood
R655.8	R656.42	Meet CWD reqs. Lop and scatter or chip and haul all remaining Juniper	34630+80	34656+00	Lop/Scatter
R656.4+2	R656.5	Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to south ROW edge at road near station 34657+80; Lop and scatter or chip and haul remaining Juniper material	34656+00	34660+00	Firewood
R656.5	R657.27	Meet CWD reqs. Lop and scatter or chip and haul all remaining Juniper	34660+00	34704+10	Lop/Scatter
R657.27	R657.58	Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to south ROW edge at road K-3 near station 34713+40; Lop and scatter or chip and haul remaining Juniper material	34704+10	34720+00	Firewood
R657.58	R658.18	Meet CWD reqs. Lop and scatter or chip and haul all remaining Juniper	34720+00	34751-75	Lop/Scatter
R658.18	R658.31	Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to south ROW edge at road K-3 near station 34755+20; Lop and scatter or chip and haul remaining Juniper material	34751+75	34758+50	Firewood

R658.31	R658.5	Meet CWD reqs. Lop and scatter or chip and haul all remaining Juniper	34758+50	34780+00	Lop/Scatter
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Juniper Deck Locations			
Note: BLM has approved Variance 07-010-MM-A for use of juniper decking and brush temporary storage sites outside the ROW if material exceeds available space within the ROW, contingent on protection (avoidance) of sensitive resources.			
Approx. MP Location	Purpose	Stips	Approx. Sta. Location
R653	Deck Location	Deck juniper boles >= 8" dia. at the small end for Firewood.	34479+00
R654.47	Deck Location	Deck juniper boles >= 8" dia. at the small end for Firewood.	34556+35
R654.87	Deck Location	Deck juniper boles >= 8" dia. at the small end for Firewood.	34577+55
R655.32	Deck Location	Deck juniper boles >= 8" dia. at the small end for Firewood.	34601+15
R655.71	Deck Location	Deck juniper boles >= 8" dia. at the small end for Firewood.	34621+40
R657.45	Deck Location	Deck juniper boles >= 8" dia. at the small end for Firewood.	34713+40
R658.24	Deck Location	Deck juniper boles >= 8" dia. at the small end for Firewood.	34755+20

Roads and Pipeline Crossing Stips			
Road # or Pipeline ROW	Approx. Milepost if appropriate	Stips	Sta.
K-3 (Willow Valley Res. To East)		Road K-3 (Willow Valley Road BLM# 41S 14E 13.00) - No widening per Variance 07-012-AR. Replace gravel to BLM specifications after project.	
K-3 (Willow Valley Res. To West)		Road K-3 (Willow Valley Road - County Road#1239) maintain to County specifications.	
Pipeline ROW	R653.01	Armor pipe for suitable crossing of heavy equipment after const.	34479+05
Pipeline ROW	R654.46	Restore road entrance after construction	34556+16
Pipeline ROW	R654.52	Armor pipe for suitable crossing of heavy equipment after const.	34558+40

Pipeline ROW	R654.69	Armor pipe for suitable crossing of heavy equipment after const.	34567+50
Pipeline ROW	R654.87	Armor pipe for suitable crossing of heavy equipment after const.	34577+50
Pipeline ROW	R655.19	Armor pipe for suitable crossing of heavy equipment after const.	34594+10
Pipeline ROW	R655.81	Armor pipe for suitable crossing of heavy equipment after const.	34627+15
K-3F	R656.02	Road K-3F - Widening OK. Return to original width after construction. Armor crossing suitable for heavy equipment passage	34638+00
Pipeline ROW	R656.42	Armor pipe for suitable crossing of heavy equipment after const.	34656+40
K-8	R656.87	Road K-8 - Widening OK. Return to original width after construction. Armor crossing suitable for heavy equipment passage	34679+75
K-10E SE of ROW (STA 35030+00)	R664.4	No Widening per Variance 07-012-AR SE of ROW (after leaving the ROW the road intersects site 35KL3279.)	35080+00
K-10E	R665.0	Road K-10E - Large weed sites (Medusahead). Wash equipment before and after blading. - Do not widen through site boundaries 35KL3288. - Other portions of road down to ROW - widening ok. Return modified roads to original width and condition after construction.	35112+00

Cultural Stips				
From_MP	To_MP	Stips	From_Sta	To_Sta
657	657	Notch Corral Cultural site. Total avoidance required.	34679+20	34681+40

Riparian Stips				
From_MP	To_MP	Stips	From_Sta	To_Sta
R655.24	R655.37	Must have defined channel to a functional culvert when construction is complete.	34599+15	34603+10.
R655.76	R655.85	Intermittent Drainage with riparian buffer of 150 feet.	34624+70	34628+70

R657.22	R657.33	Intermittent stream. Reduce TWS width to 115 feet within 150 feet each side of crossing (riparian reserve) Move TWS east 300ft. out of riparian area.	34701+20	34707-25
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Pine Planting Stips

From_MP	To_MP	Stips	From_Sta	To_Sta
R653.0	R653.15	Plant pine seedlings at 8 foot by 8 foot spacing	34449+80	34486-50
R654.5	R654.81	Plant pine seedlings at 8 foot by 8 foot spacing	34558+15	34573+50
R655.07	R655.23	Plant pine seedlings at 8 foot by 8 foot spacing	34588+05	34595-20
R655.33	R655.44	Plant pine seedlings at 8 foot by 8 foot spacing	34601+55	34607-30

Timber Landing Sites

Note: BLM has approved Variance 07-010-MM-A for use of timber landing and brush temporary storage sites outside the ROW if material exceeds available space within the ROW, contingent on protection (avoidance) of sensitive resources.

R654.5	Landing site	Plant pine seedlings.	34561+00
R655.21	Landing site	Plant pine seedlings.	34594+90
R655.33	Landing site	Plant pine seedlings.	34601+70

Cultural Resources Stipulations, KFRA Segment of NTP56 w/SHPO

Mile Post	Site Number	Stipulation
N/A	All sites	Monitors required.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so. Barricade along APE through site.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so. Barricade along APE through site.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so. Barricade along APE through site.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	The area to be protected in-place includes a 4.5-meter (15-foot) buffer around the [REDACTED] inadvertent impacts to the surface or outer edges of the site. Protect unevaluated portion of site by installation of temporary barrier along north and south margins of APE.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Avoid [REDACTED] in APE if feasible and safe to do so.
[REDACTED]	[REDACTED]	Do not widen road through [REDACTED]

Note: discrepancies between Oregon SHPO and BLM determinations have been resolved by developing the above protective stipulations that are consistent with the eligibility determinations made by Oregon SHPO.