

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. 2 REISSUE**)

Date

02/28/2011

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 resource mitigation.</p> <p>Approval for the following: -Commence pipeline construction in the right-of-way areas identified in the location areas noted here and in referenced alignment sheets. -Implementation of Ruby's historic properties treatment plans for each state.</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>Prior to ground disturbing activity, Ruby will hold meetings with the Environmental Inspectors, the Compliance Monitors, and representatives from the applicable local jurisdictions (e.g. BLM Field Offices, Reclamation, Forest Service) to discuss local requirements and the Plan of Development.</p> <p>Ruby will ensure all biological surveys have been completed, submitted, and accepted prior to ground disturbing activity for each area.</p> <p>The Elko District Office has the following stipulations:</p> <p>Wildlife:</p> <ul style="list-style-type: none"> Bureau of Land Management (BLM) has previously identified concerns relating to impacts on sage grouse that will begin on March 1, 2011. For purposes of NTP 2, that date correlates with the initiation of sage grouse lek activity. As stated in the Environmental Impact Statement (EIS), any Ruby Pipeline-associated human activity (activities) around active leks and within the two-mile lek 	<p>This NTP applies only to federal lands located within the following mileage ranges:</p> <p>1. Salt Lake Field Office, UT In Spreads: 1A, 2A, 1B, and 3</p> <p>Mile Post (MP) Range: 47.0 to 227.5</p> <p>Alignment Sheets Referenced: 300A-21 to 300A-94</p> <p>2. Elko District Office, NV In Spreads: 3 and 4</p> <p>MP Ranges: 270.0-275.0 276.0-284.3 289.0-298.0 301.0-303.0 319.0-323.0 346.0-350.0</p> <p>Wieland Flat Compressor Station in Elko County, T39N, R55E, Section 29.</p> <p>Alignment Sheets Referenced: 300A-111 to 300A-114 300A-114 to 300A-117 300A-119.1 to 300A-123.1 300A-124 and 300A-125 300A-131 to 300A-133 300A-142 to 300A-144</p> <p>Quadrangle Sheet Referenced: No. 35</p> <p>3. Kemmerer Field Office, WY In Spread: 1A</p> <p>Roberson Creek Compressor Station in Lincoln County, T20N, R115W, Section 24</p> <p>Quadrangle Sheet Referenced:</p>

<p>buffers would be avoided through construction timelines specifically designed to avoid those sites. The Plan of Development (POD) also anticipated that construction schedules, expected to be completed by March 1, 2011, would avoid sage grouse lek activity and lek buffers, but recognized that construction schedules could change for various reasons.</p> <ul style="list-style-type: none"> • Active leks have been identified in the EIS and through follow-up work since the EIS. Any leks determined in 2010 to have an inactive or unknown status will be inventoried in early March 2011 by the Nevada Department of Wildlife (NDOW) and the BLM. For active leks, either currently known or subsequently identified from March 1 to May 15, no construction or construction-related activities will be allowed within the two mile active lek buffers that intersect the pipeline right-of-way (ROW) or any authorized access road from March 1 to May 15. • In addition to the avoidance and minimization measures identified in the final EIS and POD, the Conservation Agreement for Ruby Pipeline Limited Operating Period Encroachments in Nevada (July 2010 and amended December 2010) will be in full effect through NTP 2. • Outside lek buffers, all open trenches must be covered within 10 days outside lek buffers to facilitate big game movements across the pipeline. • To facilitate avoidance of active leks, all Ruby related helicopter use in and around the ROW or authorized access roads must be pre-approved by the BLM so as to avoid active leks through May 15, 2011. This provision may consider helicopter routing to avoid active leks off the ROW and away from access roads as well as those currently identified as being directly impacted by the project. This provision also facilitates avoidance of sensitive big game areas (bighorn lambing, pronghorn or mule deer fawning areas and migration corridors) through June 30, 2011 within NTP 2. • Ruby will ensure that signs or barriers marking the active lek buffers will be in place by sunset February 28, 2011 along the ROW and all access roads within an active lek buffer. Those signs or barriers will be maintained by Ruby Environmental Inspectors or others as assigned by Ruby through May 15, 2011. • Pending further written notification by the BLM, all activities between Mileposts (approximated) will cease between March 1, 2011 and May 15th, 2011 within all active sage grouse lek buffers along the 	<p>No. 2</p>
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pipeline ROW and all authorized access roads within an active sage grouse lek buffer. This order includes the following pipeline mileposts:

- 277.10-280.78 (NTP 2)

In addition to authorized access roads affected by sage grouse lek buffers along the ROW, the following roads are within off-ROW sage grouse lek buffers and subject to this order:

- E-1
- E-10
- E-12

- All construction equipment, other equipment, vehicles, and ancillary facilities must be removed from the ROW or access roads within any active sage grouse lek buffers by sunset on February 28, 2011. All open trenches within active sage grouse lek buffers must be filled in by February 28, 2011. Interim reclamation measures to be approved by the BLM will be put into place. Unless notified in writing otherwise, no activities can resume until after May 15, 2011, within active lek buffers.
- The remainder of the ROW is hereby modified with the following stipulations:

A series of helicopter lek surveys of the pipeline route within NTP 2, extending two miles on both sides of the ROW and authorized access roads, will be conducted by BLM/NDOW after March 1, 2011. The surveys will be completed to validate and determine the status of any inactive or unknown leks historically reported within the four mile corridor.

In areas with no known active leks, until such time the surveys are completed, all activities will be allowed 2.0 hours after sunrise until one hour prior to sunset within the ROW. Sunrise/sunset tables are available at the following website address: <http://www.sunrisesunset.com/usa/> If a determination is made that all active leks have been identified, then the daily timing restrictions will be suspended in those areas outside of any active leks. If a new active lek is documented (2 or more strutting males), or there is active lekking use documented on any inactive or unknown lek historically reported within the four-mile corridor, a two mile buffer will be plotted around the lek and all activities including ingress or egress will cease within those buffers along the ROW or access roads. If activities are currently underway within a buffer area, details of how work cessation occurs will be coordinated at the BLM field office level (signage, equipment removal, open trenches, welded pipe, interim reclamation/stabilization, etc.).

In addition to the aerial surveys, Ruby will have a biological monitor working ahead of ground construction activities on a daily basis to survey for and report to BLM any active leks within the ROW. That biologist will work the area in front of any new construction activities from sunrise to 2.0 hours after sunrise for evidence of lek activity. If active leks are discovered by a biological monitor on the ground, the same construction cessation process described above will be employed.	
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Authorized officer is:

<u>Amy Leuders</u> Name	<u>Acting Director, BLM, Nevada State Office</u> Title
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Onsite inspection and compliance of the Right-of-Way or TUP stipulations will be conducted by the authorized officer's representative

<u>Mark Mackiewicz, National Project Manager, WO-350</u> Name of Authorized Officer's Representative	<u>Price Field Office, 125 South 600 West, Price, Utah 84501</u> Office, Street, Address, City, State, Zip
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<u>(435) 636-3616</u> Office Phone Number	<u>Home Phone Number (Optional)</u>
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<u>/s/Mark Mackiewicz</u> Authorized Officer's or Representative's Signature	<u>February 28, 2011</u> Date
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Holder's acknowledgement when notice is delivered in person.

<u>Signature of Recipient</u>	<u>Ruby Pipeline, LLC</u> Firm Name
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<u>Daniel G. Gredvig</u> Name of Recipient	<u>February 28, 2011</u> Date
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