

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. 54)

Date

3/01/2011

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><b>The BLM-Lakeview Resource Area has the following stipulations:</b></p> <p>Archaeological site <b>Redacted Text</b> has been tested. The Area of Potential Effect (APE) (pipeline construction corridor) was determined to be noncontributing and the Oregon State Historic Preservation Officer (SHPO) has concurred with that determination. Portions of the site outside the spatial limit of the APE are unevaluated. Unevaluated portions of the site located beyond the APE shall be protected by a program of avoidance consisting of <b>Redacted Text</b> and the presence of a monitor.</p> <p>Archaeological site <b>Redacted Text</b> has been tested and determined eligible for the National Register of Historic Places (NRHP). Data recovery within the APE (pipeline construction corridor) has been completed and found acceptable by BLM. Portions of the site located outside the spatial limit of the APE shall be protected by a program of avoidance consisting of <b>Redacted Text</b> and the presence of a monitor.</p>	<p>This NTP applies only to federal lands located within the following mileage range:</p> <p><b>1. BLM Lakeview Resource Area and the Bureau of Reclamation, OR.</b> In Spreads: 6 and 7</p> <p>Mileposts (MP): MP 594.90 to 596.05 (BLM) MP 662.40 to 664.60 (Reclamation)</p> <p>Alignment Sheets Referenced: 300A-244, 300A-245, and 300A-272</p> <p>Quadrangle Sheets Referenced: 102, 113, and 113A</p>

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If unanticipated cultural resources are discovered on BLM land Ruby shall work with the Oregon 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.

**The Bureau of Reclamation has the following stipulations:**

Pursuant to Reclamation parcel status for the requested NTP 54, the portion of the Ruby Pipeline Project covered under NTP 54 is within withdrawn lands under Reclamation jurisdiction ranging from MPs 662.4 and 664.6. As such, Reclamation concurs with the approval of NTP 54 with the following stipulations:

- Ruby must comply with all terms and conditions and stipulations as outlined in the BLM Right-of-Way Grant Serial Number NVN-084650 dated July 12, 2010.
- Ruby must comply with the practices and procedures outlined in the Ruby Pipeline Project Plan of Development (POD) and appendices therein.
- Ruby must ensure that all approved variance request activities are implemented, as necessary.
- 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 provide at least 48 hours notice prior to implementation of construction on Reclamation withdrawn lands.

**Cultural Resources:**

Several cultural resources have been identified for the lands covered under NTP 54 which range from **Redacted Text**. Reclamation's determined that sites **Redacted Text** were not eligible for inclusion on the NRHP. The Oregon SHPO was originally unable to concur with this determination. Follow-up information was provided to SHPO by Archaeological Investigations Northwest to support Reclamation's findings. On February 28, 2011, the SHPO concurred with the

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findings. After receiving SHPO's concurrence on the determination of eligibility, the stipulations outlined in the Oregon MOA have been satisfied for Reclamation administered lands. The 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 for Oregon 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 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.

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 1, 2011

Date

Signature of Recipient

Ruby Pipeline, LLC

Firm Name

Daniel G. Gredvig

Name of Recipient

March 1, 2011

Date