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and EIS follow-up between Ruby, BLM and Nevada Department of Wildlife (NDOW) personnel to February 28, 2011. Further identification of any active leks with inactive or unknown status in 2010 will be completed in early March 2011 by the 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 32.
  - 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 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 32.
  - 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 buffers along the pipeline ROW and all authorized access roads within an active sage-grouse lek buffer. This order includes the following mileposts:
    - 585.74 – 587.97 (NTP 32)
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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:

- W-14

- 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 32, 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

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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.

Cultural Resource and Tribal Monitors shall be continuously present during all milepost construction approved by NTP 32.

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.

February 26, 2011  
Date

Signature of Recipient

Ruby Pipeline, LLC  
Firm Name

Daniel G. Gredvig  
Name of Recipient

February 26, 2011  
Date