

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. 51)

Date

2/18/2011

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>This NTP applies only to federal lands located within the following mileage range:</p>   |
| <p>Approval for the following:<br/>Commence pipeline construction in the right-of-way areas identified here and in the referenced alignment and quadrangle sheets.</p>   | <p><b>1. BLM Lakeview Resource Area (BLM-LRA), Fremont- Winema National Forests (F-W NF), and BLM Klamath Falls Resource Area (BLM-KFRA).</b><br/>In Spreads: 6 and 7</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 Decision to Amend Right-of-Way and Temporary Use Permit (December 10, 2010).</p>  | <p>Mileposts (MP):<br/>MP 592.0 to 592.3 (BLM - LRA)<br/>MP 645.5 to 645.9 (F-W NF)<br/>MP 649.3 to 649.5 (F-W NF)<br/>MP 651.5 to 653.0 (BLM - KFRA)</p>   |
| <p>The BLM Lakeview Resource Area has the following stipulations:</p> <ul style="list-style-type: none"> <li>If unanticipated cultural resources are discovered on Federal lands managed by BLM, Ruby shall work with the Oregon State Historic Preservation Office (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 stipulations within dated July 29, 2010.</li> </ul> | <p>And</p> <p>Project Modification No. 160:<br/>Centerline from MP 645.5 to 645.9<br/>Centerline from MP 649.3 to 649.5<br/>Centerline from MP 651.0 to 656.2 (see KFRA Stipulation)</p> <p>Alignment Sheets Referenced:<br/>300A-242 to 300A-245, 300A-265 to 300A-268</p> <p>Quadrangle Sheets Referenced:<br/>101-102, 110-111</p> |
| <p>The Fremont-Winema National Forests have the following stipulations:</p> <ul style="list-style-type: none"> <li>None</li> </ul>   |   |
| <p>The BLM-Klamath Falls Resource Area (KFRA) portion of NTP 51 in Spread 7 (approximately Milepost [MP] 664.6 to 665.2) is approved with the following stipulations:</p> <ul style="list-style-type: none"> <li>This NTP authorizes construction on only from MP 651.5 to 653.0. It <u>does not</u> authorize any activity within Project Modification 160 MPs 653.0 to 656.2.</li> <li>Stipulations from previously approved NTPs (e.g. 2 and</li> </ul>   |   |

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8) and Variances (e.g. 07-012-AR and 07-002M-BG) are included by reference in this NTP.

- Ruby shall 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 shall comply with the practices and procedures Ruby Pipeline Project Plan of Development (POD), as amended, or as identified in BLM-KFRA mile-by-mile stipulations (attached).
- Ruby shall provide at least 48 hours notice prior to implementation of construction on Federal lands managed by BLM.
- These general stipulations for cultural resources shall 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 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.
- **Redacted Text** are associated with this NTP. BLM made recommendations for eligibility determinations of **Redacted Text** to Laurie Boros, FERC. Note: Not all final determinations have been received.
  - **Redacted Text**, was recommended as eligible and the **Redacted Text** should be avoided.
  - **Redacted Text**, are unevaluated and the **Redacted Text** should be avoided.
  - **Redacted Text**, were recommended ineligible and no protection was recommended.
  - **Redacted Text** were recommended as unevaluated but they were not directly impacted by the ROW or project road. Any impacts off the ROW or roads should be avoided.
  - **Redacted Text**, was recommended ineligible, would not be directly impacted, and no protection was recommended.

- Ruby shall comply with all stipulations regarding vegetation management and reclamation included in the POD but also those identified in Attachment A “NTP51\_BLM\_KFRA\_Mile-by-Mile\_Stipulations\_110217.xlsx”. Stipulations more specific than the POD include General Stipulations, and Mile-by-Mile stipulations for:
  - Timber landings,
  - Juniper treatment including meeting coarse woody debris requirements,
  - Juniper deck locations,
  - Roads and pipeline crossings,
  - Riparian crossings,
  - Pine planting.
- BLM has verbally approved use of timber landing sites outside the right-of-way (ROW) if material exceeds available space within the ROW, contingent on a variance being approved. Variance 07-010-MM-A is being processed and will address protection of sensitive resources outside the ROW.
- Original surveys completed 5/5/2010 identified the presence of bald eagles and red-tailed hawk nests. Surveys for nest occupancy need to be completed and the stipulations in the POD followed.

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 18, 2011

Date

Signature of Recipient

Ruby Pipeline, LLC

Firm Name

Daniel G. Gredvig

Name of Recipient

February 18, 2011

Date

Attachment A

NTP51\_BLM\_KFRA\_Mile-by-Mile\_Stipulations\_110217.xlsx  
(Four [4] Pages Included)

## NTP 51 Mile-By-Mile Construction and 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. Following seeding, naturally occurring surface rock that was moved to the edge of the ROW to create a "level" working surface should be spread back over the ROW. Care should be taken to minimize scraping the seed and remaining topsoil and piling it elsewhere across the ROW.
4. The entire ROW ground surface does not need to be tilled or disked to be left in a "roughened" condition. At most the first 150 to 200 feet of the ROW adjacent to access points can be roughened to discourage off-road vehicle use if sufficient rock is not available to block the access.
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.
6. 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 POD Appendix E – Oregon, Page 5-14 but a harrow or "drag" (such as behind an ATV) should be used to cover the seed with soil. Fall seeding is preferred.
7. 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.
8. Cultural - Make sure that timber landings 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. Include an undulating clearing boundary for Rock Creek camp area.

### Mile-By-Mile Stipulations

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 stipulation changes. If point is not exactly at a milepost on the map then the distance from the nearest milepost to the east is estimated.

| <b>Timber Landing Sites</b>  |              |  |          |
|--|--------------|--|----------|
| Note: BLM has verbally approved use of timber landing sites outside the ROW if material exceeds available space within the ROW, contingent on a variance being approved. Variance 07-010-MM-A is being processed and will address protection of sensitive resources outside the ROW. |              |  |          |
| MP   | Purpose      | Stips  | Sta      |
| R651.7   | Landing site | (Adjacent to road and outside of campground) Plant pine seedlings. | 34409+65 |
| R652.35  | Landing site | Plant pine seedlings.  | 34444+15 |
| R652.46  | Landing site | Plant pine seedlings.  | 34450+35 |
| R652.87  | Landing site | (Use only if far enough from cultural site) Plant pine seedlings.  | 34471+65 |

| <b>Juniper Treatment Stips</b> |         |  |          |          |                       |
|--------------------------------|---------|--|----------|----------|-----------------------|
| From_MP                        | To_MP   | Stips  | From_Sta | To_Sta   | Treatment of Material |
| R651.5                         | R651.83 | Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to south side of ROW edge at road K-3D near station 34410+00; Lop and scatter, or chip and haul remaining Juniper material | 34396+30 | 34416+10 | Firewood              |
| R651.95                        | R652.07 | Meet CWD reqs. Lop and scatter, or chip and haul all remaining Juniper   | 34423+10 | 34429+50 | Lop/Scatter           |
| R652.07                        | R652.54 | Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to ROW edge at road near station 34444+30; Lop and scatter, or chip and haul remaining Juniper material                    | 34429+50 | 34453+80 | Firewood              |
| R652.54                        | R652.86 | Meet CWD reqs. Move remaining juniper boles >= 8" dia. at the small end to north ROW edge at road K-3E near station 34463+50; Lop and scatter, or chip and haul remaining Juniper material         | 34453+80 | 34470+85 | Firewood              |
| R652.86                        | R653.0  | 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              |

| <b>Juniper Deck Locations</b>  |                |  |                              |
|--|----------------|--|------------------------------|
| Note: BLM has verbally approved use of juniper deck sites outside the ROW if material exceeds available space within the ROW, contingent on a variance being approved. Variance 07-010-MM-A is being processed and will address protection of sensitive resources outside the ROW. |                |  |                              |
| <b>Approx. MP Location</b>   | <b>Purpose</b> | <b>Stips</b>   | <b>Approx. Sta. Location</b> |
| R651.7   | Deck Location  | Deck juniper boles >= 8" dia. at the small end for Firewood. | 34410+00                     |
| R652.35  | Deck Location  | Deck juniper boles >= 8" dia. at the small end for Firewood. | 34444+30                     |
| R652.71  | Deck Location  | Deck juniper boles >= 8" dia. at the small end for Firewood. | 34463+50                     |
| R653.0   | Deck Location  | Deck juniper boles >= 8" dia. at the small end for Firewood. | 34479+00                     |

| <b>Roads and Pipeline Crossing Stips</b> |                                       |  |             |
|--|---------------------------------------|--|-------------|
| <b>Road # or Pipeline ROW</b>            | <b>Approx. Milepost if Applicable</b> | <b>Stips</b>   | <b>Sta.</b> |
| 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-3D                                     | R651.7                                | Road K-3D - No Widening or Improvement per Variance 07-012-AR. No Tree removal between Willow Valley Road (K-3) and Pipeline ROW to avoid impacts to campsite setting. No use of restroom or camp by construction personnel. Gravel with 3/4" minus to site. Block both sides of road where it crosses pipeline. Armor crossing suitable for heavy equipment passage | 34410+00    |
| Pipeline ROW                             | R652.07                               | Armor crossing suitable for heavy equipment passage  | 34429+55    |
| K-3E                                     | R652.72                               | Road K-3E - Widening OK. Return to original width after construction. Armor crossing suitable for heavy equipment passage  | 34463+55    |
| K-3C                                     | R652.89                               | Road K-3C - Stay on road. No Widening or Improvement per Variance 07-012-AR. Site 35KL1947. Armor crossing suitable for heavy equipment passage  | 34472+75    |
| Pipeline ROW                             | R653.0                                | Armor crossing suitable for heavy equipment passage  | 34479+05    |

| <b>Riparian Stips</b>   |  |  |                 |   |
|-------------------------|--|--|-----------------|---|
| <b>From_MP</b>          | <b>To_MP (if not a Point Location)</b> | <b>Stips</b>   | <b>From_Sta</b> | <b>To_Sta (if not a Point Location)</b> |
| R651.8+2                | R651.9+6                               | Perennial Stream riparian buffer is 300 feet from either side. keep workspace width to 115 feet within 300 feet of stream. | 34416+10        | 34423+10                                |
| R652.4 (Point Location) | Pond                                   | Protect pond. Don't remove water, no disturbance or stockpiling. (Triangle between Mainhaul and Willow Valley Roads.)      | 34446+20        |   |

| <b>Pine Planting Stips</b> |              |  |                 |               |
|----------------------------|--------------|--|-----------------|---------------|
| <b>From_MP</b>             | <b>To_MP</b> | <b>Stips</b>                                     | <b>From_Sta</b> | <b>To_Sta</b> |
| R651.57                    | R651.73      | Plant pine seedlings at 8 foot by 8 foot spacing | 34403+00        | 34410+90      |
| R651.82                    | R651.88      | Plant pine seedlings at 8 foot by 8 foot spacing | 34415+70        | 34418+60      |
| R651.89                    | R652.24      | Plant pine seedlings at 8 foot by 8 foot spacing | 34419+50        | 34438+25      |
| R652.3                     | R652.42      | Plant pine seedlings at 8 foot by 8 foot spacing | 34441+30        | 34447+10      |
| R652.45                    | R653.15      | Plant pine seedlings at 8 foot by 8 foot spacing | 34449+80        | 34486+50      |