

**United States Department of the Interior
Bureau of Land Management
Elko District**

**Documentation of LUP Conformance and Determination of NEPA Adequacy (DNA)
DOI-BLM-NV-N010-2010-0007-DNA**

July 2010

**Newmont Variation to
Ruby Pipeline Project**

Location: Elko County, Nevada

Applicant/Address: Ruby Pipeline L.L.C.
Two North Nevada Avenue
Colorado Springs, Colorado 80903

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Worksheet

Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy

U.S. Department of the Interior
Nevada Bureau of Land Management
Elko District Office

The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

OFFICE: Elko District Office

TRACKING NUMBER: DOI-BLM-NV-N010-2010-0007-DNA

CASEFILE/PROJECT NUMBERS: NVN-084650,

PROPOSED ACTION TITLE/TYPE: Newmont Variation to Ruby Pipeline Project

LOCATION/LEGAL DESCRIPTION: Permanent ROW

| | | <u>Length/ Feet</u> | <u>Width/Feet</u> | <u>Acres</u> | <u>Facility</u> | <u>Approx. MP</u> | <u>Quad Sheet</u> |
|---------------------------------------|----------|---------------------|-------------------|--------------|---|-------------------|-------------------|
| <u>T. 38 N., R. 46 E., MDM</u> | | | | | | | |
| sec. 3 | SW/4SW/4 | 1323.16 | 50 | 1.52 | Newmont re-route | R383 | 66 |
| sec. 3 | SE/4SW/4 | 1323.4 | 50 | 1.52 | Newmont re-route | R383 | 66 |
| sec. 3 | SW/4SE/4 | 1323.18 | 50 | 1.52 | Newmont re-route | R383 | 66 |
| sec. 3 | SE/4SE/4 | 1323.36 | 50 | 1.52 | Newmont re-route | R383 | 66 |
| sec. 4 | SE/4SW/4 | 1321.16 | 50 | 1.52 | Newmont re-route | R384 | 66 |
| sec. 4 | SW/4SE/4 | 1323.42 | 50 | 1.52 | Newmont re-route | R384 | 66 |
| sec. 4 | SE/4SE/4 | 1322.16 | 50 | 1.52 | Newmont re-route | R384 | 66 |
| sec. 5 | Lot 1 | 25 | 50 | 0.03 | Newmont re-route | R385 | 66 |
| sec. 5 | Lot 2 | 1514.59 | 50 | 1.74 | Newmont re-route | R385 | 66 |
| sec. 5 | SE/4NE/4 | 1563.17 | 50 | 1.79 | Newmont re-route | R385 | 66 |
| sec. 5 | NE/4SE/4 | 952.06 | 50 | 1.09 | Newmont re-route | R385 | 66 |
| <u>T. 39 N., R. 46 E., MDM</u> | | | | | | | |
| sec. 35 | SW/4SE/4 | 268 | 50 | 0.31 | New Well Location/Newmont re-route begins | R381.2 | 65 |
| TOTALS | | 13582.66 | | 15.59 | | | |

LOCATION/LEGAL DESCRIPTION: Temporary Workspace

| | | <u>Legend</u> | <u>Length/Feet</u> | <u>Acreage</u> | <u>Name</u> | <u>Approx. M.P.</u> | <u>Quad Sheet</u> |
|--------------------------------|-----------|---------------------|--------------------|----------------|---|---------------------|-------------------|
| T. 38 N., R. 46 E., MDM | | | | | | | |
| sec. 3 | SW/4/SW/4 | Temporary Workspace | 1323.16 | 1.97 | Newmont re-route | R383 | 66 |
| sec. 3 | SE/4SW/4 | Temporary Workspace | 1323.40 | 1.97 | Newmont re-route | R383 | 67 |
| sec. 3 | SW/4SE/4 | Temporary Workspace | 1323.18 | 1.97 | Newmont re-route | R383 | 68 |
| sec. 3 | SE/4SE/4 | Temporary Workspace | 1323.36 | 1.97 | Newmont re-route | R383 | 69 |
| sec. 4 | SE/4SW/4 | Temporary Workspace | 1321.16 | 1.97 | Newmont re-route | R384 | 70 |
| sec. 4 | SW/4SE/4 | Temporary Workspace | 1323.42 | 1.97 | Newmont re-route | R384 | 71 |
| sec. 4 | SE/4SE/4 | Temporary Workspace | 1322.16 | 1.97 | Newmont re-route | R384 | 72 |
| sec. 5 | Lot 1 | Temporary Workspace | 26.14 | 0.08 | | R385 | 73 |
| sec. 5 | Lot 2 | Temporary Workspace | 1514.59 | 4.26 | MLV-25 (fenced 50'x75') Newmont re-route | R385 | 74 |
| sec. 5 | SE/4NE/4 | Temporary Workspace | 1563.17 | 2.33 | Newmont re-route | R385 | 75 |
| sec. 5 | NE/4SE/4 | Temporary Workspace | 952.06 | 1.42 | Newmont re-route | R385 | 76 |
| T. 39 N., R. 46 E., MDM | | | | | | | |
| sec. 35 | SW/4SE/4 | Temporary Workspace | 268.00 | 0.40 | New well location/Newmont re-route begins | R381.2 | 65 |
| TOTALS | | | 13583.80 | 22.31 | | | |

APPLICANT : Ruby Pipeline, L.L.C.

A. Description of the Proposed Action and Any Applicable Mitigation Measures

The Ruby Pipeline Project (Project), proposed by Ruby Pipeline, LLC (Ruby), is composed of approximately 675.2 miles of 42-inch diameter natural gas pipeline, along with associated compression and measurement facilities, located between Opal, Wyoming and Malin, Oregon. The Project would include an approximate 2.6-mile lateral, known as the PG&E Lateral, to be constructed in Klamath County, Oregon. As proposed, the Project would have a design capacity of approximately 1.5 million Dekatherms per day, depending on final subscriptions. The Project's rights-of-way (ROWs) would cross four states: Wyoming, Utah, Nevada, and Oregon. In addition to the existing King Compressor Station at Opal, Wyoming, Ruby proposes to install four new compressor stations for the Project: one located near the Opal Hub in Wyoming, one in western Utah, one near the mid-point of the Project north of Elko, Nevada, and one northwest of Winnemucca, Nevada.

The Draft Environmental Impact Statement (EIS) included a recommendation that Ruby incorporate the Willow Creek Route Alternative to address the BLM's request during the scoping process to consider a route that mainly follows an abandoned AT&T cable ROW and the Jungo-Tuscarora Road. After the Willow Creek Route Alternative was incorporated into the Final EIS, Newmont requested a minor modification to address an existing mining use along the route, and the potential for future expansion of the mining operation. The proposed Newmont route variation (Newmont Variation) is approximately 4.8 miles long and the 300

foot corridor, for which resource surveys were completed, encompasses 177.3 acres of land. The existing route was approximately 3.7 miles long and its 300 feet survey corridor encompassed 135.9 acres of land. The BLM adopted the Final EIS per Title 40 CFR Part 1506.3.

As part of its ROW grant application, Ruby submitted “a detailed construction, operation, rehabilitation, and environmental protection plan,” also known as a Plan of Development (POD) to BLM. 43 C.F.R. § 2804.25(b). Ruby’s POD describes how it will comply with the applicable laws, regulations, and BLM Resource Management Plans in the construction and operation of the Project. The POD also describes additional environmental protection measures that Ruby will implement on the public and private lands crossed by the Project. The POD identifies the avoidance, minimization, and conservation measures specific to the Newmont Variation. There are no mitigation measures applicable to this DNA.

B. Land Use Plan (LUP) Conformance

| LUP Name | Date Approved |
|--|---------------|
| Final Elko Proposed Resource Management Plan and Final EIS | 1987 |

Even though it is not specifically provided for, the proposed action is in conformance with the LUP because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

- 1) The Elko Resource Area RMP provides for short- and long-term management actions that open areas for Rights-of-Way. Objectives: Identify designated corridors and planning corridors in coordination with other multiple use objectives. Other rights-of-way will be evaluated on an individual basis. Time of day and/or time of year restrictions will be placed on construction activities associated with transmission and utility facilities that are in the immediate vicinity of or would cross crucial sage grouse habitat, crucial mule deer and pronghorn antelope winter and summer habitats, antelope kidding areas, or raptor wintering or nesting areas. Restrictions will also be placed on activities affecting riparian areas and erosive soils.

C. Identify the applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Ruby Pipeline Project Final EIS (January 2010, FERC/EIS-0232F)

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, yes, and yes
 No

The analysis of the Willow Creek Route Alternative was included in the Final EIS referenced above in Section 3.4.11, pages 3-30 through 3-32. The Newmont Variation represents a minor change from the analyzed route. The analyzed route is approximately 3.7 miles long and its 300 foot survey corridor (the ROW corridor is 50 feet wide) encompasses 135.9 acres of land. The Newmont Variation is about 4.8 miles long and its 300 foot survey corridor (which includes the 50 feet wide ROW corridor) encompasses 177.3 acres of land. Both routes are geographically similar and contain similar resource conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action (or existing proposed action), given current environmental concerns, interests, and resource values?

Yes
 No

Resources impacted are similar with the exception of noxious weeds and stream crossings associated with the route changes. Data was compiled for a 300 foot survey corridor for the proposed route change and the existing route. Table 1 provides a comparison of resources on the proposed route change and existing project route.

| Table 1 Newmont Comparison of Resources on the Proposed Route and Existing Project Route | | | |
|--|-------------------|---------------|---|
| Feature | Newmont Variation | Project Route | Notes |
| Noxious Weeds | | | |
| Location 1 | - | 1-5 % | Medusahead rye |
| Location 2 | - | < 1% | Medusahead rye |
| Location 3 | - | 6-25% | Medusahead rye |
| Location 4 | - | <1 % | Musk Thistle |
| Habitat Types (Acres) | | | |
| Barren/Developed | 4.63 | 10.22 | |
| Grassland | 28.32 | 22.99 | |
| Sagebrush Steppe | 143.93 | 102.08 | |
| Salt Desert Scrub | 0.41 | 0.63 | |
| Sage-grouse nesting habitat | 6.47 | 5.41 | |
| Total | 183.73 | 141.33 | |
| Streams (Linear Feet) | | | |
| Unnamed Trib to Rock Creek | 35.83 | - | Ephemeral |
| Midas Creek | 331.34 | 417.51 | Intermittent No Sensitive Fish Species |
| Unnamed Trib to Hot Lake – Squaw Valley | 408.44 | 642.46 | Ephemeral |
| Unnamed Trib to Rock Creek | 301.48 | - | Intermittent No Sensitive Fish Species |
| Unnamed Trib to Rock Creek | 506.36 | - | Ephemeral |

| Table 1 Newmont Comparison of Resources on the Proposed Route and Existing Project Route | | | |
|--|-------------------|---------------|--|
| Feature | Newmont Variation | Project Route | Notes |
| Unnamed Trib to Rock Creek | 468.60 | - | Ephemeral |
| Unnamed Trib to High Line Canal | 302.04 | 777.02 | Intermittent No Sensitive Fish Species |
| Total | 2,354.09 | 1,836.99 | |
| Seep/Spring | | | |
| Number of Seep/Spring | 0 | 3 | |
| Sage-grouse Lek Buffers (Acres) | | | |
| Lek Buffer | 30.02 | 48.78 | Contained within the 300 ft survey corridor. |
| Source: Roster 2010. | | | |

3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes, yes
 No

An interdisciplinary team conducted a review for any new information, studies, and analyses that would materially differ from earlier analysis in the Ruby Pipeline Project Final EIS. The EIS was completed within the past year. There is no new significant information regarding the existing project route or the Newmont Variation.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes
 No

Direct, indirect and cumulative effects are similar to, and within the parameters of, those identified in the accepted Ruby Pipeline Project Final EIS.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes
 No

The Ruby Pipeline Project Final EIS was distributed to all interested members of the public and government agencies for review. Public involvement and interagency review of the existing NEPA is adequate for the Newmont Variation because the conditions and impacts are essentially the same as those of the existing pipeline route. Review of information by staff is ongoing.

E. Persons/Agencies/BLM Staff Consulted:

| <u>Name</u> | <u>Title</u> | <u>Resource Represented</u> |
|---------------|---|-----------------------------|
| Steve Dondero | Associate District Manager | All |
| Deb McFarlane | Supervisory Natural Resource Specialist | Non-renewable resources |
| Ken Wilkinson | Wildlife Biologist | Wildlife, habitat, T&E |
| Kirk Laird | Planning and Environmental Coordinator | NEPA Compliance |

CONCLUSION

Plan Conformance:

- This proposal conforms to the applicable land use plan.
- This proposal does not conform to the applicable land use plan

Determination of NEPA Adequacy

- Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.
- The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.

Steve Dondero for Deb McFarlane
Signature of Project Lead

Kirk D Laird
Signature of NEPA Coordinator

James S Miller
Signature of the Responsible Official

7/1/2010
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENTS:

I.1. Map of the Newmont Variation.

I.2. Figure 3.4.11-1 Map of the Adopted Willow Creek Route Alternative: Ruby Pipeline Project Final Environmental Impact Statement, January 2010.

I.3. Table 3.4.11-1, Willow Creek Alternative Comparison; Ruby Pipeline Project Final Environmental Impact Statement, January 2010.

REFERENCES CITED

2010 Roster, Noreen; Nevada and Oregon Proposed Route Change – Newmont and Langell Valley. Memorandum on file, Ecology & Environment, Inc.



Newmont Variation

June 2010

RUBY PIPELINE PROJECT

Newmont Variation

Bureau of Land Management

CA NV OR ID WY UT

Newmont Variation

Proposed Route

Township-Range

Section

Quarter-Quarter Section

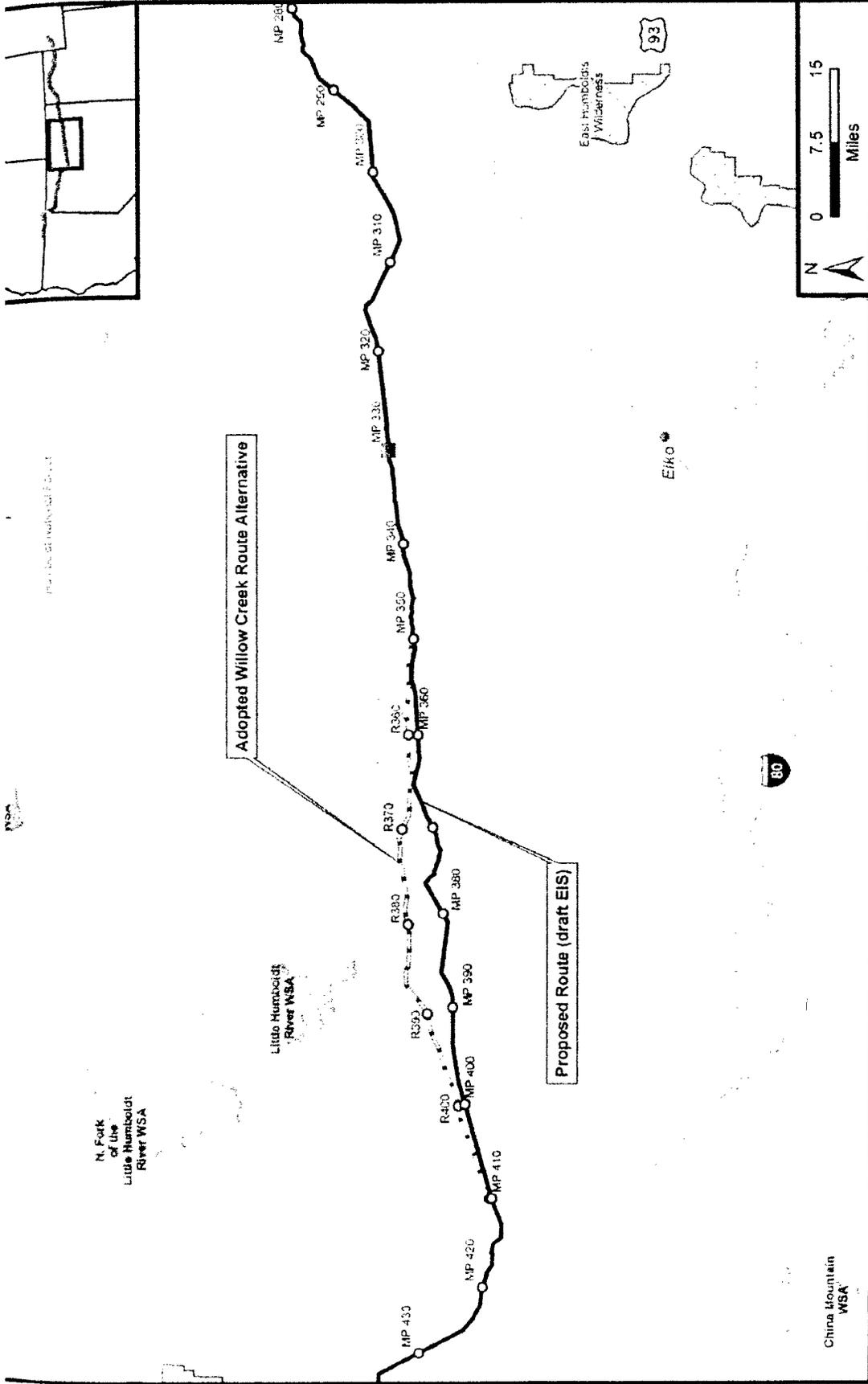


Figure 3.4.11-1
Adopted Willow Creek
Route Alternative
Ruby Pipeline Project

| LAND MANAGEMENT | |
|-----------------|---------------------------|
| | Bureau of Land Management |
| | FS Wilderness Area |
| | Bureau of Indian Affairs |
| | BLM Wilderness Study Area |
| | U.S. Forest Service |

| FACILITIES | |
|------------|--------------------------------|
| | Proposed Compressor |
| | Station Sites |
| | Mileposts |
| | Proposed Ruby Pipeline |
| | Willow Creek Route Alternative |

When compared to the proposed route, the AT&T East Route Alternative is collocated with 19.9 additional miles of former AT&T cable right-of-way, crosses two fewer perennial waterbodies, and affects 0.3 fewer mile of wetland habitat. Conversely, the route alternative is 1.2 miles longer than the proposed route, crosses more private land, affects more wetlands at the Marys River crossing, and could have a greater impact on irrigation systems associated with the Tabor Creek Ranch. Additionally, the benefits of collocation with the AT&T cable right-of-way would not be fully realized because the right-of-way has been abandoned for several years, is currently not maintained, and is on its way to reverting to its natural condition. In this case, we believe that the potential benefits of collocating with 28.6 miles of actively maintained overhead electric transmission line right-of-way outweigh the potential benefits of collocating with 48.5 miles of former underground cable right-of-way that is in the process of returning to its intrinsic ecological state. Thus, we conclude that the AT&T East Route Alternative would not convey a significant environmental advantage over the proposed pipeline route and we are not recommending it.

3.4.11 Willow Creek Route Alternative

We recommended in the draft EIS that Ruby incorporate the Willow Creek Route Alternative, as depicted in figure 3.4.11-1, into the final pipeline route. Ruby has subsequently adopted this alternative and, as such, it is now a part of Ruby's proposed project. The data and analysis presented in the rest of this final EIS reflect the inclusion of this route in Ruby's proposal. During the scoping process, the BLM requested consideration of a route that mainly follows an abandoned AT&T cable right-of-way and the Jungo-Tuscarora Road, west of where the AT&T East Route Alternative ends. The Willow Creek Route Alternative begins at approximate MP 349.2 and rejoins the proposed route at MP 410.6 (see figure 3.4.11-1). The total length of the Willow Creek Route Alternative is 61.4 miles. Table 3.4.11-1 provides a comparison of the pertinent environmental characteristics of the alternative and the corresponding segment of the original route.

| Environmental Factors | Willow Creek Route | Corresponding Segment of the Original Route |
|--|--------------------|---|
| Length (miles) | 61.4 | 61.4 |
| Parallel to Existing Rights-of-Way (miles within 500' of centerline) | 37.2 | 11.9 |
| Nonfederal Lands Crossed (miles) | 31.6 | 19.3 |
| Nonfederal Landowners Crossed (number) | 8 | 3 |
| Perennial Streams (number) | 7 | 4 |
| Wetland Habitat Crossed (miles) | 0.9 | 1.5 |
| Willow Creek Restoration Area Crossed (miles) | 0.9 | 0.0 |