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File Code: 1950-4
Date: May 28, 2010

Mr. Ron Wenker
State Director
Bureau of Land Management
Nevada State Office
P.O. Box 12000
Reno, NV 89520-0006

RE: Bureau of Land Management Case File Number 2880 OR-64807

Dear Mr. Wenker:

Staff members of the Fremont-Winema National Forests (Forest) have cooperated with the Nevada State Office of the Bureau of Land Management (BLM) in the environmental analysis and Plan of Development processes for the Ruby Pipeline Project. The 672.6-mile long, 42" diameter pipeline will carry natural gas from facilities in Opal, Wyoming to facilities in Malin, Oregon. The proposed route crosses portions (approximately 17 miles) of the Fremont-Winema National Forests in Lake and Klamath Counties, Oregon.

Pursuant to Title 43 Code of Federal Regulations Subparts 2881.11 and 2884.26, the BLM issues right-of-way grants when such rights-of-way cross federal lands under the jurisdiction of two or more federal agencies. However, BLM must have concurrence for their decision from other federal agencies with jurisdiction prior to making a decision to grant a right-of-way across federal lands administered by other federal agencies.

Rather than duplicate National Environmental Policy Act process by considering the potential impacts of the proposed action on National Forest lands in a separate environmental analysis, the Forest has participated with the Federal Energy Regulatory Commission's (FERC) Final Environmental Impact Statement (FEIS) number CP09-54-000 per Title 40 CFR Part 1506.3 as a cooperating agency. The Forest provided input for the impacts disclosed in the FEIS where the pipeline crossed the Forest. The FEIS included the analysis needed to amend the Fremont Forest Plan and the decision to amend the forest plan once the BLM issues the right-of-way grant and temporary use permit was made on May 14, 2010.

The following areas of the Fremont Forest Plan were amended specific to the Ruby Pipeline Project:

1. General Forest Plan Standard and Guideline for Soils Management, Forest Plan pages 80 to 81. Add item (5) under the Operational Considerations for Surface Soil Condition which says: During and immediately after construction of the Ruby Pipeline the soil conditions within the activity area (construction right-of-way) will be permitted to exceed the 20 percent standard and guideline for detrimental soil condition. The implementation of Ruby's Upland Erosion, Revegetation and Mitigation Plan would reduce erosion impacts and minimize impacts to soil productivity in the long term.

2. General Forest Standard and Guideline for Soils Management, Forest Plan pages 83 and 84. Add a statement under item 4, *Operational Considerations* "During installation of the Ruby Pipeline exposed mineral soil standards displayed in Table 21 will be exceeded; however with the extra mitigation proposed in Ruby's Upland Erosion, Revegetation and Mitigation Plan, these standards would be achieved once construction is completed."

3. Management Area 6 – Scenic Viewsheds: The pipeline crosses through a portion of Management Area 6 when it crosses Forest Road 3915; the area has a VQO of foreground retention and middleground partial retention. Item B will be added to Land Uses on Forest Plan page 154: B. The cleared corridor needed to install the Ruby Pipeline will not immediately meet VQO objectives of retention and partial retention. Mitigation measures, including vegetation management and restoration actions, will occur to move the construction corridor toward current visual quality objectives over an extended timeframe.

4. Management Area 14 – Old Growth habitat: The pipeline crosses through a stand of dedicated old growth. The best, closest, stands either meeting or soon to meet old growth standards will be designated as replacement.

5. Management Area 15 – Fish and Wildlife Habitat and Water Quality: standard and guideline for Seeps and Springs on page 204 of the Forest Plan. The pipeline is known to cross one seasonal seep and the pipeline construction is not consistent with the exception for "no equipment disturbance except for restoration or improvement". The following statement will be added for Seeps and Springs under management treatments: (d) Construction equipment necessary to install the Ruby Pipeline will be permitted in the area of seeps and springs. Implementation of Ruby's Upland Erosion, Revegetation and Mitigation Plan and special construction measures would minimize impacts. The crossing of seeps and springs is expected to be uncommon.

Forest staff also participated in reviewing and commenting on the proponent's Plan of Development, particularly in development and coordination of construction and reclamation across the National Forest lands.

Construction will occur within a temporary right-of-way across National Forest lands, with a permanent 50' right-of-way centered on the pipeline.

Environmental impacts have been properly disclosed for the construction and operation of the pipeline crossing the Fremont National Forest. I concur with the BLM's decision to issue a right-of-way grant for the Ruby Pipeline Project across portions of the Fremont-Winema National Forests.

Sincerely,

J. RICHARD NEWTON
Acting Forest Supervisor

cc: Allan Hahn
Catherine Callaghan