



United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181



REC'D - BLM - MSO

JUN 14 2010

9:00 A.M.

JUN 09 2010

IN REPLY REFER TO:
FWS/R1/NWRS

Mr. Ron Wenker
State Director, Nevada
Bureau of Land Management
P.O. Box 12000
Reno, Nevada 89502

Dear Mr. Wenker:

This letter is in reference to the Bureau of Land Management (BLM) Record of Decision (ROD) and issuing of a Right-of-Way (ROW) grant and stipulations for the Ruby Pipeline Project. Over the last three years, my staff has cooperated with the Federal Energy Regulatory Committee (FERC), BLM, and Ruby Pipeline Company in the environmental analysis and Plan of Development for the Ruby Pipeline Project. The 675-mile by 42-inch diameter pipeline will carry natural gas from facilities in Opal, Wyoming to Malin, Oregon for distribution to customers on the West Coast. The proposed pipeline will be located approximately 1 to 2 miles south of Sheldon National Wildlife Refuge (Sheldon NWR). Access through Sheldon NWR was requested to support the Ruby Pipeline Project.

Pursuant to 43 CFR2881.11 and Subpart 2884.26, BLM issues ROW grants when such ROW cross federal lands under the jurisdiction of two or more federal agencies. However, BLM must have concurrence from any other federal agencies with jurisdiction prior to making a decision to grant a ROW across federal lands administered by other federal agencies. Rather than duplicate National Environmental Policy Act processes and paperwork by considering the potential impacts of the Proposed Action on Fish & Wildlife Service (Service) lands (i.e., National Wildlife Refuges) in a separate environmental analysis, the Service participated in the preparation of the FERC Environmental Impact Statement as a cooperating agency.

Service staff has reviewed the ROD and ROW grant and stipulation as it pertains to the Ruby Pipeline proposed action adjacent to Sheldon NWR with conditioned access through the Refuge. I am satisfied the ROD addresses resource and social issues raised during the analysis and reflects resource management requirements of the National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. 668dd-668ee, as amended. I concur with BLM's decision to grant a ROW permit for the Ruby Pipeline Project, subject to the final determination, terms, and conditions for access through

Sheldon NWR in a Service Record of Decision and Special Use Permit. We expect the process will be completed in July 2010, well in advance of the construction period requested by Ruby Pipeline.

Please advise me if there are any proposed changes to the ROD or ROW grant affecting the Sheldon NWR. Thank you for your continued cooperation in this project.

If you have any question please contact Paul Steblein, Project Leader for the Sheldon-Hart Mountain National Wildlife Refuge Complex at 541-947-3315 or Paul_Steblein@fws.gov.

Sincerely,

Acting 
Regional Chief
National Wildlife Refuge System

cc.
Mark Mackiewicz, PMP
National Project Manager
Bureau of Land Management
125 South 600 West
Price, Utah 84501