

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
TEMPORARY USE PERMIT AMENDMENT 1  
SERIAL NUMBER NVN-084650

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1. A **Temporary Use Permit (TUP) Amendment** is hereby granted pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185 *et seq.*) and the Federal Land Policy and Management Act of 1976 (43 USC 1701 *et seq.*).

2. **Nature of Interest:**

a. By this instrument, the holder:

Ruby Pipeline, L.L.C.  
Attn: Land Manager  
Two North Nevada Avenue  
Colorado Springs, Colorado 80903

**Pipeline Extra Work Space on BLM Administered Lands**

Receives a right to construct a 42-inch-diameter natural gas pipeline on Federal lands managed by BLM in Humboldt County, Nevada.

This temporary work area varies from 65 feet wide in shallow sloping areas to 145 feet wide on steeper slopes and encompasses 3,984.80 acres more or less.

b. The term for each component of this permit is as follows:

Temporary work space-3 years with the right-of-renewal  
Access roads -1 year with the right-of renewal

c. This instrument shall terminate December 31, 2013, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may be renewed. If renewed, the TUP shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns,

until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

**3. Rental:**

For and in consideration of the rights granted, the holder agrees to pay the BLM, unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the AO, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

**4. Terms and Conditions:**

- a. The legal descriptions, stipulations, plans, maps, or designs set forth in Exhibits A through C (Ruby Winter Construction Plan, Extra Work Space and Temporary Access Roads by Agency); Exhibit D (Alignment sheets [17" by 11]); and Exhibit E, (Plan of Development, Ruby Pipeline LLC) are attached hereto, and incorporated into and made a part of this TUP amendment as fully and effectively as if they were set forth herein in their entirety. The holder is also subject to all requirements set forth by the Federal Energy Regulatory Commission (FERC) in their Order Issuing Certificate (Docket No. CP0-09-54-000) dated April 5, 2010, found in Exhibit F as well as the record of decision for the Ruby Pipeline Project dated, July 12, 2010.
- b. This TUP amendment is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations, parts 2800 and 2880.
- c. Failure of the holder to comply with applicable law or any provision of this TUP amendment shall constitute grounds for suspension or termination thereof.
- d. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public. Ninety (90) days prior to termination of the TUP amendment, the holder shall contact the AO to arrange a joint inspection of the TUP. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures or surface material, recontouring, topsoiling, or seeding. The AO must approve the plan in writing prior to the holder's commencement of any termination activities.

**5. Notice to Proceed:**

This Temporary Use Permit amendment does not authorize Ruby Pipeline, L.L.C., to commence construction of any project facilities for the Ruby Pipeline Project or proceed with other ground-disturbing activities in connection with the Ruby Pipeline Project on Federal lands. Ruby Pipeline, L.L.C., shall not commence construction of project facilities or proceed with any ground-disturbing activities related to the Ruby Pipeline Project on Federal lands until Ruby Pipeline, L.L.C.: (1) in accordance with 43 C.F.R. § 2807.10, receives a written notice to proceed from the BLM's Authorized Officer authorizing Ruby Pipeline, L.L.C., to commence

construction of project facilities or proceed with other ground-disturbing activities in connection with the Ruby Pipeline Project, and (2) complies with all pre-construction requirements included in FERC's April 5, 2010 order certifying the Ruby Pipeline Project, 13 FERC ¶ 61.007, including written confirmation from FERC's Director, Office of Energy Projects, that Ruby Pipeline, L.L.C., has complied with Condition 44 of Appendix A to FERC's April 5, 2010 order certifying the Ruby Pipeline Project, 13 FERC ¶ 61.007.

IN WITNESS WHEREOF, the undersigned agrees to the terms, and conditions of this TUP Amendment.

*Ron Wenker*

Ron Wenker, Authorized Officer and  
Director  
Bureau of Land Management  
Nevada State Office

*William H. Healy Jr.*

Name, Title *William H. Healy Jr.*  
*Vice President*  
Ruby Pipeline, L.L.C. (Holder)

*December 10, 2010*

Signature Date

*Dec. 8, 2010*

Signature Date

**DEC 10 2010**

Effective Date of Amended TUP:

**EXHIBITS**

- EXHIBIT A: Ruby Pipeline Winter Construction Plan
- EXHIBIT B: Pipeline Extra Work Space, BLM Administered Lands
- EXHIBIT C: Access Roads, BLM Administered Lands
- EXHIBIT D: Alignment Sheets (17" by 11")
- EXHIBIT E: Plan of Development, Ruby Pipeline LLC
- EXHIBIT F: FERC Order Issuing Certificate (Docket No. CP0-09-54-000) dated April 5, 2010