

Determination of NEPA Adequacy

DOI-BLM-NV-W030-2011-0001-DNA

Ruby Pipeline Summit Lake [REDACTED] Route Variation

Winnemucca District Office/Nevada

November 2010

Prepared by:

U.S. Bureau of Land Management
Winnemucca District Office
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It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

DOI-BLM-NV-W030-2011-0001-DNA

Worksheet
Documentation of Land Use Plan Conformance
and
Determination of NEPA Adequacy

U.S. Department of the Interior
Bureau of Land Management

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: Winnemucca District Office

TRACKING NUMBER: FERC/EIS-0232F; DOI-BLM-NV-W030-2011-0001-DNA

CASEFILE/PROJECT NUMBER: 2880 NVN-084650

PROPOSED ACTION TITLE/TYPE: Ruby Pipeline Project/Natural Gas Pipeline Route

Variation

APPLICANT (if any): Ruby Pipeline L.L.C.

LOCATION/LEGAL DESCRIPTION: BLM Permanent ROW

Table 1 BLM Permanent ROW – Summit Lake Re-route								
		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>		<u>Approx. MP</u>	<u>Quad Sheet</u>
T. 42 N., R. 26 E., Mount Diablo Meridian								
sec. 9	Lot 2	375	50	0.4304	Summit Lake	Reroute	R520	90
sec. 9	SE/4NE/4	1375	50	1.5783	Summit Lake	Reroute	R520	90
sec. 9	SW/4NE/4	1375	50	1.5783	Summit Lake	Reroute	R520	90
sec. 9	NE/4NW/4	1532	50	1.7585	Summit Lake	Reroute	R520	90
sec. 9	NW/4NW/4	938	50	1.0767	Summit Lake	Reroute	R521	90
sec. 4	Lot 6	564	50	0.6474	Summit Lake	Reroute	R521	90
sec. 5	Lot 1	1500	50	1.7218	Summit Lake	Reroute	R521	90
sec. 5	Lot 2	438	50	0.5028	Summit Lake	Reroute	R521	90

sec. 5	Lot 3	1313	50	1.5071	Summit Lake	Reroute	R521	90
sec. 5	Lot 4	1250	50	1.4348	Summit Lake	Reroute	R521	90
sec. 5	Lot 5	938	50	1.0767	Summit Lake	Reroute	R521	90
sec. 5	Lot 6	438	50	0.5028	Summit Lake	Reroute	R521	90
sec.6	Lot 7	1438	50	1.6506	Summit Lake	Reroute	R522	90
sec. 6	NE/4SE/4	1375	50	1.5783	Summit Lake	Reroute	R521	90
sec. 6	NW/4SE/4	1438	50	1.6506	Summit Lake	Reroute	R522	90
sec. 6	NE/4SW/4	250	50	0.2870	Summit Lake	Reroute	R522	90
sec.6	SE/4SW/4	1250	50	1.4348	Summit Lake	Reroute	R522	90
<u>T. 42 N., R. 25 E., Mount Diablo Meridian</u>								
sec.1	SE/4SE/4	250	50	0.2870	Summit Lake	Reroute	R523	90
sec.12	NE/4NE/4	1375	50	1.5783	Summit Lake	Reroute	R523	90
sec.12	NW/4NE/4	1563	50	1.7941	Summit Lake	Reroute	R523	90
sec.12	NE/4NW/4	94	50	0.1079	Summit Lake	Reroute	R523	90
sec.12	SE/4NW/4	1500	50	1.7218	Summit Lake	Reroute	R523	90
sec.12	SW/4NW/4	500	50	0.5739	Summit Lake	Reroute	R523	90

LOCATION/LEGAL DESCRIPTION: BLM Temporary Workspace

Table 2 BLM Temporary Workspace – Summit Lake Re-route							
		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
<u>T. 42 N., R. 26 E., Mount Diablo Meridian</u>							
sec. 9	Lot 2	375	65	0.5596		R520	90
sec. 9	SE/4NE/4	1375	65	2.0518		R520	90
sec. 9	SW/4NE/4	330	145	1.0985		R520	90
sec. 9	SW/4NE/4	1375	65	2.0518		R520	90
sec. 9	SW/4NE/4		Total	3.1503	Temporary Workspace	R520	90
sec. 9	NE/4NW/4	1532	65	2.2860		R520	90
sec. 9	NW/4NW/4	938	65	1.3997		R520	90
sec. 4	Lot 6	564	65	0.8416		R520	90
sec. 5	Lot 1	1125	65	1.6787		R521	90
sec. 5	Lot 1	375	145	1.2483		R521	90
sec. 5	Lot 1		Total	2.9270	Temporary Workspace	R521	90
sec. 5	Lot 2	438	145	1.4580		R521	90
sec. 5	Lot 3	1313	145	4.3706		R521	90
sec. 5	Lot 4	1250	145	4.1609		R521	90
sec. 5	Lot 5	938	145	3.1224		R521	90
sec. 5	Lot 6	438	145	1.4580		R521	90

sec. 6	Lot 7	1438	145	4.7867		R522	90
sec. 6	NE/4SE/4	1375	145	4.5770		R521	90
sec. 6	NW/4SE/4	1438	145	4.7867		R522	90
sec. 6	NE/4SW/4	250	145	0.8322		R522	90
sec. 6	SE/4SW/4	1250	145	4.1609		R522	90
T. 42 N., R. 25 E., Mount Diablo Meridian							
sec. 1	SE/4SE/4	250	145	0.8322		R523	90
sec. 12	NE/4NE/4	1375	145	4.5770		R523	90
sec. 12	NW/4NE/4	1000	145	3.3287		R523	90
sec. 12	NW/4NE/4	563	65	0.8401		R523	90
sec. 12	NW/4NE/4		Total	4.1688	Temporary Workspace	R523	90
sec. 12	NE/4NW/4	94	65	0.1403		R523	90
sec. 12	SE/4NW/4	1500	65	2.2383		R523	90
sec. 12	SW/4NW/4	500	65	0.7461		R523	90

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

Background

Ruby Pipeline’s, LLC (Ruby), Ruby Pipeline Project (Project), 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 includes an approximate 2.6-mile lateral, known as the PG&E Lateral, to be constructed in Klamath County, Oregon. The Project has a design capacity of approximately 1.5 million Dekatherms per day, depending on final subscriptions. The Project’s rights-of-way (ROWs) cross four states: Wyoming, Utah, Nevada, and Oregon. In addition to the existing King Compressor Station at Opal, Wyoming, Ruby will 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 original Proposed Route for the pipeline was analyzed in the Ruby Pipeline Project Final Environmental Impact Statement (EIS) published in January 2010. Section 4.10 of the Final EIS provides for ongoing Section 106 consultation with the tribes. [REDACTED]

[REDACTED] The BLM has worked with Ruby to examine reroutes to avoid direct impacts to the property.

Proposed Action

The Route Variation is 4.18 miles long, spanning the mainline route from original milepost 519.8 to milepost 523.5 [REDACTED]. The Route Variation is designed to avoid direct impacts [REDACTED]. Refer to Tables 1 and 2 for the legal description of the Route Variation.

B. Land Use Plan (LUP) Conformance

LUP Name	Date Approved
Sonoma-Gerlach Management Framework Plan	1982

The Proposed Route, as analyzed in the Final EIS and approved in the BLM's Record of Decision (ROD), is in conformance with the Sonoma Gerlach MFP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions): It is the intent of the plan "to provide lands for rights-of-way on or across public lands." The Proposed Route fell within this intent and required no land use plan amendments. The proposed Route Variation will entail the same use as the Proposed Route and is therefore also in conformance with the Sonoma-Gerlach MFP.

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

Ruby Pipeline Project Final Environmental Impact Statement (January 2010, FERC/EIS-0232F), CP09-54-000, Record of Decision (ROD), July 12, 2010

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?

X Yes

No

Documentation of answer and explanation:

The new Route Variation is in close geographical proximity to the original Proposed Route and contains similar resource conditions to the Proposed Route analyzed in the Final EIS. The legal descriptions for the proposed Route Variation are noted above.

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

Documentation of answer and explanation:

The Route Variation is similar to the Proposed Route in the Final EIS and within the range of alternatives of the Final EIS. Impacts to resources are similar. This Route Variation is an adjustment of the Ruby Pipeline Route based on additional consultation with [REDACTED] and field survey data. The route change accomplishes [REDACTED]

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

No

Documentation of answer and explanation:

An interdisciplinary team conducted a review for any new information, studies, and analysis that would materially differ from earlier analysis in the Ruby Pipeline Project Final EIS. Resource data were compiled for a 300 foot survey corridor for the proposed route change and the existing route identified in the FEIS.

The Route Variation was also resurveyed for cultural resources following the release of the FEIS. Ruby worked with the BLM and [REDACTED] to design route variations to avoid or minimize impacts [REDACTED].

The Route Variation avoids direct impacts to [REDACTED]. Indirect impacts in the form of short term visual effects would likely persist through construction and the initial phases of landscape rehabilitation. This type of indirect impact is similar to that analyzed in the EIS. The Route Variation avoids cumulative impact to [REDACTED]. As per the terms of the MOA (H.3), Ruby would

continue to collect data to ascertain indirect effects to cultural resources outside of the direct area of potential effect.

Consultation with the Summit Lake Tribe identified concerns over: 1) the affects of blasting in the general area; and 2) the stability of [REDACTED].

In order to address [REDACTED] concerns, the following mitigations have been developed:

Recommended Mitigation

Should blasting be required in the excavation of the trench, Ruby Pipeline LLC would submit the blasting plan to the WDO BLM for approval by the District Manager. This plan would be submitted at least *two business days* before its intended implementation.

Since [REDACTED] is not located on BLM managed land but rather on [REDACTED] the BLM recommends that Ruby Pipeline LLC or its agents implement a water testing plan as described in the attached, "*Water Monitoring Plan Development Guidelines for [REDACTED]*". The testing plan can only be implemented if [REDACTED] agrees to letting Ruby Pipeline, LLC or its agents conduct the testing.

Ruby's archaeological contractor, Far Western Anthropological Research Group (FWARG) has surveyed the Route Variation [REDACTED]

[REDACTED] In accordance with Memoranda of Agreement (MOA) and the Historic Properties Treatment Plan (HPTP) established for the Nevada segment of the Project (FWARG 2010) the [REDACTED] are all considered eligible for listing in the NRHP, and would be subjected to a program of phased evaluation and, if necessary, archaeological testing and data recovery. As per terms of the MOA (H.3), Ruby would continue to collect data to ascertain indirect effects to cultural resources outside of the direct area of potential effect. BLM and FERC would continue to review the information generated by further evaluation of the sites in accordance with the terms of the HPTP and MOA, and would consult with tribes on the results of further analysis pursuant to 36 CFR §800, the regulations implementing Section 106 of the National Historic Preservation Act.

According to the Summit Lake [REDACTED] Re-Route Attachment A Comparison of Resources Affected (H.2), the Route Variation would affect approximately 14.8 more acres of Greater Sage-Grouse winter habitat than the original route. The measures agreed upon by Ruby, FERC and the BLM in the Cooperative Conservation Agreement for the Greater Sage-Grouse and Pygmy Rabbit provide adequate mitigation for this additional acreage.

A field inventory of the Route Variation was conducted for wetlands/riparian areas. This field inventory resulted in the identification of no wetland or riparian areas within the 300' wide assessment area.

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

Documentation of answer and explanation:

The Route Variation avoids direct impacts [REDACTED]. Indirect impacts in the form of short term visual effects would likely persist through construction and the initial phases of landscape rehabilitation. This type of indirect impact is similar to that analyzed in the EIS. The Route Variation avoids cumulative impact [REDACTED]. As per the terms of the MOA (H.3), Ruby would continue to collect data to ascertain indirect effects to cultural resources outside of the direct area of potential effect.

Ruby's archaeological contractor, Far Western Anthropological Research Group (FWARG) has surveyed the Route Variation [REDACTED]

[REDACTED] In accordance with Memoranda of Agreement (MOA) and the Historic Properties Treatment Plan (HPTP) established for the Nevada segment of the Project (FWARG 2010) the [REDACTED] are all considered eligible for listing in the NRHP, and would be subjected to a program of phased evaluation and, if necessary, archaeological testing and data recovery. As per terms of the MOA (H.3), Ruby would continue to collect data to ascertain indirect effects to cultural resources outside of the direct area of potential effect. BLM and FERC would continue to review the information generated by further evaluation of the sites in accordance with the terms of the HPTP and MOA, and would consult with tribes on the results of further analysis pursuant to 36 CFR §800, the regulations implementing Section 106 of the National Historic Preservation Act.

According to the Summit Lake [REDACTED] Re-Route Attachment A Comparison of Resources Affected (H.2), the Route Variation would affect approximately 14.8 more acres of Greater Sage-Grouse winter habitat than the original route. The measures agreed upon by Ruby, FERC and the BLM in the Cooperative Conservation Agreement for the Greater Sage-Grouse and Pygmy Rabbit provide adequate mitigation for this additional acreage.

A field inventory of the Route Variation was conducted for wetlands/riparian areas. This field inventory resulted in the identification of no wetland or riparian areas within the 300' wide assessment area.

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

X Yes

 No

Documentation of answer and explanation:

The Project Final EIS was distributed to all interested members of the public and government agencies for review. Review of outstanding reports and surveys by interagency staff is ongoing. Ongoing Section 106 consultation is continuing as stated in the Ruby Pipeline Project Final EIS and a Certificate Condition is noted in the Final EIS, section 4.10.

E. Persons/Agencies/BLM Staff Consulted: (See Attached)

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
<i>Samuel Lodi Potts</i>	<i>Archaeologist</i>	<i>Archaeology 10/04/2010</i>
<i>Mark S. Hall</i>	<i>Archaeologist/Native American Coord.</i>	<i>Native American Consult. 11/1/2010</i>
<i>Mark J. Hall</i>	<i>So. I Scientist</i>	<i>So. Is / Veg / Riparian</i>
<i>R. J. Pearson</i>	<i>Range Mgt. Specialist</i>	<i>Rangeland Resources</i>
<i>Gene Seidert</i>	<i>DISTRICT MANAGER</i>	<i>FOR B10106 7 (See Attached)</i>
<i>Gene Seidert</i>	<i>DISTRICT MANAGER</i>	

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

CONCLUSION (If you found that one or more of these criteria is not met, then you cannot conclude that the NEPA documentation fully covers the proposed action).

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.

Samuel Zodi Potts 11/05/2010
Signature of Project Lead

[Signature] 11/5/10
Signature of NEPA Coordinator

Signature of the Responsible Official

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:

- H.1. Map of the Summit Lake [redacted] Route Alternative
- H.2. Summit Lake [redacted] Reroute Attachment A. Comparison of Resources Affected, Ruby Pipeline
- H.3. Nevada MOA

REFERENCES CITED:

Historic Properties Treatment Plan for Nevada, FWARG (2010).

Record of Decision for the Ruby Pipeline Project. Bureau of Land Management (July 12, 2010).

Ruby Pipeline Cultural Resources Area of Potential Effects (APE) Adjustment Report: Number 2. Elko, Humboldt, and Washoe Counties, Nevada. Hildebrandt, McGuire, and King (August 20, 2010).

Ruby Pipeline Project Final Environmental Impact Statement (January 2010, FERC/EIS-0232F).

Ruby Project Cooperative Conservation Agreement for the Greater Sage-Grouse and Pygmy Rabbit, BLM, Wyoming Game and Fish Commission, Utah Division of Wildlife Resources, Nevada Department of Wildlife, and Ruby Pipeline, LLC (June 2010).

Seidlitz (BLM) to Boros (FERC), 9 September 2010.

 You replied on 11/5/2010 10:10 AM.

Feinberg, Peter

From: JEFFRESS [jeffress@sbcglobal.net]

Sent: Fri 11/5/2010 10:07 AM

To: Feinberg, Peter; Paul Roush

Cc: Samuel Landis Potter

Subject: Re: Summit Lake DNA

Attachments:

Peter,

I discussed the wildlife concerns and issues Celeste Mimnaugh last week in preparation for these documents. Aside from that, I see no problems or biological concerns as they relate to this reroute.

Jim

From: "Feinberg, Peter" <PFeinberg@ene.com>

To: Paul Roush <paulroush@rocketmail.com>; Jim Jeffress <jeffress@sbcglobal.net>

Cc: Samuel Landis Potter <samuel_potter@blm.gov>

Sent: Thu, November 4, 2010 1:59:57 PM

Subject: Summit Lake DNA

Hi Jim/Paul,

I have attached the Summit Lake  Reroute currently circulating for final approval and comment. Please review at your earliest convenience.

Thank You,

Peter Feinberg, *PWS*

Ecology and Environment, Inc.

125 Wolf Road, Suite 301, Albany, NY 12205

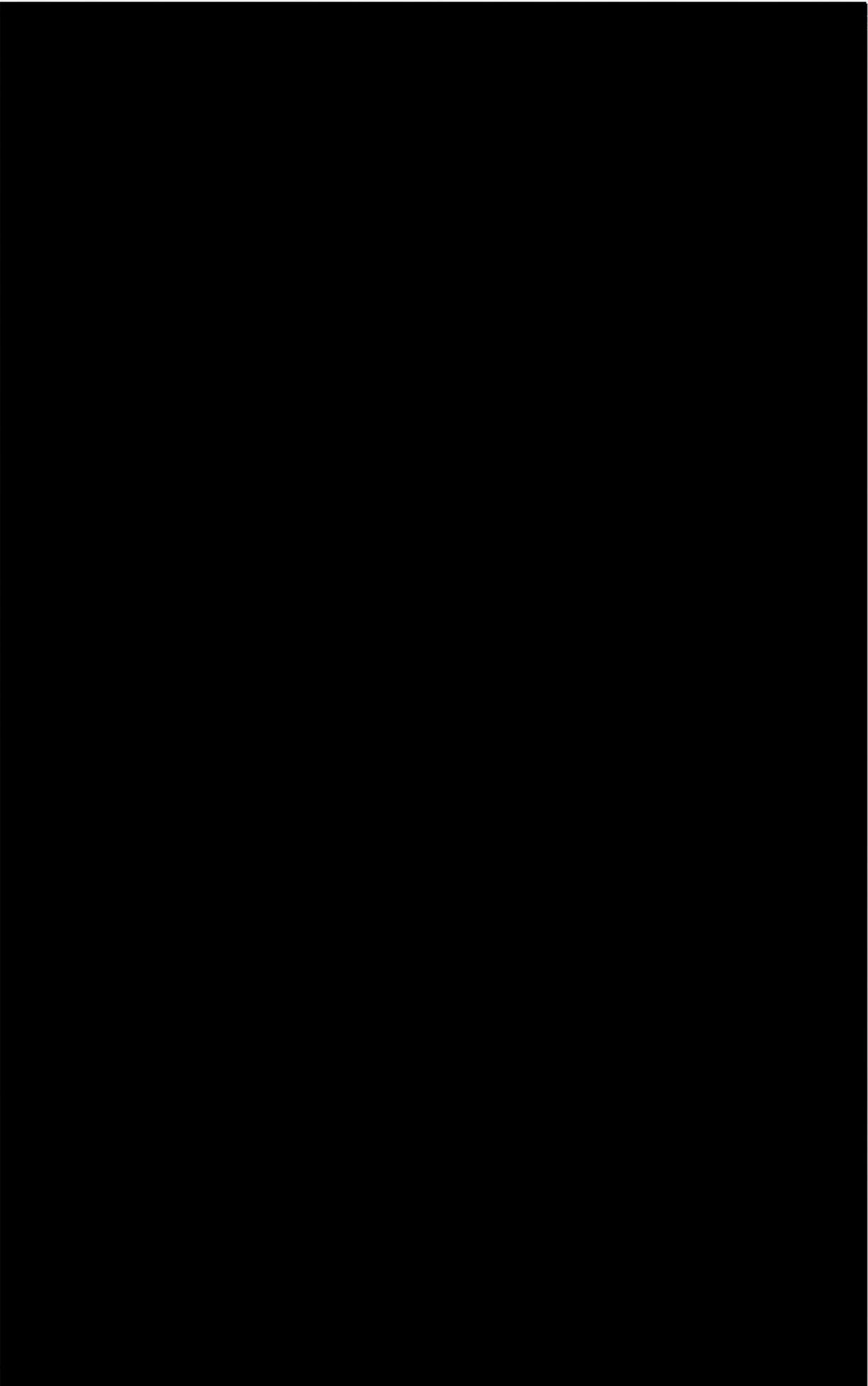
Phone: 518.459.1980 Ext: 1504

Fax: 518.459.1980

Mobile: 518.521.7987

PFeinberg@ene.com | www.ene.com

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- Mile Post
-  Summit Lake Reroute
-  Centerline (April 21, 2010)
-  Access Road
-  Project Footprint
-  Township-Range
-  Section
-  Quarter-Quarter Section
-  BLM Land
- Survey Corridor (Analysis Area)
-  Features Present in Survey Corridor
-  Sagebrush Steppe Habitat
-  Evidence of Greater Sage-grouse
-  Mule Deer (Yearlong movement and migration/crucial winter habitat)
-  Noxious Weed Area

Summit Lake Reroute

