



United States Department of the Interior



FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
NWRS/NCR

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

DEC 07 2010

Dear Mr. Wenker:

This letter is in reference to the Bureau of Land Management's (BLM) proposed Decision to amend the Right-of-Way grant (ROW) and stipulations for BLM's Record of Decision (ROD) for the Ruby Pipeline Project

The ROD of the BLM for a ROW grant and Temporary Use Permits (TUPs) for the Ruby Pipeline Project was issued on July 12, 2010. The BLM, Bureau of Reclamation (Reclamation), U.S. Department of Agriculture Forest Service (USFS), U.S. Fish and Wildlife Service (Service), Natural Resources Conservation Service, the United States Army Corps of Engineers, the State of Utah Public Lands Policy Coordination Office, and the Board of County Commissioners in Lincoln County, Wyoming served as Cooperating Agencies in the preparation of the Ruby Pipeline Project Final Environmental Impact Statement (EIS) pursuant to Section 204 of National Environmental Policy Act (NEPA). The BLM, USFS, and the Service have adopted the Final EIS per Title 40 CFR Part 1506.3, and the BLM prepared the ROD based on information contained in the Final EIS for project-related actions affecting BLM, Reclamation, USFS, and USFWS lands.

Construction on the Ruby Pipeline Project began in late July 2010, with completion scheduled for March 2011. Based on the current schedule, most construction activities in Wyoming and Utah are anticipated to be completed by late January 2011. Construction activities in Nevada and Oregon are not expected to be complete until the first quarter of 2011.

As a result of the changes in schedule, and in accordance with Title 43 CFR Part 2800, Ruby has provided the BLM with the Final Winter Construction Plan for inclusion in Ruby's final Plan of Development. The Winter Construction Plan details how the pipeline and associated facilities will be constructed in compliance with ROW/TUP terms, conditions, and stipulations during winter weather conditions. The purpose of the Winter Construction Plan is:

- To provide guidelines for addressing the special considerations and concerns associated with construction and reclamation efforts conducted during winter conditions;
- To describe the ROW stabilization, road maintenance and repairs, and temporary erosion control measures Ruby will implement before final cleanup and reclamation activities are completed in spring or early summer 2011;

- To describe the monitoring program that Ruby will implement during the winter months to ensure that erosion control measures remain functional and effective until final reclamation activities are complete.

Specifically, the BLM, with concurrence from the Service, is proposing to approve Ruby's Final Winter Construction Plan for inclusion in Ruby's final Plan of Development and be made part of the Amended Right-of-Way and Temporary Use Permit.

I concur with the BLM's proposal to include Ruby's Final Winter Construction Plan in Ruby's Final Plan of Development and be made part of the Amended Right-of-Way and Temporary Use Permit.

Please advise me if there are any additional proposed changes to the ROD or ROW grant which may affect the Sheldon National Wildlife Refuge. Thank you for your continued cooperation in this project.

If you have any question please contact Damien Miller by phone at 541-947-3315 or by e-mail at damien_miller@fws.gov.

Sincerely,



Regional Chief,
National Wildlife Refuge System

cc.

Mark Mackiewicz, PMP

