



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Nevada State Office
1340 Financial Boulevard
Reno, Nevada 89502-7147
<http://www.blm.gov/nv>

In Reply Refer To:
8160 (NV933) P

Dear Reader:

Enclosed for your review is the Record of Decision (ROD) and Final Supplemental Environmental Statement (Final SEIS) for the Ruby Pipeline Project. As allowed by 40 Code of Federal Regulations (CFR) Part 506.10(b), the Bureau of Land Management (BLM) is announcing its decision and publishing the ROD concurrently with the Final SEIS. These documents have been developed by the BLM in accordance with the National Environmental Policy Act of 1969 (NEPA). The U.S. Environmental Protection Agency will publish the Notice of Availability (NOA) of the *Record of Decision and Final Supplemental Environmental Impact Statement for the Ruby Pipeline Project* in the Federal Register.

The ROD and Final SEIS may also be viewed at the BLM Ruby website: http://www.blm.gov/nv/st/en/info/nepa/ruby_pipeline_project.html. Hard copies will also be available for public viewing at other locations, see the BLM Ruby Project website (address above) for a list of these locations.

Project Background

Ruby Pipeline Project is a 678-mile long, 42-inch diameter interstate natural gas pipeline that crosses 368 miles of Federal land beginning near Opal, Wyoming, through northern Utah and northern Nevada, and terminates near Malin, Oregon.

The Ruby Project was approved by the Federal Energy Regulatory Commission April 5, 2010; the Right-of-Way (ROW) Grant and Plan of Development (POD) were approved by a ROD issued by the BLM on July 12, 2010. The BLM Nevada State Director, as the designated Federal official, signed the ROD and authorized the ROW for the construction, operation, maintenance, and termination of the pipeline and associated facilities across lands under the jurisdiction of the BLM, the U.S. Forest Service, the Bureau of Reclamation, and the U.S. Fish and Wildlife Service (FWS) in the four states. The pipeline went into service on July 28, 2011.

The Center for Biological Diversity, Defenders of Wildlife, and Summit Lake Paiute Tribe, among other entities, filed petitions for review of the US Fish and Wildlife Service's (FWS) 2010 Biological Opinion (BiOp) and the BLM's ROD in the Ninth Circuit Court of Appeals case nos. 10-72356, 10-72552, 10-72762, 10-72768, and 10-72775 (consolidated). In October 2012, the court denied most of the petitioners' claims, including all claims brought under the National Historic Preservation Act, Federal Land Policy and Management Act, and Clean Water Act, but found the 2010 BiOp and BLM ROD to be inadequate.

In a published opinion, the court remanded and vacated the 2010 BiOp to the FWS. The court remanded and vacated the BLM's ROD because it relied on the 2010 BiOp. In an unpublished opinion, the court found that the Final EIS for the Project did not provide sufficient quantified or detailed data about the cumulative loss of sagebrush steppe vegetation and habitat and did not provide information on how much acreage sagebrush steppe used to occupy, or what percentage has been destroyed. Thus, the court remanded the ROD to the BLM for further analysis of cumulative impacts to sage brush steppe vegetation and habitat. The court subsequently stayed vacature of the 2010 BiOp until the FWS issued the Revised BiOp and stayed vacature of the BLM's ROD until the BLM issues a new ROD.

In the Final SEIS, the BLM addresses the court's direction to provide quantified and detailed about the cumulative loss of sagebrush steppe vegetation and habitat and information on how much acreage sagebrush steppe use to occupy, and what percentage has been destroyed. It also includes detailed information on past, present, and reasonably foreseeable actions within the cumulative impact area, as defined in the Final EIS for the Project, which have resulted in and may continue to cause significant impacts.

The ROD is based on the analyses contained in the Final EIS and the Final SEIS for the Project. It also relies on the FWS's revision to the 2010 BiOp. The Revised BiOp was published on July 5, 2013.

The BLM's decision is to reissue the July 12, 2010 right-of-way, as previously amended, for the Project. The BLM will not require additional post-construction mitigation or changes to the right-of-way grant. All elements of the July 12, 2010 ROD and subsequent BLM decisions (see above) remain in full force and effect, including all stipulations, monitoring, and mitigation measures.

As explained in the ROD, the ROD can be appealed to the Interior Board of Land Appeals (or to an appropriate United States Court of Appeals), so the BLM is releasing the Final SEIS and ROD on the same date. Review of the Final SEIS and the opportunity to seek review of the ROD run concurrently.

If you have any questions, please contact Mark A. Mackiewicz, PMP, Senior National Project Manager at (435) 636-3616, Bureau of Land Management Price Field Office, 125 South 600 West, Price, Utah 84501.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Mackiewicz', with a large, stylized flourish at the end.

Mark A. Mackiewicz, PMP
Senior National Project Manager