

Determination of NEPA Adequacy

DOI-BLM-NV-W010-2014-0008-DNA

Ruby Pipeline Cathodic Protection System Installation and Maintenance

March 4, 2014

Prepared by:

Bureau of Land Management
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Worksheet

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

U.S. Department of the Interior
Nevada Bureau of Land Management
Winnemucca District Office

The signed CONCLUSION at the end of this worksheet for a Determination of NEPA Adequacy (DNA) is part of an interim step in the Bureau of Land Management's (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. The pipeline route traverses lands managed by BLM's, Winnemucca District. The BLM is the federal agency responsible for issuing right-of-way grants for natural gas pipelines across federal lands for the Ruby Pipeline Project. As such, BLM will oversee this process in compliance with the National Environmental Policy Act (NEPA) and will have the lead in providing input and direction for activities associated with construction and restoration.

OFFICE: Winnemucca District Office, Humboldt River Field Office

TRACKING NUMBER: FERC/EIS-0232F

CASE FILE/PROJECT NUMBERS: 2880 NVN-084650

PROPOSED ACTION TITLE/TYPE: Ruby Pipeline Cathodic Protection System (CPS) Installation

APPLICANT: Colorado Interstate Gas Company, L.L.C.

LOCATION/LEGAL DESCRIPTION:

The drill hole is in T40N, R38E, Sec.33, E ½ of the NW ¼
The access road is in T40N, R38E, Sec. 33, S ½

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

The 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's rights-of-way (ROWs) cross four states: Wyoming, Utah, Nevada, and Oregon.

The original Proposed Route for the pipeline was analyzed in the Ruby Pipeline Project Final Environmental Impact Statement (FEIS) published in January 2010. As part of its ROW grant application, Ruby submitted a "detailed construction, operation, rehabilitation, and

environmental protection plan,” also known as a Plan of Development (POD) to BLM for the Ruby Pipeline Project, 43 CFR §2804.25(b). Ruby’s POD describes how it will comply with the applicable laws, regulations, and BLM Resource Management Plans (RMPs) in the construction and operation of the Project. The POD also describes additional environmental protection measures that Ruby will implement on the public and private lands crossed by the Project. The Project POD, incorporated by reference herein, also identifies avoidance, minimization, and conservation measures to address potential impacts to resources.

A Final Supplemental Environmental Impact Statement (FSEIS) was issued in November 2013. This court ordered document focused solely on the cumulative effects to the sagebrush steppe habitat. The ROW grant was re-issued with the original terms and conditions and the POD as revised in 2012.

Colorado Interstate Gas Company L.L.C. (CGIC) submitted an application to extend the Ruby Pipeline ROW. The project consists of installation of a Cathodic Protection System (CPS) within the existing authorized Ruby Pipeline ROW in Humboldt County. The project will involve drilling a 10 in. diameter hole 250 feet deep. Anodes with wires attached would be placed in the hole which would then be backfilled. The wires would be connected to a 4-6 foot high cylinder style test station. The test station would be powered by propane stored in a 300 gallon propane tank. The tank and test station would be set on a concrete pad and fenced with a chain link fence (approximately 20 feet x 10 feet). All facilities and construction would be within the existing 50 foot easement. An existing access road, measuring 2,850 feet long and 10 feet wide, would be used for construction and maintenance of the facility. The access road would not require improvement for either construction or maintenance of the facility.

Once a cathodic protection system facility is constructed, there would be no ongoing access beyond that already contemplated and discussed in the FEIS and other permit documents. This would involve occasional entry to inspect the test station and refill the propane tank. Access during winter months would not be required as the size of the propane tank is sufficient to power the system for several months.

Mitigating Measures

All applicable mitigating measures developed in conjunction with the Ruby Pipeline FEIS and Record of Decision would be applied to construction and operation, including limited operating periods for protection of wildlife, and handling of soils and restoration of vegetation on the cathodic protection site and along the access road.

For mitigation of fire danger a minimum ten foot clearance of flammable materials and vegetation must be maintained around the installed propane tank at all times.

B. Land Use Plan (LUP) Conformance

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Paradise-Denio Management Framework Plan	1982 as Amended 1999
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Paradise-Denio: The Paradise-Denio MFP is silent on ROWs for natural gas pipelines. Management Object L 5.0 does allow for the designation of utility corridors for transmission lines. In accordance with FLPMA Section 501(1), the BLM is authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands.

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 (FEIS), January 2010 (FERC/EIS-0232F)

Ruby Pipeline Final Supplemental Environmental Impact Statement (FSEIS), November 2013 (DOI-BLM-NV-0000-2013-0001-EIS)

D. NEPA Adequacy Criteria

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?

Yes
 No

Although the cathodic protection system is not specifically described in the Ruby Pipeline FEIS, there are numerous citations that indicate that access roads and Main Line Valves (MLVs) with cathodic protection, and ongoing monitoring of those facilities are included in the proposed action and alternatives analyzed.

Page 2-4, Table 2.1.2-1 lists MLV locations along the entire route of the pipeline and Page 2-27 states that “All underground piping would be coated and equipped with cathodic protection to prevent corrosion”. This is repeated on Page 4-41, “Ruby would use externally coated pipe and install cathodic protection where necessary to guard against corrosion. Additionally, Page 2-31 relates that the “pipeline cathodic protection system also would be monitored and inspected by

pipeline personnel periodically to ensure proper and adequate corrosion protection.” Page 2-32, says that “Ruby would also inspect MLVs annually and document the inspection results.”

There is reference to the use of permanent access as part of normal maintenance and operations... Page 4-142 states that, “Access roads would be used extensively during pipeline construction and restoration activities and occasionally during operation to conduct monitoring and maintenance of pipeline facilities.”

The Ruby Pipeline Project FEIS has a variance process that provide for minor changes. Page 2-3 notes that Ruby could request route realignments or additional construction workspace needs identified during construction under the post-approval variance process (see section 2.5.3). Minor route realignments and other workspace refinements often continue past the project planning phase and into the construction phase. As a result, the project location and areas of disturbance described in this EIS may require refinement after project approval. These changes frequently involve minor route realignments, shifting or adding new temporary extra workspaces or staging areas, or adding additional access roads.

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 FEIS does not array alternatives based on MLVs or cathodic protection. The alternatives addressed in the FEIS are route alternatives. The MLVs and cathodic protection are features of all alternatives with the exception of the No Action Alternative. Section 102(E) of NEPA directs that agencies shall study, develop, and describe appropriate alternatives, which involves unresolved conflicts concerning alternative uses of available resources. Because there are no potential impacts related to the proposed action that would require resolution through further analysis of alternatives (see the attached Interdisciplinary [ID] team checklist), the range of alternatives addressed in the Ruby Pipeline FEIS is adequate.

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

Cultural and biological surveys were completed for the FEIS; this proposed action is within the already analyzed footprint. The only change in baseline conditions for the current proposed action is that the pipeline project has been completed and is in service. Revegetation of the ROW was started in 2010. There has been however, a U.S. Fish and Wildlife Service (FWS)

review regarding the status of the greater sage grouse and a BLM policy change regarding management of sage grouse.

The highest status described for greater sage-grouse in the Ruby Pipeline FEIS is “BLM Sensitive”. The EIS discusses the status of greater sage grouse (pg. 4-141) as having been previously petitioned for listing by the FWS under the Endangered Species Act (ESA). As stated in the FEIS, an initial finding on those petitions of “not warranted” for listing under the ESA was subsequently challenged in court and prompted an additional review with a finding expected in February 2010. That finding has now been completed with a determination that greater sage-grouse is warranted for listing under the ESA but that further action on that listing is precluded by other priorities within the FWS (“warranted but precluded”). Thus the status of greater sage grouse currently remains consistent with that described in the FEIS as designated BLM Sensitive pending further action by FWS.

Since completion of the FEIS BLM has developed draft guidance for the protection of sage-grouse habitats. BLM IM 2012-043 and IM 2012-044 provide guidance on how the BLM is protect sage grouse habitat.

The current proposed action is not located within Sage Grouse Preliminary Priority or Preliminary General Habitat.

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

BLM has conducted an interdisciplinary review to determine the adequacy of the analysis in the Ruby Pipeline FEIS and SEIS for the current proposed action. The results of the review are documented in the attached ID Team Checklist. As stated in the response to Question 3, there have been no substantial changes in resources and conditions since publication of the FEIS and FSEIS. Based on this and the small footprint of the proposed action, approximately 0.65 acres of total disturbance, any increment in direct, indirect, or cumulative impacts to lands, and resources would be negligible.

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

Yes
 No

Public involvement efforts during preparation of the Ruby Pipeline Project FEIS and FSEIS are adequate for the proposed action. FERC, in close cooperation with the BLM, held six public scoping meetings in April 2008 at locations along the route to provide the public with an opportunity to learn more about the Ruby Pipeline Project and to comment on environmental issues that should be addressed in the Ruby Pipeline Project EIS. The draft EIS was filed with

the U.S. Environmental Protection Agency (EPA) and a formal notice of availability was issued in the Federal Register on June 26, 2009. A copy of the draft EIS was mailed to those agencies, tribes, organizations, and individuals that attended meetings or submitted written comments on the project, as well as other interested parties. A 45-day comment period was provided for the draft EIS. Seven public comment meetings were held during the comment period. All timely environmental comments on the draft EIS are addressed. The Ruby Pipeline Project FEIS was distributed to all interested members of the public and government agencies for review. In addition, the BLM has notified the public of this proposal by posting it on the Nevada BLM Ruby Pipeline Project web page at http://www.blm.gov/nv/st/en/info/nepa/ruby_pipeline_project.html and the Ruby Pipeline LLC website, www.rubypipeline.com.

Similar outreach efforts occurred for the FSEIS. No public meetings were held, but tribal consultation was done, and scoping letters sent out to agencies, organizations tribes and individuals originally involved with the Ruby draft EIS and FEIS. The draft SEIS was filed with the EPA and a notice of availability was issued in the Federal Register on July 5, 2013. A 45 day comment period was held; the BLM received 31 submissions from the public, agencies, tribes and organizations. In addition, the BLM has notified the public of this proposal by posting it on the Nevada BLM Ruby Pipeline Project web page at http://www.blm.gov/nv/st/en/info/nepa/ruby_pipeline_project.html

E. BLM Interdisciplinary Staff Consulted:

<u>Name</u>	<u>Title</u>	<u>Resource/Program Represented</u>	<u>Signature/Date</u>
Amanda DeForest	Assistant Field Manager	Wildlife	/s/ Mandy DeForest 1/30/14
Mark Hall	NEPA Coordinator	Native American Consultation, Cultural Resources, Paleontology, NEPA	/s/ Mark E. Hall 1/31/14
Debra Dunham	Realty Specialist	Lands and Realty	/s/ Debra Dunham 1/30/14
Eric Baxter	Natural Resource Specialist	Invasive Weeds	/s/ Eric Baxter 1/30/2014
Derek Messmer	Assistant Field Manager	Fire	/s/ Derek Messmer 1/30/2014
Wes Barry	Rangeland Management Specialist	Rangeland Management	/s/ Wes A. Barry Jan 31,

			2014
Rob Burton	Natural Resource Specialist	Vegetation, Soils	/s/ Rob Burton 1/30/2014

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).*

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 compliance with the requirements of the NEPA.

/s/ Kathryn Ataman
Signature of Project Lead

/s/ Mark Hall
Signature of NEPA Coordinator

/s/ Gene Seidlitz
Signature of Responsible Official

3/4/14
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.

Attachment 1. Pipeline Extension Maps