



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Winnemucca District Office
Humboldt River Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
Phone: (775) 623-1500 Fax: (775) 623-1503
Email: wfoweb@blm.gov
www.blm.gov/nv/st/en/fo/wfo.html

In Reply Refer To:
N-92817
2881 (NV010.38)

CERTIFIED MAIL NO. 7010 3090 0000 2183 2888
RETURN RECEIPT REQUESTED

DECISION

Ruby Pipeline, LLC
Attn: Steve Bacon, Land Dept.
2 N. Nevada Ave. Rm#508
Colorado Springs, CO 80903

RIGHT-OF-WAY GRANT OFFER AND RENTAL DETERMINATION

This is to acknowledge receipt of your application received on November 4, 2013, and an offer to grant N- 92817, for authorizing the construction, operation, and maintenance of a cathodic protection system and use of an existing access road for the Ruby Pipeline, located on public lands at T40N, R38E, Sec. 33, E2NW ¼, NE, for .65 acres, in Humboldt County, Nevada.

This grant is issued under authority of the Mineral Leasing Act (MLA), as amended and supplemented (30 USC 185 et seq.) and the Federal Land Policy and Management Act (FLPMA) (43 USC 1701 et seq.).

The enclosed grant will be subject to the terms and conditions contained therein. If you concur with the stipulations, please sign both copies (on the left side) and return the two grant forms (Form 2800-14) to this office within 30 days from your receipt of this letter. If you do not concur, submit your objections and recommendations for review and consideration.

In accordance with federal regulations in 43 CFR 2806, rental for use and occupancy of the public land has been determined to be:

\$107.55 for ten-years
(\$11.84 x 9 = \$106.56 + \$.99 (partial yr. Mar - Dec.) = \$107.55)

OR

\$344.35 for the term of the grant (30 years)

$(\$11.84 \times 29 = \$343.36 + \$0.99 \text{ (partial yr. Mar -Dec.)} = \$344.35)$

This rental calculation is based on the rental period commencing at grant issuance and ending December 31, 2043, if the grant is issued prior to March 1, 2014. Enclosed is a copy of the rental determination worksheet.

Please remit the payment of **\$107.55** (including ten-year rental) **or \$ 344.35** (including 30-year rental) made payable to the Dept. of the Interior--BLM within 30 days from your receipt of this decision and mail it to the Winnemucca District Office at the address shown above. If we do not receive this amount within 30 days from your receipt of this decision, this offer may be rescinded.

This grant only addresses the installation, operation and maintenance of cathodic protection facilities at the above listed coordinates. Stipulations for the installation, operation and maintenance of the cathodic protection system are as follows:

A Notice-to-Proceed will be issued for the installation and construction of the cathodic protection system. This Notice-to-Proceed will be issued after a formal meeting with the construction company and environmental monitors in the Winnemucca District Office.

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.

All other terms, conditions, stipulations, monitoring and mitigations of the Record of Decision (ROD), FEIS, and SEIS, including the Plan of Development, for the Ruby Pipeline are in full force and effect.

Upon receipt of the advance rental and the signed grants, an executed copy of the grant will be returned to you. When the payment has been received, the right-of-way will be placed on our automated billing system. The rental will be automatically recalculated to reflect current linear rental.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request), pursuant to regulation 43 CFR 2801.10 or 2881.10, for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being

reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the enclosed standards for obtaining a stay. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. If you appeal this decision, please provide this office with a copy of your Statement of Reasons.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied,
- 2) The likelihood of the appellant's success on the merits,
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

Additionally, Section 313(b) of the Energy Policy Act (EPA) of 2005, which amended the Natural Gas Act (NGA), grants the United States Court of Appeals original and exclusive jurisdiction to review Federal decisions to issue, condition, or deny a Federal authorization for any facility that will be constructed or operated subject to 15 U.S.C. §717b or 15 U.S.C. §717f:

The United States Court of Appeals for the circuit in which a facility subject to section 717b of this title or section 717f of this title is proposed to be constructed, expanded, or operated shall have the original and exclusive jurisdiction over any civil action for the review of an order or action of a Federal agency (other than the Commission) or State administrative agency acting pursuant to Federal law to issue, condition, or deny any permit, license, concurrence, or approval (herein collectively referred to as "permit") required under Federal law, other than the coastal Zone Management Act of 1972.

This Decision is an order or action of a Federal agency issuing a permit, as that term is used in EPA, 15 U.S.C. §717r(d)(1), because it is an agency decision to issue and condition a Bureau of Land Management (BLM) ROW Grant for the use of Federal lands involved in the Ruby Pipeline which is a facility constructed and operated pursuant to 15 U.S.C. §717f. Accordingly, this Decision is appealable directly to an appropriate United States Court of Appeals in accordance with 15 U.S.C. §717r and the Federal Rules of Appellate Procedure (FRAP).

The NGA requires that any party aggrieved by a FERC order on rehearing, file a notice of appeal with the appropriate United States Court of Appeals within sixty (60) days, 15 U.S.C. § 717r(b). The 2005 EPA amendments to the NGA and the legislative history of that legislation indicate that Congress intended to streamline the NGA approval and review process.

Thus, any notice of appeal of this Decision must be filed in an appropriate United States Court of Appeals within sixty (60) days of the date of this Decision.

If you have any questions, please contact Debbie Dunham in this office at 775-623-1551.

Sincerely,

/s/ Gene Seidlitz 3/4/14

Gene Seidlitz
District Manager
Winnemucca District