BLM

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

Categorical Exclusion

Bureau of Land Management Winnemucca District Office

PREPARING OFFICE

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

Preliminary Information
Humboldt River Field Office (W010)

CX#: DOI-BLM-NV-W010–2015–0032–CX

Date: 6/19/2015

Lease / Case File / Serial #: N-94195

Regulatory Authority (CFR or Law): 2880

BLM Manual: 2880

Subject Function Code: 2880

Preliminary questions to be answered:

Question:	Yes	No
Is the project located within a Preliminary Priority Habitat?		X
Is the project located within a Preliminary General Priority Habitat?		X
Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)		X

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Ruby Pipeline Temporary Construction Area

3. Project Title: Ruby Pipeline Temporary Construction Area

4. Applicant: Ruby Pipeline LLC

5. Project Description:

Ruby Pipeline LLC, submitted an application for a temporary workspace outside of the authorized 42 inch natural gas pipeline right-of-way, N-84650. They detected two anomalies and are proposing to excavate the areas to visually inspect and if necessary repair or replace the pipe and backfill. The existing authorized right-of-way is 50 feet wide total, each work area would be approximately 50 feet wide (25 feet on both sides of the right-of-way) and 200 feet in length at each location. The proposed work areas are within the original 300 foot temporary construction area. Types of equipment could include a backhoe or excavator to dig and any equipment necessary for repairs or replacement of the pipeline, welders, torches, cutters, generators and several pickup trucks. Ruby is proposing to begin work in mid August, taking no longer than a week to complete. Access to the sites would be from existing roads in the vicinity to access the authorized right-of-way to the desired locations. Ruby will reseed the disturbed areas with an approved seed mix. Fire suppression activities would be implemented.

Project dimensions: 50’ x 200’/2 =

Total Acres: 0.459

BLM Acres: 0.459

Will the project result in new surface disturbance? __Yes _X_No

If yes, what percent of the project area has been disturbed? 100%

If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):100

Legal Description:

T.41 N., R. 34E., Sec. 18, NENE &T. 42 N., R. 32 E., sec. 26, N2S2.

USGS 24k Quad Name: Bottle Creek Slough NW & Bottle Hill

100k Map name: Jackson Mountains

Land Status: _X_ BLM _ Private Other:

Information Review

Part I: Plan Conformance Review

The Proposed Action is subject to the:	
X	Winnemucca District Resource Management Plan
	Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

LR 6.1: Grant, issue, or renew ROWs over, upon, under or through public lands.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

LR 6.1: Grant, issue, or renew ROWs over, upon, under or through public lands.

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:	
	43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*)
	516 DM 11.9, (BLM)
X	The Energy Policy Act (P.L 109–58) 5. Maintenance of a minor activity, other than any construction or major renovation of a building or facility.

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.		X
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.		X
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.		X

Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (***Scientific)*** Name	May Be Affected?	Recommended Mitigation (The following stipulation(s) is/are recommended to be applied to the authorization)
Migratory bird surveys were done along the 300 foot corridor of the right-of-way in 2008. The results of these surveys are summarized on pages 4–110 — 112 of the Ruby Pipeline Final Environmental Impact Statement (FERC/EIS-0232F)	_X_Yes __No	Recommend that all stipulations in the Plan of Development be implemented. Migratory Bird surveys should be performed if ground disturbing activities occur before August 31, 2015.
	__Yes __No	
	__Yes __No	
	__Yes __No	

Mitigation Measures/Remarks (The following stipulation(s) is/are recommended to be applied to the authorization):

1. Recommend that all stipulations in the Plan of Development be implemented.
2. All ingress/egress routes and workspace will be flagged.
3. No parking of vehicles outside of workspace.
4. An environmental compliance monitor will be on site during all maintenance activities.
5. Fire suppression equipment will be on site.
6. Notify BLM prior to the beginning of any work.

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Part III: Decision

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required.

___X_	Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)
____	Based on regulatory authority or law that allows BLM to take action, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Authorized Official: Date: MM/DD/YYYY

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Gene Seidlitz, Winnemucca District Manager, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

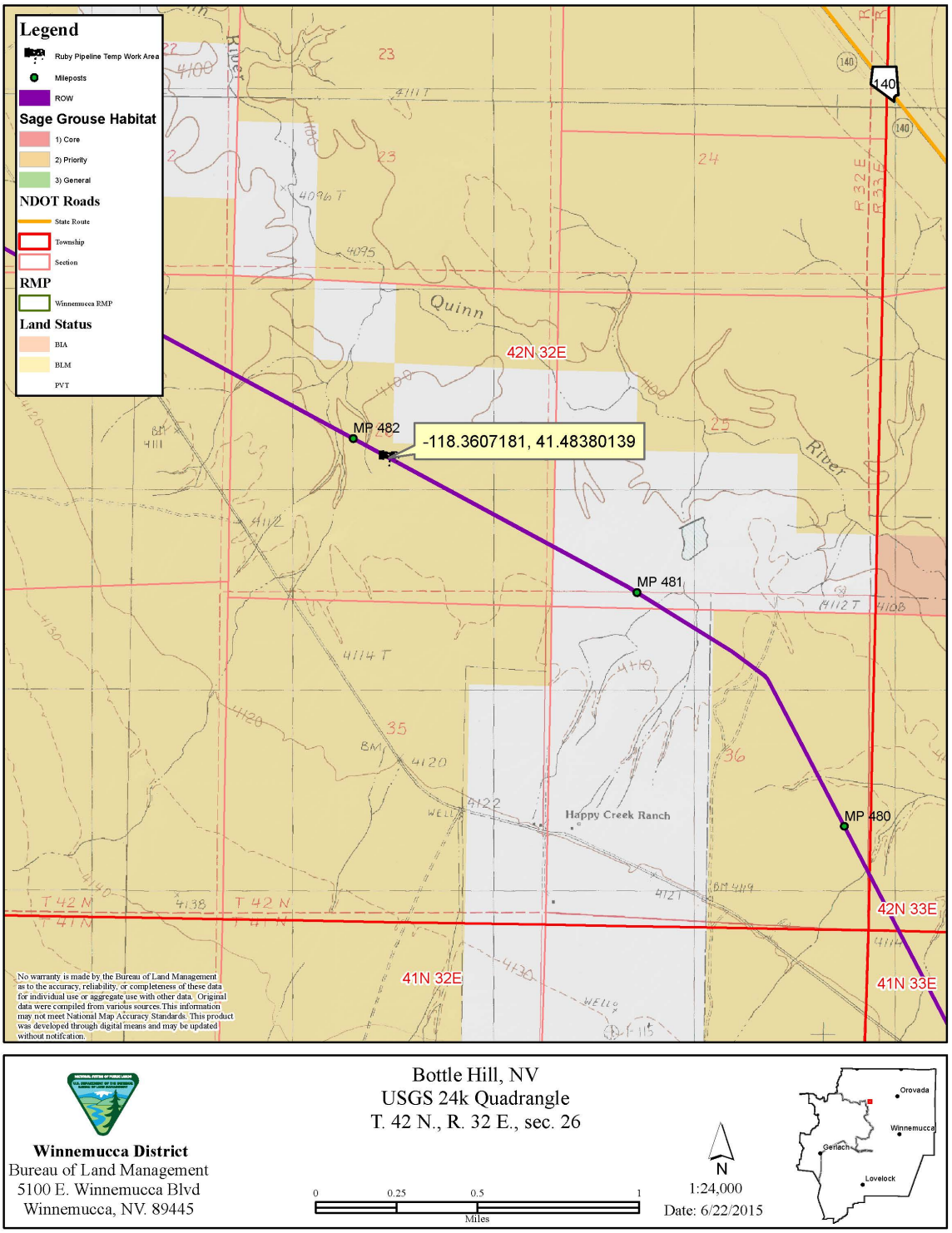
1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and,
4. Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Maps

Ruby Pipeline Temp Work Area



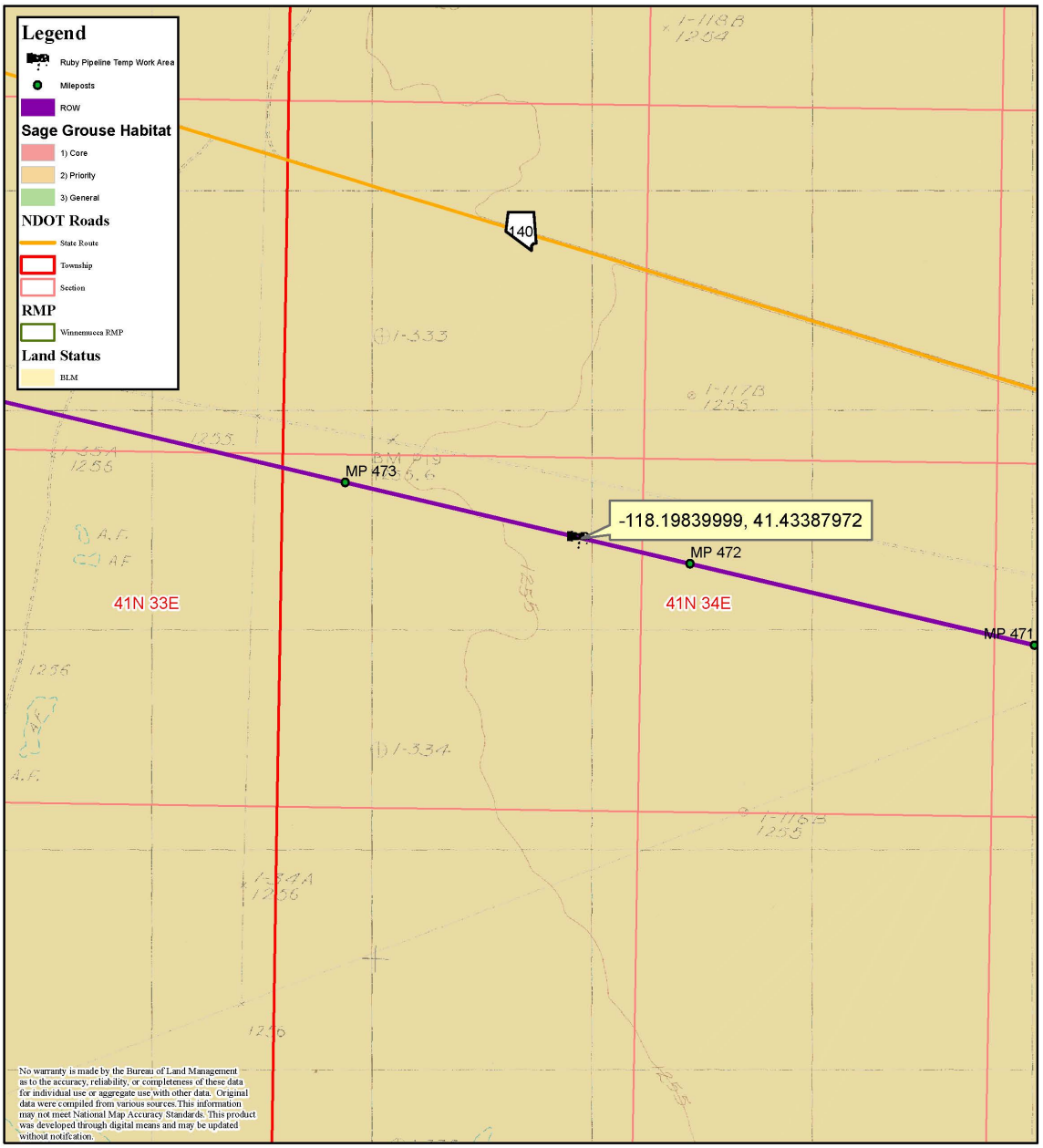
Winnemucca District
Bureau of Land Management
5100 E. Winnemucca Blvd
Winnemucca, NV. 89445

Bottle Hill, NV
USGS 24k Quadrangle
T. 42 N., R. 32 E., sec. 26

0 0.25 0.5 1
Miles

N
1:24,000
Date: 6/22/2015

Ruby Pipeline Temp Work Area

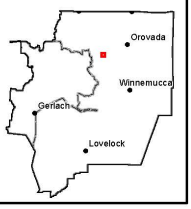


Winnemucca District
Bureau of Land Management
5100 E. Winnemucca Blvd
Winnemucca, NV. 89445

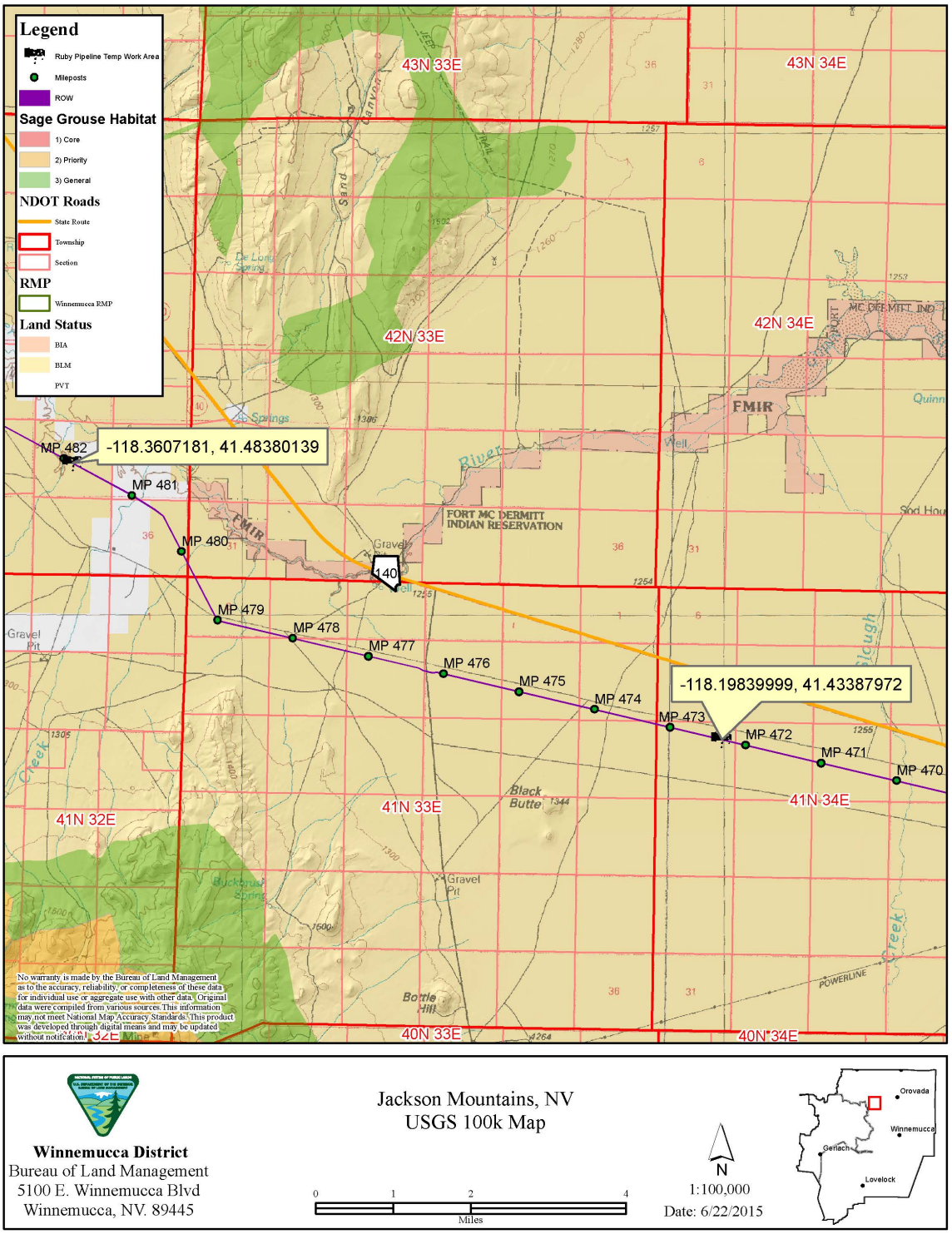
Bottle Creek Slough NW, NV
USGS 24k Quadrangle
T. 41N., R. 34E., sec. 18

0 0.25 0.5 1
Miles

N
1:24,000
Date: 6/22/2015



Ruby Pipeline Temp Work Area 2015



Winnemucca District
Bureau of Land Management
5100 E. Winnemucca Blvd
Winnemucca, NV. 89445

Jackson Mountains, NV
USGS 100k Map

0 1 2 4
Miles

N
1:100,000
Date: 6/22/2015

Extraordinary Circumstances Review

CX Number:	DOI-BLM-NV-W010–2015–0032–CX
Date:	7/7/2015
Lease/Case File/ Serial Number:	N-94195
Regulatory Authority (CFR or Law):	43 CFR 2880

Section 2.1 Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.2 Impacts on Natural Resources or Unique Geographic Characteristics

2. Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.3 Level of Controversy

3. Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.4 Highly Uncertain or Unique or Unknown Environmental Risks

4. Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.5 Precedent Setting

5. Does the proposed action establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.6 Cumulatively Significant Effects

6. Does the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.7 Impacts on Cultural Properties

7. Does the proposed action have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.8 Impacts on Federally Listed Species or Critical Habitat

8. Does the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.9 Compliance With Laws

9. Does the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.10 Environmental Justice

10. Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.11 Indian Sacred Sites

11. Does the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.12 Noxious and Non-Native Invasive Species

12. Does the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
YES	**NO**	**REVIEWER/TITLE**

Section 2.13 Preparer Information

_____ _____

PREPARER/TITLE **DATE**

_____

TITLE

Team Review

Team Review

Winnemucca District Office
Categorical Exclusion

Field Office(s): [X]HRFO [ ]BRFO

Applicant: Ruby Pipeline Co
Proposal: Two Temp Work Areas
CX#: DOI-BLM-NV-W010–2015–0032–CX

Prepared By: Julie McKinnon Date:

Prepared By: Date: 7/7/2015

Name/Title	Resource/Agency Represented	Signature/Date	Comments (Attach if more room is needed)
Mark Hall	Cultural Resources		
Mark Hall	T&E (plants and animal)		
Julie McKinnon	Lands and Realty		