
RECORD OF DECISION
RUBY PIPELINE PROJECT
(FREMONT FOREST PLAN AMENDMENT NUMBER 35)
U.S. FOREST SERVICE
FREMONT-WINEMA NATIONAL FORESTS
LAKE AND KLAMATH COUNTIES, OREGON

INTRODUCTION

This decision to amend the Fremont National Forest Land and Resource Management Plan (Forest Plan) is needed because the Federal Energy Regulatory Commission (FERC) has decided to certify the Ruby Pipeline Project. Both decisions are supported by the analysis documented in the Ruby Pipeline Project Final Environmental Impact Statement (FEIS) prepared by the staff of the FERC to fulfill the requirements of the National Environmental Policy Act of 1969 (NEPA) and the Commission's implementing regulations under Title 18 of the Code of Federal Regulations, Part 380 (18 CFR 380). The Forest Service determined that portions of the pipeline construction process are not consistent with the Fremont National Forest Plan and that forest plan amendments are needed for the construction to proceed. This ROD documents the Forest Service's determination that these forest plan amendments are not significant.

The FERC is the federal agency responsible for authorizing interstate natural gas transmission facilities under the Natural Gas Act, and determines where and when new energy sources and transmission facilities need to be developed. The FERC is the lead federal agency for the preparation of the Ruby Pipeline Project EIS. The U.S. Department of Interior, Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation), and Fish and Wildlife Service (FWS); the U.S. Department of Agriculture, Forest Service (USFS) and Natural Resources Conservation Service (NRCS); the U.S. Army Corps of Engineers (COE); the State of Utah Public Lands Policy Coordination Office; and the Board of County Commissioners in Lincoln County, Wyoming are cooperating agencies for the development of the Ruby Pipeline FEIS. A cooperating agency has jurisdiction by law or has special expertise with respect to environmental resource issues associated with the project.

The BLM is the federal agency responsible for issuing right-of-way grants for natural gas pipelines across federal lands. Right-of-way grants are issued under Section 28 of the Mineral Leasing Act and 43 CFR 2800 and 2880 to any qualified individual, business, or government entity. The BLM would decide whether or not to issue Ruby Pipeline a right-of-way grant to cross all federal land based on the Ruby Pipeline FEIS; however, the BLM would not issue a right-of-way grant until the heads of the BLM, Reclamation, FWS, and USFS concur to use of lands under their respective jurisdictions. The concurrence of the Forest Service requires amending the Fremont Forest Plan prior to the BLM issuing the permit. Where concurrence is

not reached, the Secretary of the Interior, after consultation with the heads of the BLM, Reclamation, FWS, and USFS, would decide whether or not to issue a right-of-way grant.

The Forest Service reviewed the proposed Ruby Pipeline route and construction process. Even after making changes in the route location the Forest Service found that portions of the construction process would not be consistent with direction provided by the Fremont Forest Plan for soils, visuals, old-growth, and seeps and springs. If the Ruby Pipeline Project is approved by FERC, the Fremont Forest Plan needs amending to ensure the project is consistent with Forest Plan Standards and Guidelines. Amending the plan is consistent with FSM 1926.5 which says that forest plans need amending when there is a ... *Finding that existing or proposed permits, contracts, cooperative agreements, and other instruments authorizing occupancy and use are not consistent with the land management plan, but (the action) should be approved.*

This plan amendment is being prepared under the 2000 planning rule (36 CFR 219) as amended with transition wording at 36 CFR 219.35 that allows the use of the 1982 rule procedures. [See 65 FR 67568, Nov. 9, 2000, as amended at 66 FR 1865, Jan. 10, 2001; 66 FR 27554, May 17, 2001; 67 FR 35434, May 20, 2002; 68 FR 53297, Sept. 10, 2003; 69 FR 58057, Sept. 29, 2004]. The 1982 rule and the 2000 rule as amended is available online at http://www.fs.fed.us/emc/nfma/2000_planning_rule.html

DECISION

Based on my review of the Final Environmental Impact Statement (FEIS), FERC Consolidated Public Record for the Ruby Pipeline Project, and the Ruby Pipeline Evaluation Report for Forest Plan Amendments dated October 29, 2009 (Appendix C of the FEIS), I have decided to amend the Fremont National Forest Plan. This decision will be implemented when FERC authorizes the construction of the Ruby Pipeline and the BLM grants the right-of-way for the natural gas pipeline to cross federal lands. With these amendments and proposed mitigation the Forest Service concur with the use of National Forest System lands by the Ruby pipeline. The following areas of the Fremont Forest Plan will be amended specific to the Ruby Pipeline Project.

The Forest plan Amendment

1. General Forest Plan Standard and Guideline for Soils Management, Forest Plan pages 80 to 81. Add item (5) under the Operational Considerations for Surface Soil Condition which says: During and immediately after construction of the Ruby Pipeline the soil conditions within the activity area (construction right-of-way) will be permitted to exceed the 20 percent standard and guideline for detrimental soil condition. The implementation of Ruby's Upland Erosion, Revegetation and Mitigation Plan would reduce erosion impacts and minimize impacts to soil productivity in the long term.
2. General Forest Standard and Guideline for Soils Management, Forest Plan pages 83 and 84. Add a statement under item 4, *Operational Considerations* "During installation of the Ruby pipeline exposed mineral soil standards displayed in Table 21 will be exceeded; however with the extra mitigation proposed in Ruby's Upland Erosion, Revegetation and Mitigation

Plan, these standards would be achieved once construction is completed.”

3. Management Area 6 – Scenic Viewsheds: The pipeline crosses through a portion of Management Area 6 when it crosses FR 3915; the area has a VQO of foreground retention and middleground partial retention. Item B will be added to Land Uses on Forest Plan page 154: B. The cleared corridor needed to install the Ruby pipeline will not immediately meet VQO objectives of retention and partial retention. Mitigation measures, including vegetation management and restoration actions, will occur to move the construction corridor toward current visual quality objectives over an extended timeframe.
4. Management Area 14 – Old Growth habitat: The pipeline crosses through a stand of dedicated old growth. The best, closest, stands either meeting or soon to meet old growth standards will be designated as replacement.
5. Management Area 15 – Fish and Wildlife Habitat and Water Quality: standard and guideline for Seeps and Springs on page 204 of the Forest Plan. The pipeline is known to cross one seasonal seep and the pipeline construction is not consistent with the exception for “no equipment disturbance except for restoration or improvement”. The following statement will be added for Seeps and Springs under management treatments: (d) Construction equipment necessary to install the Ruby pipeline will be permitted in the area of seeps and springs. Implementation of Ruby’s Upland Erosion, Revegetation and Mitigation Plan and special construction measures would minimize impacts.- The crossing of seeps and springs is expected to be uncommon.

Based on criteria of FSM 1926.52 - Changes to the Land Management Plan That are Significant, these amendments have been determined to be not significant. The proposed forest plan amendments do not alter the ability of the Forest to provide multiple use goods and services as originally projected by the Forest Plan and occurs late in the forest planning cycle. The pipeline utilizes a small portion of the National Forest and the 50 feet width maintained as brush and grasslands can be utilized to provide complementary resource objectives such as forage and vegetation to stabilize soils (Forest Plan page 186). The pipeline is an expected use of the National Forest (Forest Plan pages 51 and 94). These amendments are specific to the Ruby Pipeline and do not affect a large portion of the Forest, 328 acres during construction and 101 acres during operation.

RATIONALE

Approximately 17 miles of the Ruby Pipeline right-of-way (ROW) will be located on the Fremont National Forest disturbing about 328 acres, including temporary storage and staging areas (FEIS section 4.8.2.1). Ruby Pipeline is proposing to use a 115 foot wide construction clearing with a 50 foot wide permanent ROW over the top of the 42 inch pipeline. Ruby Pipeline worked with the Fremont National Forest to locate the route in order to minimize resource impacts. The current route reflects an integration of resource concerns like avoiding special interest areas in MA 7 or inventoried roadless areas.

In total, Ruby Pipeline considered 14 route alternatives, including the route that crossed the Fremont National Forest. There were 21 route variations considered as well. The variations were to address specific concerns of land owners or resource agencies that either avoided or

reduced impacts to environmentally sensitive resources crossed by the pipeline (see alternatives considered in Executive Summary).

The route of the pipeline could not avoid passing through portions of Management Areas (MA): 6 – Scenic; MA 14 – Old Growth; and MA 15 – Fish and Wildlife Habitat and Water Quality as well as portions of soil capability areas 1, 2, 3 and scabland portions of capability area 13 covered by general forest standards and guidelines. The general forest standard and guideline for detrimental soil conditions would not be met because equipment activity would be confined to the clearing limits, causing more than 20 percent of soil in the activity area (which for this project is the construction clearing limits) to be detrimentally impacted by displacement and compaction. The project needs to be exempt from this standard and guideline. Where the pipeline crosses MA 6 – Scenic the Forest Plan will need amending to allow more time to attain visual quality objectives. To avoid crossing an Inventoried Roadless Area, a large stand of dedicated old-growth and riparian habitat conservation areas a portion of MA 14 – Old Growth would be crossed requiring the designation of replacement old-growth. The construction corridor has been surveyed and one seasonal seep is known to occur on the route; an amendment will be needed to allow heavy equipment to operate in the area of seeps and springs.

RATIONALE FOR NON-SIGNIFICANT PLAN AMENDMENT

Criteria for determining if plan amendments are non-significant come from FSM 1926.51 – Changes to the Land Management Plan That are Not Significant, specifically:

Changes to the land management plan that are not significant can result from:

- 1. Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.*
- 2. Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.*
- 3. Minor changes in standards and guidelines.*
- 4. Opportunities for additional projects or activities that will contribute to achievement of the management prescription.*

Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management

Forest Plan Goals and Objectives

Soils: Forest wide goal: To maintain or improve the productivity of the soil in all resource management activities.

Equipment will be confined to working within the 115 foot construction clearing. Confining the equipment to the construction clearing reduces the potential for soil impacts outside the clearing but at the same time concentrates the equipment needed to construct the pipeline into a corridor resulting in greater than 20 percent of the activity

area receiving detrimental soil impacts (displacement and compaction). Approximately 30 feet of width within the 115 feet of construction clearing would receive detrimental soil impacts, about 61 acres. The 50 foot wide area over the top of the pipeline would be maintained as grasslands and brush while forest would be allowed to return on the rest of the construction corridor. The 61 acres of detrimental soil condition is mainly caused from displacement, the mixing of soil layers. This is a very small percent of the total forest acres of the total 1,198,308 acres on the Fremont National Forest and is an immeasurable increase in the amount of corridors (roads, railroads, and utility) on the forest. It is estimated that up to 5 percent of the forest can be in corridors (part of the 20 percent of an activity area associated with roads and corridors); currently less than 3 percent of the Forest contains corridors. Even with the mixing of the soil layers over the top of the pipeline, mitigation measures required for the construction would restore vegetation that would provide forage and cover to protect the soils from erosion. Temporarily, while the pipeline is being installed, exposed soil would exceed standards (even on sensitive soils) however; after construction is completed the exposed soil standard would be met. On site mitigation would prevent or reduce erosion should a localized storm occur. This amendment only applies to the Ruby Pipeline, all other projects will have to meet Forest Plan Standards and Guidelines for soils. There have been no past forest plan amendments in or close to this project area that allow a project to exceed the detrimental soil standards. There will no measurable loss in soil productivity on the forest; Forest Plan goals and objectives for soils on the Forest will be maintained. (see FEIS section 4.2)

Visual Quality: The goals in MA 6 are:

1. To provide high to moderately high visual quality concerns within selected viewsheds on the Forest.
2. To manage the visual corridor to retain or create the desired forest character in an attractive sequential arrangement over time and space.
3. To provide for managing the necessary supporting vegetation size classes and distribution of successional stages to maintain the desired visual character indefinitely.

The amendment to MA 6 – Scenic Viewshed does not alter the goals and objectives for visual quality on FR 3915 where the pipeline crosses the northern portion of Rogger Meadow. The visual quality objective for foreground retention and middleground partial retention is not being changed; more time is being allowed to reach the objective consistent with science behind Scenic Management, the current direction for visual management used by the Forest Service. Proposed mitigation where the pipeline crosses the meadow would allow the 2 to 4 years needed to accomplish recovery of meadow vegetation. In the middleground, the pipeline will cross open ponderosa pine stands allowing opportunity for the corridor to blend and become subordinate to the middleground landscape. A bend was placed in the pipeline route as it crosses FR 3915 to reduce the distant view of the corridor. Forest Plan visual quality goals and objectives will be maintained in the long term. (see FEIS section 4.8.4)

Old-Growth Habitat: MA 14 goal: To manage stands of old growth on the Forest to maintain minimum viable populations of dependent, native vertebrate species.

The pipeline crosses a portion of dedicated old-growth that already contains two roads. There is about 43 acres of field verified old-growth, adjacent to this block, which can be added to this stand maintaining it as a functional block providing old-growth habitat consistent with Forest Plan direction. It does not change the old-growth grid or pattern across the landscape. Connectivity with other blocks of old-growth is maintained. The pipeline will not impact the ability of the Forest to manage old-growth to maintain minimum viable populations. (see FEIS sections 4.5.1.1, 4.5.1.2, 4.5.5, and 4.7.4.4)

Seeps and Springs: MA 15 Goal: Waterbodies and courses, their riparian vegetation and immediately adjacent upland areas will be managed to maintain or improve water quality, fish habitat, recreation opportunities, and riparian habitat for dependent wildlife species. For seeps and springs the riparian portion needs to provide an abundance of deciduous trees or shrubs, an abundance of standing dead trees, and abundance of conifer trees greater than ten inches d.b.h. and good water flow and quality.

Survey of the pipeline indicates that one, seasonal seep falls within the pipeline construction clearing. Special mitigation for crossing the area will be implemented to protect the integrity of the seep. Vegetation would be restored after construction and the site stabilized to reduce potential impacts from rilling or concentrating water into channels. Recovery of any associated riparian vegetation is expected. Impacts associated with one seasonal seep are not expected to degrade water quality once pipeline construction and vegetative mitigation is complete. Should additional seeps and springs be found during the construction, special construction measures would be applied to them as well. There would be no impact to Forest Plan water quality goals by allowing equipment to operate in the area of seeps and springs. (see FEIS section 4.3.1.3)

Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.

Old-growth forest adjacent to the stand being crossed by the pipeline will be added to the existing dedicated old-growth. The old-growth network will be continued as provided by the Forest Plan. This adjustment in boundary does not impact Forest wide multiple use goals and objectives. The change will not impact current projects nor will adding 43 acres cause any changes in the ability of the Forest to achieve long-term goals and objectives. The designation of additional old-growth shifts the management focus on a small part of the forest to provide old-growth species protection without impacting the ability of the Forest to achieve other Forest Plan objectives.

The changes to management prescriptions for soils, visuals, and seep and springs are specific to Ruby Pipeline. The amendments will not impact future resource management nor will they impact existing permits or uses of the Forest. Future projects and activities would have to meet current Forest Plan direction. Exempting Ruby Pipeline from the standards and guidelines for soil and seeps and springs impact a small portion of the Fremont National Forest and implementation of Ruby Pipeline's Upland Erosion, Revegetation and Mitigation Plan would allow for resource recovery or minimize the impact such that multiple use goals are not impacted in the long-term. Allowing more time for the construction corridor to achieve the visual quality objectives of partial

retention and retention visual quality does not cause any change in the Forest's multiple use goals as well.

Minor changes in standards and guidelines

The visual quality amendment is a minor change in the standards and guidelines for retention and partial retention. It does not change the visual quality objective. The pipeline will, through mitigation, achieve the forest plan objective over an extended period of time. Under Visual Quality Management, retention objectives needs to be accomplished within one year of the completed action and the partial retention objective within 3 years. This is not consistent with the science behind Scenic Management. The proposed mitigation will utilize historic vegetation secession and plantings as needed to blend the pipeline into the local landscape seen from FR 3915 and Rogger Meadow.

Opportunities for additional projects or activities that will contribute to achievement of the management prescription

The amendment is specific to the Ruby Pipeline construction and operation; no other actions are approved to utilize these amendments.

Summary of Findings:

Ruby Pipeline worked with the Forest to modify the route for the protection of Inventoried Roadless Area, a large stand of dedicated old-growth, and riparian habitat conservation areas. Even with these adjustments in pipeline location the construction will still be inconsistent with the Forest Plan. 36 CFR 219.10 allows the amendment of a forest plan for a desired project when the action is not consistent with the forest plan. FERC has determined the gas pipeline is in the public interest and is using the FEIS to determine where the pipeline should be located. Once FERC authorizes the Ruby Pipeline for construction on the route passing through the Fremont National Forest, the amendment will be implemented to allow the construction to proceed. With these amendments the Forest Service concurs with FERC about locating the pipeline on the Forest.

The adjusted route and proposed mitigation would assure Forest Plan goals and objectives are not impacted. The inconsistencies the pipeline construction has with Forest Plan direction is associated with the construction aspect of the project and does not have long-term affects that continue the inconsistency.

PUBLIC INVOLVEMENT

A notice of intent to include the Fremont Forest Plan amendments in the Ruby EIS was published in the Federal Register on March 19, 2009 beginning the scoping period for the proposed forest plan amendments. In addition, the proposed action was listed in the Fremont-Winema National Forest Schedule of Proposed Actions and updated periodically during the environmental analysis. People were invited to review and comment on the proposal through mailings and the Forest Web page. The FEIS lists agencies, organizations, and people who received copies of NEPA documents in Appendix A of the Ruby FEIS.

During the scoping period the Forest received three letters providing comments about the proposed forest plan amendments. The following issues were identified from scoping comments.

- There were many concerns voiced about the impacts associated with constructing the pipeline. *Response: These issues were more appropriately addressed by FERC and can be found in the FEIS.*
- There was concern that the need for proposal was defined too narrow, the amendments were being done to facilitate the action and that the Forest Plan should not be amended. *Response: FERC has the authority to approve routes and authorize construction and the right-of-way can be granted without Forest Service agreement. The FERC has determined the project is in the public interest and the Forest Service has the authority to amend the Fremont Forest Plan when a desired action is not consistent with portions of the Forest Plan. The Forest Service worked with Ruby Pipeline on establishing the proposed route through the Forest protecting various resource values. Even with the routing the Forest Service determined that portions of the construction process would not be consistent with standards and guideline in the Fremont Forest Plan and the amendment is needed to allow construction to proceed. If the Forest Plan is not amended it may not necessarily keep the project from being constructed. The FERC does not require the consent of the Forest Service to authorize the project and the Secretary of Interior still has the authority under the Natural Gas Act to grant a right-of-way across National Forest System lands.*

At the time FERC began scoping for the Ruby Pipeline Project the Fremont National Forest did not have any forest plan amendments proposed. As the analysis progressed; the Forest determined that portions of the project would not be consistent with Fremont Forest Plan standards and guidelines. This required the Forest to scope its amendments so that the public had a chance to comment at a different time than the rest of the Ruby Pipeline Project. The need statement was focused on the amendments should the pipeline be authorized on a route crossing the National Forest. The amendments were presented together with the project in the DEIS. Though the analysis for the amendment is included in the Ruby Pipeline EIS, the Forest Service will issue its own decision in a ROD and the amendment is being made contemporaneously with the FERC implementing decision.

- Concern was voiced about crossing through a stand of dedicated old-growth.
Response: The old growth stand being impacted by the pipeline already contains two roads and was situated between an inventoried roadless area and larger stands of old growth. Crossing through this stand was unavoidable and provided the best location to avoid impacts to a larger stand of dedicated old-growth, riparian areas, and inventoried roadless area. Additional old-growth adjacent to the stand being crossed will be added to this dedicated old-growth stand so that it remains a large enough block to meet Forest Plan standards and guidelines for old-growth. The replacement does not change the original grid pattern established for the old growth network.
- Concern was voiced about the use of heavy equipment in wet areas and seeps.
Response: The final route was designed to minimize crossings of wet areas and seeps. Ruby Pipeline, with the Forest Service and other agencies, including the State of Oregon, has developed a mitigation and operation plan for the project. This plan states the methods to be used to protect wet areas and seeps during the construction of the pipeline.

- Concern was voiced about crossing sensitive soil areas.

Response: The Forest worked with Ruby pipeline to avoid as much sensitive resources as possible. It was not possible to bring a pipeline across the National Forest without crossing some of the sensitive soils. When the pipeline crosses these soils, Ruby Pipeline would adjust the construction techniques to fit the character of soils and follow mitigation measures as required in their Upland Erosion Control, Revegetation, and Maintenance Plan and Reclamation Plan (FEIS Appendix F and L, FEIS section 4.2, and 5.1.2). Permanent impacts on soils would mainly occur at compressor stations and other above ground facilities; none of these developments are proposed on the National Forest. No long-term impacts on soils are anticipated within areas affected by the pipeline construction.

A full description of issues significant to the proposed action appears in Appendix C of the FEIS and in the project record.

A draft environmental impact statement (DEIS) was published for review and comment on June 19, 2009. There were no concerns voiced about the proposed forest plan amendments at that time.

ALTERNATIVES CONSIDERED

There were no other alternatives considered by the Forest Service. Ruby Pipeline considered alternative routes that would not have crossed the Fremont National Forest therefore not requiring Forest Plan amendments. Fourteen routes for the pipeline with 21 variations to avoid specific impacts were considered. All alternate routes considered would cross Federal lands (BLM, Fish and Wildlife Service, or National Forests) and were discarded from further consideration because they were much longer, would spread impacts over a larger area; crossed more Federal lands, followed substantially less existing right-of-way; traversed many more special interest areas; crossed more national trails; crossed more perennial water bodies; crossed more wetlands; crossed more critical big game habitat; crossed inventoried roadless areas; would impact more geologic faults; crossed wilderness areas; and/or crossed through areas of higher erosion risk. The proposed route through the Fremont National Forest has been modified to protect various resources identified by the Forest; however, not all resources could be fully protected. The pipeline could not avoid crossing portions of sensitive soils, FR 3915 being managed for a scenic management objective of retention and partial retention in Management Area 6, and a portion of dedicated old growth. The construction process and confining equipment to the construction clearing could not avoid causing detrimental soil conditions. The pipeline construction was inconsistent with portions of the Forest Plan and once FERC approves the construction of the pipeline on a route crossing the Fremont National Forest the Forest Plan would need amending.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Fremont National Forest Land and Resource Management Plan as amended for the Ruby Pipeline and provided for in 36 CFR 219 and the ROD for the

Fremont National Forest Land and Resource Management Plan on page 5. This decision does not authorize the construction of the pipeline. The decision amends the Fremont Forest Plan so the construction and vegetation restoration in the visual area are consistent with the Plan. The route of the pipeline was adjusted and mitigation plans established so that the construction and operation would be consistent with Forest Plan standards and Guidelines except for those discussed above. Once the route is authorized by FERC, the Forest Plan amendment becomes effective and the pipeline would be consistent.

The decision to amend the Fremont Forest Plan does not authorize the construction. There are no environmental effects associated with amending the Forest Plan. The environmental effects of the construction and operation aspect of the pipeline have been analyzed and disclosed by FERC in the Ruby FEIS.

National Historic Preservation Act: The project has been consulted under section 6 of the Act in an ongoing process. Ruby Pipeline has worked with various tribal governments to avoid significant cultural areas by re-routing the pipeline. Where construction could not avoid a site, mitigation plans have been established and the action would be consistent with the Forest Plan standards and guidelines for cultural resource protection. The amendment itself does not affect historic properties and will not become effective unless FERC authorizes the project and the BLM issues the permit along with required mitigation and protections.

ESA Section 7 Compliance: The amendment does not affect ESA listed species because it does not authorize the construction of the pipeline. The Ruby FEIS, prepared by the FERC, discloses affects to ESA listed and Regional Sensitive species should the pipeline be constructed. FERC considered the impacts to listed species when authorizing the construction of the pipeline and the BLM assured required mitigation is in place when the right-of-way is issued. (see FEIS section 4.7 and 5.1.7)

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision was subject to objection pursuant to the provisions available during the planning rule transition period as described at Title 36 Code of Federal Regulations (CFR), Part 219, Section 219.35(b) (published in the Federal Register at 65 FR 67514 (November 9, 2000)); see also 36 CFR 219 Interpretive Rule published at 66 FR 1864 (January 10, 2001) and found at http://www.fs.fed.us/appeals/appeals_related.php#app_work. The objection procedures found at 36 CFR 219.32 (published in the Federal Register at 65 FR 67578 (November 9, 2000)) apply.

The Environmental Protection Agency published the Notice of Availability of the Ruby Pipeline FEIS on January 15. The 30 day objection period ended February 16. The Forest received one objection that has been resolved allowing the decision to be completed. This decision is final and there are no other appeal procedures.

IMPLEMENTATION DATE

Ruby Pipeline proposes to begin construction in spring of 2010 and place the pipeline in service by March of 2011 (see FEIS section 1.1). The Forest Plan amendments would not become

effective until FERC authorizes construction of the pipeline across the National Forest and the BLM grants the right-of-way.

CONTACT

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5/14/10

Date:

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