

# Ruby Pipeline Project Land Exchange on Sheldon National Wildlife Refuge

Supplemental Information to the Ruby Pipeline Project  
Final Environmental Impact Statement

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U.S. Department of the Interior

U.S. Fish and Wildlife Service



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Statement

**Table of Contents**

Introduction..... 1  
Purpose and Need for Action..... 1  
Affected Environment..... 2  
    USFWS Exchange Lands..... 2  
    Ruby Exchange Lands ..... 3  
Effects of Exchange ..... 3  
    Potential Irretrievable and Irreversible Commitments..... 5  
    Relationship between Short-term Uses of the Human Environment and Enhancement  
    of Long-term Productivity ..... 5  
References..... 5

**Attachments**

- Attachment A – Figure 1
- Attachment B – Transportation Plan for Use of Access Roads and Routes within Sheldon  
National Wildlife Refuge

## **Introduction**

This supplemental information pertains to the National Environmental Policy Act (NEPA) process conducted for the Ruby Pipeline Project (Project). The *Ruby Pipeline Project Final Environmental Impact Statement* (Project FEIS) was released to the public in January 2010. On April 5, 2010, the Federal Energy Regulatory Commission (FERC) released its finding and ordered the issuance of a certificate for the proposed pipeline route. The Project FEIS included an assessment of impacts related to access roads to/from the proposed pipeline route. Some of those access roads are located on the Sheldon National Wildlife Refuge (Sheldon Refuge). The project proponent, Ruby Pipeline, LLC (Ruby), has worked closely with Sheldon Refuge to develop a transportation plan for the use of the access roads within the Sheldon Refuge.

A preliminary version of Ruby Pipeline's *Draft Transportation Plan for Use of Access Roads within Sheldon NWR* (Sheldon Transportation Plan) was provided in Appendix X (Transportation Plans, Attachment C) of the Project FEIS. Since that preliminary draft release, Ruby and Sheldon Refuge have continued to refine the Sheldon Transportation Plan (Ruby Pipeline LLC, June 2010) including addition of details related to a proposed land exchange. The land exchange represents a connected action to the Project, which includes Ruby's request to use refuge roads. The effects of the proposed land exchange are being disclosed in this document to satisfy U.S. Fish and Wildlife Service (USFWS or Service) NEPA requirements prior to issuing its Record of Decision.

The information contained in this supplemental NEPA analysis relies heavily on the final version of the Sheldon Transportation Plan. Therefore, the final version of the Sheldon Transportation Plan is included as an attachment for reference while reviewing this supplemental material.

## **Purpose and Need for Action**

The Project, proposed by Ruby, is composed of approximately 675.4 miles of 42-inch-diameter natural gas pipeline, along with associated compression and measurement facilities, located between Opal, Wyoming, and Malin, Oregon. The pipeline would cross four states: Wyoming, Utah, Nevada, and Oregon.

The proposed pipeline route would cross northern Nevada in an east-to-west direction. Part of the route would run approximately 1 to 1.5 miles south of the Sheldon Refuge, which is managed by the USFWS. The pipeline would not cross Sheldon Refuge lands; however, several roads in the southern portion of Sheldon Refuge are in close proximity to the pipeline. Ruby has requested the use of some roads on Sheldon Refuge to serve as access routes for pipeline construction vehicles traveling to and from the pipeline route.

In response to the request from Ruby to use Sheldon Refuge roads, Sheldon Refuge is proposing to permit Ruby access, with stipulations, to most of the improved refuge roads that Ruby has requested to use. Ruby had also sought permission to use some unimproved (two-track) roads as well as Route 34A (an improved refuge road); those

Ruby Pipeline Project Land Exchange on Sheldon National Wildlife Refuge  
Supplemental Information to the Ruby Pipeline Project Final Environmental Impact  
Statement

permissions have been denied. In order to gain the extent of access Ruby requires for pipeline construction, Ruby has acquired approximately 20 acres of private inholding land, previously owned by William and Linda Kennedy, and is proposing to exchange that property for an easement to approximately 3.64 acres of Sheldon Refuge lands, which Ruby would then use to access the pipeline route (see Figure 1).

Acquiring the private inholding property would allow Sheldon Refuge to manage fish and wildlife resources on that property consistent with surrounding refuge lands. In addition, it would preclude the need to provide access to a private inholding, an action which would further fragment important fish and wildlife habitats.

Authority of the USFWS for the proposed exchange derives from the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd(a)(3)), as amended.

## **Affected Environment**

### ***USFWS Exchange Lands***

Refuge lands for which Ruby will receive an easement are located in the southeast quarter (SE  $\frac{1}{4}$ ) of the southeast quarter (SE  $\frac{1}{4}$ ) of Section 33 and the southwest quarter (SW  $\frac{1}{4}$ ) of the southwest quarter (SW  $\frac{1}{4}$ ) of Section 34, Township 43 North, Range 23 East, and the west half (W  $\frac{1}{2}$ ) of the northwest quarter (NW  $\frac{1}{4}$ ) and east half (E  $\frac{1}{2}$ ) of the southwest quarter (SW  $\frac{1}{4}$ ) of Section 3, Township 42 North, Range 23 East of the Mount Diablo Meridian. This 30-foot-wide tract of land extends along the centerline of Wall Canyon Road (W-1) in Washoe County, covering 3.64 acres at the southeast boundary of Sheldon Refuge.

The information describing the characteristics of the proposed easement is summarized from *Appendix X Attachment C: Transportation Plan for Use of Access Roads and Routes within Sheldon National Wildlife Refuge* (Sheldon Transportation Plan) of the Project FEIS. This previous version of the Sheldon Transportation Plan has been updated (Ruby Pipeline LLC, June 2010) and is made available with this document on the land exchange (see Attachment B). Additional details may be found in that document. Sensitive resources have been identified within the approximately one-mile length of W-1 extending from Wall Canyon Spring to the Sheldon Refuge fence line. Vegetation surrounding the Sheldon Refuge proposed easement road is dominated by sagebrush steppe, with minimal riparian and pinion-juniper plant communities. Data collected by Ruby identify a wetland area at the northwestern portion of the proposed easement.

According to mapped wildlife use areas developed from Sheldon Refuge records, the proposed easement area is important non-winter range for pronghorn antelope and is within the range of mule deer (USFWS 2009 [combined GIS files]). Data collected by Ruby also indicate greater sage grouse, an inactive lek has been observed near the northern portion of the proposed easement length, and three raptor nests have been identified within 1 mile line-of-sight of the proposed easement setting. There is no

Ruby Pipeline Project Land Exchange on Sheldon National Wildlife Refuge  
Supplemental Information to the Ruby Pipeline Project Final Environmental Impact  
Statement

suitable pygmy rabbit habitat identified within or adjacent to the proposed easement property.

### **Ruby Exchange Lands**

The property that Ruby has acquired and proposes to use in the land exchange is located in the south half (S ½) of the southwest quarter (SW ¼) of the southeast quarter (SE ¼) of Section 12, Township 44 North, Range 23 East of the Mount Diablo Base and meridian. This private inholding is a 20-acre property in Washoe County near the summit of Fish Creek Mountain and is wholly located within the Sheldon Refuge. There are no improvements or structures located on it. The elevation of the site ranges from approximately 6,200 to 6,800 feet above mean sea level. Vegetation mapping of Sheldon Refuge indicates the property is predominantly covered in mountain big sagebrush with areas of low sagebrush and Wyoming big sagebrush coverage (Tagestad 2009). The percentage of canopy coverage ranges from 10 percent to 30 percent throughout the property (Tagestad 2009). One spring or seep is present on the property.

According to mapped wildlife use areas on the Sheldon Refuge, several species use the habitat and area in and around the property. Greater sage grouse use the area for non-lekking activities. Pygmy rabbit habitat, which is closely linked to big sagebrush species, is known to occur in and around the property. Important mule deer winter habitat is adjacent to the site. Habitat is also found at this site for a variety of migratory birds and other sagebrush-obligate species such as Brewer's sparrow, sage thrasher, sage sparrow, kit fox, sagebrush vole, and Great Basin pocket mouse. The property is also located on the border of crucial pronghorn summer range (USFWS 2009 [combined GIS files]). Because this land has not been under the jurisdiction or ownership of Sheldon Refuge, no wildlife surveys have been conducted on the property.

Sheldon Refuge may be required to provide and maintain access to private inholdings within refuge lands. In addition, Sheldon Refuge has no authority to exercise any control over the development of private inholdings located within its boundaries. For example, an inholding owner could develop a destination lodging or commercial enterprise on the property without regard to its location within a national wildlife refuge. The property is located in the center of Sheldon Refuge in a popularly traveled and used area. Development of the property would be inconsistent with the purpose of the surrounding refuge lands.

### **Effects of Exchange**

Positive effects would result from acquisition of the 20-acre Kennedy property. Currently, one percent of land within the Sheldon Refuge boundary consists of private inholdings, which are not afforded refuge protection or subject to its resource management strategies. The Ruby property is located more than 5 miles from the Sheldon Refuge boundary and is surrounded by refuge lands. Acquisition of this property would protect the habitat in a manner consistent with surrounding Sheldon Refuge lands. It would also aid the Service in achieving management objectives for species where habitat

Ruby Pipeline Project Land Exchange on Sheldon National Wildlife Refuge  
Supplemental Information to the Ruby Pipeline Project Final Environmental Impact  
Statement

loss or degradation is a major cause of decline or where buffers are needed to protect sensitive areas.

Under private ownership, the 20-acre Kennedy property could be developed, resulting in negative impacts to Sheldon Refuge resources including wildlife, habitat integrity, and the viewshed. New dwellings, structures, and roads could be built by private landowners, resulting in impacts to surrounding habitats and downstream water sources, introducing and facilitating proliferation of invasive species, and serving as a deterrent to Sheldon Refuge visitors. Acquisition of the inholding would improve Sheldon Refuge's ability to apply consistent management strategies with reduced fragmentation. Management of invasive species, fire suppression, habitat restoration, habitat connectivity, and protection of cultural and paleontological resources would be applied equally to the acquired property as it would to the existing Sheldon Refuge lands. Costs related to fencing around the private land, conducting land surveys, and maintaining access roads to the property would decrease because those measures would no longer be required nor implemented.

Impacts associated with granting the road easement along an approximately 1-mile stretch of W-1 would also occur. Although Ruby is not proposing to construct any new roads on Sheldon Refuge, Ruby would use existing roads to access the pipeline road easement. Vehicle traffic on Sheldon Refuge roads would increase temporarily during pipeline construction, resulting in a corresponding increase in impacts to Sheldon Refuge resources. As discussed in the Transportation Plan, vehicle traffic can result in the following impacts: direct injury or death to wildlife from collisions; increased air pollution; high levels of heavy metals in adjacent soil and plants; and noise-related behavioral and physiological changes in animals. Increased traffic on access roads would increase this probability. However, the increase in traffic would be temporary and is not expected to result in a significant increase in the number of vehicle/animal collisions, accumulation of pollutants, or behavioral or physiological changes in animals sensitive to noise.

The monetary appraised value of the Ruby exchange lands exceeds that of the USFWS exchange lands; consequently, the land exchange is also economically favorable to the public.

The land exchange would allow Sheldon Refuge to absorb a 20-acre private inholding that is surrounded by refuge lands, restoring habitat connectivity and protection to this portion of the landscape. Whereas the 3.64-acre road easement, located at the southern boundary of Sheldon Refuge, is bordered on three sides by Bureau of Land Management lands that are not managed consistently with Sheldon Refuge strategies or afforded refuge protection. Although there are both positive and negative impacts related to the land exchange, the benefits that would be realized from the land exchange far outweigh any negative impacts.

### ***Potential Irretrievable and Irreversible Commitments***

The anticipated increases in traffic and other human uses of Sheldon Refuge roads during pipeline construction may result in irretrievable and irreversible effects on resources, such as a reduction in biological, cultural, and paleontological resources in the vicinity of the road system. However, the protection and restoration emphasis of the mitigation elements in the Transportation Plan is expected to greatly diminish the potential for irretrievable and irreversible effects on these resources. Implementation of the biological agreements and conservation plans would protect and reduce impacts to wildlife and habitat resources (Appendix M of the Project FEIS). Implementation of the Unanticipated Discoveries Plan and Paleontological Resources Monitoring Plan filed by Ruby with FERC would reduce impacts to cultural and paleontological resources. The land exchange would be subject to all impact reduction plans associated with the Ruby Pipeline Environmental Impact Statement.

### ***Relationship between Short-term Uses of the Human Environment and Enhancement of Long-term Productivity***

As described in preceding sections, implementation of the land exchange is expected to result in some short-term negative effects to refuge resources. These include temporary effects on habitat connectivity, localized wildlife use of the site, hydrology, and the physical environment.

However, the following mitigation and enhancement actions are expected to improve long-term productivity within the refuge: restoration of native vegetation; improved hydrology with culvert replacement; management of invasive species; habitat connectivity through acquisition of the private inholding; and protection of cultural and paleontological resources.

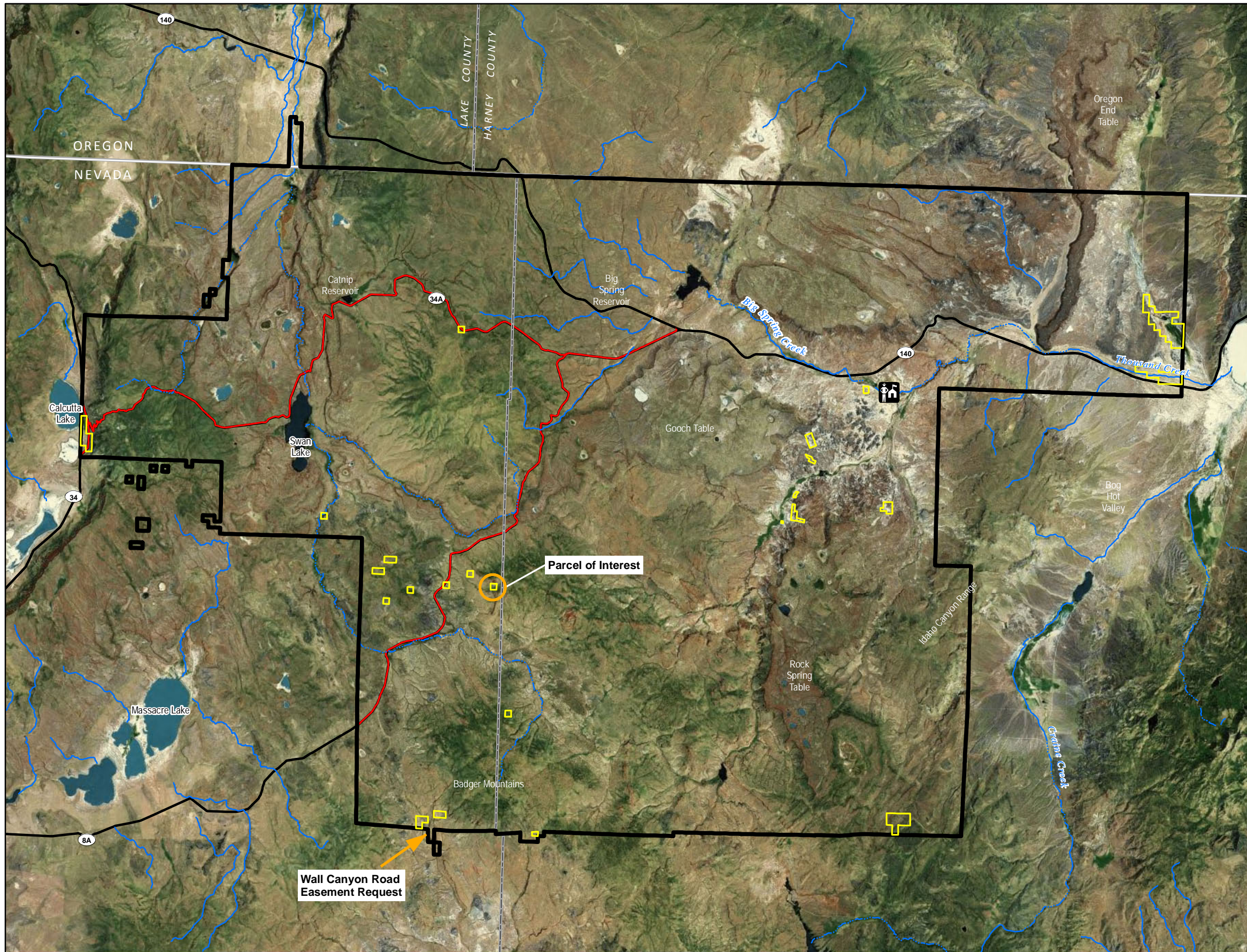
## **References**

Tagestad, JD. 2009. Analysis and mapping of vegetation and habitat for the Sheldon National Wildlife Refuge. Pacific Northwest National Laboratory, Richland, WA.

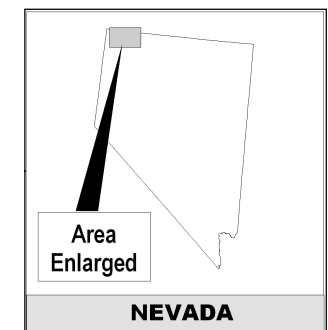
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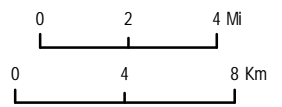
## **Attachment A - Figure 1**



- LEGEND**
- Refuge Headquarters
  - Inholding
  - Approved Refuge Boundary
  - State Line
  - County Boundary
  - Intermittent Stream
  - Perennial Stream
  - Road- Improved Gravel
  - Road- Paved
  - Highway



Produced by USFWS Region 1  
 Refuge Information Branch  
 Portland, Oregon  
 Map Date: 4/2/2010  
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**Attachment B – Transportation Plan for Use of Access Roads  
and Routes within Sheldon National Wildlife Refuge**