

Environmental Compliance Statement
Amendment to Fish and Wildlife Special Use Permit # 14621-10-008

Introduction

Ruby Pipeline L.L.C. (Ruby), a subsidiary of El Paso Corporation of Houston, Texas, has proposed the construction and operation of an approximately 675-mile-long, 42-inch-diameter, high-pressure, natural gas pipeline (Pipeline) from Opal, Wyoming to Malin, Oregon. Ruby has proposed initiating construction of the Pipeline in 2010 with the intention of delivering natural gas to customers beginning in March 2011 (FERC, Jan 2010).

Ruby has requested permission from the U.S. Fish and Wildlife Service (Service) to use several roads on Sheldon NWR to access their proposed Pipeline which they have described in their June 2010 "Transportation Plan for Use of Access Roads and Routes within Sheldon National Wildlife Refuge" (Transportation Plan) and has been granted this permission through Special Use Permit (#14621-10-008) and Service's Record of Decision.

Proposed SUP Amendments

Road Use adjacent to Ten-Mile Spring

The Summit Lake Paiute Tribe (SLPT) has expressed concerns with the proposed road reroute around 10 mile spring, an area of interest and significance to the SLPT. Their concerns, as expressed in an email to Paul Steblein on September 14th, 2010 and in person with Damien Miller, Deputy Project Leader at an onsite discussion at 10 mile spring, September 21st, 2010 included concerns that the proposed road reroute may negatively affect the quantity and/or quality of water at the spring, that the proposed reroute would negatively affect important cultural resources in the area of the proposed reroute and that the building of another road in the area of the spring would negatively affect the viewshed in this area which the Tribe considers an important traditional area for prayer.

Upon hearing the SLPT's concerns and after further reviewing the Archaeological Site Record for proposed road reroute around 10 mile spring, the Service proposed an amendment to the SUP to eliminate the proposed reroute described in section 3.5 and 5.4 of the Transportation Plan. In lieu of rerouting the road around 10 mile spring, the Service will require Ruby to install temporary bridging on the section of Badger Mountain Road/Summit Lake Road which intersects the outflow from Ten-Mile spring at sufficient height above the road surface whereby outflow from Ten-Mile spring will pass unimpeded beneath the temporary bridging. The temporary bridge system will eliminate rutting of the road and the potential for sediment input into wetlands/springs.

SUP Period of Use

The period of use allowed under the current SUP is from August 1, 2010 through December 31, 2010. Due to construction delays, Ruby has requested the SUP period of use be from October 25, 2010 to February 28th, 2011.

Environmental Compliance Review

Issuance of the SUP was based on the findings in the Service's "Record of Decision

for the Sheldon National Wildlife Refuge Land Exchange with Ruby Pipeline, LLC. and Issuance of Permit to Allow Use of Access Routes to the Ruby Pipeline Project Corridor through Sheldon National Wildlife Refuge” (ROD). Included in the Service’s ROD are the Service’s Appropriate Use Finding (AUF) and Compatibility Determination (CD) documents. Since the proposed amendments to the SUP would result in modifications to Ruby’s road use at Ten-Mile Spring and Ruby’s period of refuge road use, the following analysis evaluates the environmental effects associated with those proposed SUP modifications.

Road use changes at Ten-Mile Spring

The impacts from Ruby’s road use are expected to be less than originally analyzed. Rather than build a section of new road upslope of Ten-Mile Spring, Ruby would use the existing road. By using the existing road there would be no harm occurring to area cultural resources nor would there be any alternation of the existing viewshed. Also, there would be no effects to quantity and/or quality of water at the spring since the existing road is located downslope of the spring head.

There is small section of road where outflow from the spring collects on the road before flowing further down slope. The amount of water flowing from the spring during fall and winter is very small resulting in a very short section of road (about 10 feet) becoming wetted. The installation of a temporary bridge at sufficient height above the road surface to allow any flowing water to pass underneath unimpeded is expected to eliminate any erosion occurring from traffic passing over this section of road. In addition, the cold temperatures which prevail at this time of year will likely freeze any water on the road and freeze the road, a condition which will also minimize potential for erosion and sedimentation.

Period of Use Change

Ruby would use these roads for an approximately 5-month period, from late October through February 2011, with the highest intensity of use occurring from late November through February. Road use would be for purposes of transporting people, supplies, and equipment for construction, mitigation, operation, inspection, cleaning, maintenance, emergency response, repair, and/or termination. Ruby would cross Refuge roads with a diversity of vehicles, from conventional pickup trucks (a fleet of almost 90) to large and heavy stringing trucks (30), contractor buses (13), water trucks (6), fuel trucks (3), trucks using flatbed and lowboy trailers (3-20), hydro-testing equipment/dryers and compressors (2-4), and motor graders (2). Prior to the start of construction (during July), these vehicles would travel Refuge roads 1-2 times per day for 1 to 12 days each, for a total trip count of approximately 350. During construction (August - December), these vehicles would travel Refuge roads 1-2 times per day for 5 to 20 days, for a total trip count of almost 1,900. Following construction (after February), for restoration and monitoring purposes), these vehicles would travel Refuge roads 1-2 times per day for 1 to 12 days, for a total trip count of almost 400.

The Service analyzed the environmental effects associated with Ruby’s requested period of road use, that being August 1, 2010 through December 31, 2010. These effects have been thoroughly described in Ruby’s Transportation Plan, the Service AUF and CD. The new proposed period of use would be occurring later in the fall and winter, a time of the year when wildlife use is less active than the time of year analyzed. Since wildlife use along the access routes of use would be

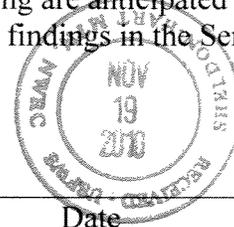
less than originally analyzed, the environmental effects associated with the new proposed period of use are expected to be the same or less than described in the Services environmental documents.

Conclusion

Since environmental effects associated with road use at Ten-Mile Spring are anticipated to essentially be the same or less during amended SUP period of use, the findings in the Service ROD, AUF, and CD are reaffirmed.



Project Leader, Sheldon/Hart Mountain NWR Complex



Date