

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[LLNV930000 L5101000.ER0000  
LVRWF09F8570 241A; 13-08807;  
MO#4500049868; TAS: 14X5017]

**Notice of Intent To Prepare a Draft  
Supplemental Environmental Impact  
Statement for the Ruby Pipeline  
Project, NV**

**AGENCY:** Bureau of Land Management,  
Interior.

**ACTION:** Notice of Intent.

**SUMMARY:** As directed by the United States Court of Appeals for the Ninth Circuit, the Bureau of Land Management (BLM) is preparing a Draft Supplemental Environmental Impact Statement (EIS) for the Ruby Pipeline Project to respond to the court's direction and provide a revised cumulative-effects analysis under the National Environmental Policy Act (NEPA).

**FOR FURTHER INFORMATION CONTACT:** Mark Mackiewicz, Project Manager, at 435-636-3616, Bureau of Land Management Price Field Office, 125 South 600 West, Price, Utah 84501; email [mmackiew@blm.gov](mailto:mmackiew@blm.gov).

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The Federal Energy Regulatory Commission (FERC) is responsible for authorizing construction and operation of interstate natural gas pipelines. The FERC issues Certificates of Public Convenience and Necessity (Certificate) for natural gas pipelines under Section 7 of the Natural Gas Act of 1938 (NGA), as amended, and authorizes construction and siting of facilities for the import or export of natural gas under Section 3 of the NGA. The FERC also authorizes construction and operation of natural gas pipelines per the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348).

Accordingly, the FERC served as the Lead Agency for Ruby Pipeline, LLC's (Ruby) application for the Ruby Pipeline Project. The FERC used the Final EIS it prepared according to the NEPA (January 28, 2010) to issue its Certificate for the Ruby Pipeline Project on April 5, 2010. The Certificate authorized Ruby to construct an approximately 678 mile,

42-inch interstate natural gas pipeline that crosses 368 miles of Federal land beginning near Opal, Wyoming, extending through northern Utah and northern Nevada, and terminating near Malin, Oregon.

The BLM has primary responsibility for issuing right-of-way (ROW) grants and temporary use permits for natural gas pipelines across most Federal lands pursuant to Section 28 of the Mineral Leasing Act of 1920 (MLA), as amended (30 U.S.C. 185 *et seq.*). Ruby applied to the BLM for a ROW grant for the Ruby Pipeline Project on December 3, 2007. The Federal lands crossed or used as access for the project include lands managed by the BLM; Bureau of Reclamation (Reclamation); and the United States Department of Agriculture, Forest Service (USFS), specifically the Fremont-Winema National Forests, the Uinta-Wasatch-Cache National Forest, and the Modoc National Forest; and the United States Fish and Wildlife Service, specifically the Sheldon National Wildlife Refuge. Based on the Final EIS issued by the FERC, the BLM issued a Ruby Pipeline Project Record of Decision (ROD) and ROW grant for the use of lands under the administration of the BLM, Reclamation and the USFS on July 7, 2010.

The project has been constructed and is currently in operation. However, the BLM Ruby Pipeline Project ROD was challenged, and on January 4, 2013, the Ninth Circuit Court of Appeals found that the Ruby Pipeline Final EIS does not provide sufficient quantified or detailed data about the cumulative loss of sagebrush steppe vegetation and habitat. The court remanded the 2010 ROD to the BLM to undertake a revised cumulative effects analysis (*Center for Biological Diversity, et al. v. U.S. Bureau of Land Mgmt, et al.*).

The BLM is preparing a Draft Supplemental EIS to correct the deficiencies identified by the court. The Draft Supplemental EIS will include supplemental information about the original and present condition of the sagebrush steppe habitat and analyze the cumulative impacts of the project based on the supplemental information.

The BLM will follow the process generally described in 40 CFR 1502.9, which requires preparation of a draft and final Supplemental EIS with the exception of a formal scoping period. A 45-day public comment period will be provided and will be announced in a Notice of Availability for the Draft Supplemental EIS.

If appropriate, the BLM will utilize and coordinate the NEPA commenting process to satisfy the public

involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3) and Secretarial Order 3317. Native American tribal consultations will be conducted in accordance with policy, and tribal concerns will be given due consideration, including impacts on Indian trust assets. In accordance with 40 CFR 1502.9(c)(4) formal scoping will not be conducted.

Federal, State, and local agencies with expertise regarding the sagebrush-steppe ecosystem or ROW concurrence authority may request cooperating agency status.

**Authority:** 40 CFR 1502.9, 43 CFR part 2880.

**Amy Lueders,**

*Nevada State Director.*

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**BILLING CODE 4310-HC-P**

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[LLCON020000 L14300000.FR0000; COC-73927]

**Notice of Realty Action: Recreation  
and Public Purposes Act Classification  
and Conveyance of Public Land;  
Jackson County, CO**

**AGENCY:** Bureau of Land Management,  
Interior.

**ACTION:** Notice of Realty Action.

**SUMMARY:** The Bureau of Land Management (BLM) has examined and found suitable for classification and conveyance to Jackson County, under the provisions of the Recreation and Public Purposes Act (R&PP), as amended, and the Taylor Grazing Act, approximately 127.63 acres of public land in Jackson County, Colorado. The Jackson County Commissioners propose to use the land for a public shooting range.

**DATES:** Interested parties may submit written comments regarding the proposed classification for conveyance until June 14, 2013.

**ADDRESSES:** Please submit your written comments to the Field Manager, BLM Kremmling Field Office, P.O. Box 68, Kremmling, CO 80459. Comments received in electronic form such as email or facsimile will not be considered.

**FOR FURTHER INFORMATION CONTACT:** Annie Sperandio, Realty Specialist, by telephone 970-724-3062, or at the address above. Persons who use a

telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 7 of the Taylor Grazing Act, (43 U.S.C. 315(f)) and Executive Order No. 6910, the following described public land in Jackson County, Colorado, has been examined and found suitable for classification and conveyance under the provisions of the R&PP Act, as amended, (43 U.S.C. 869 *et seq.*):

#### Sixth Principal Meridian

T. 9 N., R. 78 W.,

Sec. 19, lots 22, 26, 27, 29, and 31.

T. 9 N., R. 79 W.,

Sec. 24, lots 1 and 6.

The area described contains 127.63 acres in Jackson County, Colorado. A cadastral dependent resurvey was approved and accepted on July 15, 2011.

In accordance with the R&PP Act, the Jackson County Commissioners filed an R&PP application to develop the above-described land as a public shooting range. The BLM conducted a Phase I Environmental Site Assessment on December 10, 2012. No hazardous substances, petroleum products, or recognized environmental conditions were identified on the parcel; no further inquiry is needed to assess Recognized Environmental Conditions. The land is not needed for any Federal purpose. The classification is consistent with the BLM Kremmling Record of Decision and Approved Resource Management Plan dated December 19, 1984, and is in the public interest. The BLM has prepared an environmental assessment analyzing the Jackson County application and the proposed development and management plans.

Conveyance of the land would complement Jackson County's plans to have a public shooting range for its citizens and out-of-county, out-of-state visitors who come seasonally to North Park to hunt water fowl, upland small game and birds, or big game. A conveyance will be subject to the provisions of the R&PP Act, applicable regulations prescribed by the Secretary of the Interior, and the following reservations to the United States:

1. A reservation to the United States for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, along with all necessary access rights and exit rights.

A conveyance will be subject to the following terms and conditions:

1. All valid existing rights documented on the official public land records at the time of patent issuance.

2. A right-of-way across the above-described lands for a road granted to the BLM, its successors or assigns, by right-of-way COC-57865 pursuant to the Act of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761).

3. Any other valid rights-of-way that may exist at the time of conveyance.

4. A limited reversionary provision that states title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that the patentee has not substantially developed the land in accordance with the approved plan of development 5 years after the date of patent. No portion of the land shall under any circumstances revert to the United States if any such portion had been used for solid waste disposal or for any other purpose that may result in disposal, placement, or release of any hazardous substances.

5. An indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the land.

6. Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988 (100 Stat. 1670), a notice that states the land has been examined and found to have in the past received potentially hazardous materials in the form of lead from target shooting; however, the material has been removed and a Phase I Environmental Site Assessment performed indicates that no hazardous substances remain on the subject property.

Upon publication of this notice in the **Federal Register**, the parcel will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the R&PP Act. This notice will serve as the two-year notification to the grazing permittees in grazing allotment 07023.

Classification Comments: Interested persons may submit comments on the application of the lands as suitable for development/management as a public

shooting range. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or whether the use is consistent with State and Federal programs.

Application Comments: Interested persons may also submit comments on the application, including the notification of the BLM of any encumbrances or other claim relating to the parcel, and regarding the specific use proposed in the application and plan of development; whether the BLM followed proper administrative procedures in reaching the decision to convey the land under the R&PP Act; or any other factors not directly related to the suitability of the land for a public shooting range.

Before including your address, phone number, email address, or any other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the BLM Colorado State Director. In the absence of any adverse comments, this realty action will become effective on July 1, 2013.

The land will not be available for conveyance until after the classification becomes effective.

**Authority:** 43 CFR 2741.5.

**Helen M. Hankins,**

*BLM Colorado State Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

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### Notice of Realty Action: Termination of Recreation and Public Purposes Act Classifications and Opening of Lands in Nye and Esmeralda Counties; NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice terminates the existing classifications in their entirety