

on BLM-managed public lands, and on lands managed by other Federal agencies.

*Estimated Annual Responses:* 913.

*Estimated Annual Burden Hours:* 5,409.

*Estimated Annual Non-Hour Costs:* \$77,735.

The estimated annual burdens to respondents are itemized in the following table:

A. Type of response	B. Number of responses	C. Hours per response	D. Total hours
43 CFR subpart 3202 Lessee Qualifications .....	75	1	75
43 CFR subpart 3203 Nomination of Lands for Competitive Leasing Form 3203-1 .....	80	1	80
43 CFR subpart 3204 Noncompetitive Leasing Other Than Direct Use Leases .....	50	4	200
43 CFR subpart 3205 Direct Use Leasing .....	10	10	100
43 CFR subpart 3206 Lease Issuance .....	155	1	155
43 CFR subpart 3207 Lease Terms and Extensions .....	50	1	50
43 CFR subpart 3210 Lease Consolidation .....	50	1	50
43 CFR subpart 3212 Lease Suspensions and Royalty Rate Reductions .....	10	40	400
43 CFR subpart 3213 Lease Relinquishment, Termination, Cancellation, and Reinstatement .....	10	40	400
43 CFR subpart 3213 Lease Reinstatement .....	5	1	5
43 CFR subpart 3217 Cooperative Agreements .....	10	40	400
43 CFR subpart 3251 Notice of Intent to Conduct Geothermal Exploration Activities Form 3200-9 .....	12	8	96
43 CFR subpart 3252 Geothermal Sundry Notice Form 3260-3 .....	100	8	800
43 CFR subpart 3253 Reports: Exploration Operations .....	12	8	96
43 CFR subpart 3256 Exploration Operations Relief and Appeals .....	10	8	80
43 CFR subpart 3261 Geothermal Drilling Permit Form 3260-2 .....	60	8	480
43 CFR subpart 3264 Geothermal Well Completion Report Form 3260-4 .....	12	10	120
43 CFR subpart 3272 Utilization Plans and Facility Construction Permits .....	10	10	100
43 CFR subpart 3273 Site License Application .....	10	10	100
43 CFR subpart 3273 Relinquishment, Assignment, or Transfer of a Site License .....	22	1	22
43 CFR subpart 3274 Commercial Use Permit .....	10	10	100
43 CFR subpart 3276 Monthly Report of Geothermal Operations Form 3260-5 .....	120	10	1200
43 CFR subpart 3281 Unit Agreements .....	10	10	100
43 CFR subpart 3282 Participating Area .....	10	10	100
43 CFR subpart 3283 Unit Agreement Modifications .....	10	10	100
Totals .....	913	.....	5,409

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNV930000 L51010000.ER0000 241A; 14-08807; MO# 4500058789]

### Notice of Availability of the Record of Decision and Final Supplemental Environmental Impact Statement for the Ruby Pipeline Project in Oregon, Nevada, Utah, and Wyoming

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

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) has prepared a Record of Decision (ROD) and Final Supplemental Environmental Impact Statement (EIS) for the Ruby

Pipeline Project (Project) and by this notice is announcing their availability.

**ADDRESSES:** A list of locations where copies of the ROD and Final Supplemental EIS are available can be found under **SUPPLEMENTARY INFORMATION**.

#### FOR FURTHER INFORMATION CONTACT:

Mark Mackiewicz, PMP, Project Manager at 435-636-3616, BLM Price Field Office, 125 South 600 West, Price, UT 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 BLM has issued the ROD concurrent with the Final Supplemental EIS, as allowed under 40 CFR 1506.10(b).

The ROD documents the BLM's decision to reissue the right-of-way granted for the Project. The BLM will not require additional post-construction mitigation or changes to the grant issued on July 12, 2010. All elements of the

July 12, 2010, ROD and subsequent decisions remain in full force and effect, including all stipulations, monitoring, and mitigation measures. The ROD is based on the analyses contained in the Final EIS, the Draft Supplemental EIS, and the Final Supplemental EIS for the Project. It also relies on the U.S. Fish and Wildlife Service's (FWS) Revision to the June 8, 2010, Ruby Pipeline Biological Opinion (BiOp). The Revised BiOp was published on July 5, 2013, and is posted on the Federal Energy Regulatory Commission's (FERC) Web site ([www.ferc.gov](http://www.ferc.gov)). The ROD, Final Supplemental EIS, and Revised BiOp were developed in response to an order from the 9th U.S. Circuit Court of Appeals.

The project has been constructed and is currently in operation. In 2011, the Center for Biological Diversity, Defenders of Wildlife, and the Summit Lake Paiute Tribe, among other entities, filed petitions for review of the 2010 BiOp and the BLM's ROD in the 9th U.S. Circuit Court of Appeals, Case Nos. 10-72356, 10-72552, 10-72762, 10-72768, and 10-72775 (consolidated). In October 2012, the court denied most of the petitioners' claims, including all claims brought under the National

Historic Preservation Act, FLPMA, and the Clean Water Act, but found the 2010 BiOp and BLM ROD to be inadequate.

In a published opinion, the court vacated the 2010 BiOp and remanded the matter to the FWS. The court held that the FWS' consideration of Ruby's Endangered Species Act (ESA) Conservation Action Plan (CAP) as cumulative effects in the 2010 BiOp was arbitrary and capricious. The court also found that the 2010 BiOp did not adequately consider whether groundwater withdrawals associated with hydrostatic testing and dust abatement would impact listed fish that occur in surface waters. The court vacated the BLM's ROD because it relied on the 2010 BiOp and remanded the matter to the BLM.

In an unpublished opinion, the court found that the Final EIS for the Project did not provide sufficient quantified or detailed data about the cumulative loss of sagebrush steppe vegetation and habitat and did not provide information on how much acreage sagebrush steppe used to occupy, or what percentage has been destroyed. Thus, the court remanded the ROD to the BLM for further analysis of cumulative impacts to sagebrush steppe vegetation and habitat. The court subsequently stayed vacature of the 2010 BiOp until the FWS issued the Revised BiOp and stayed vacature of the ROD until the BLM issues a new ROD.

The 2010 BiOp found that the proposed action was not likely to jeopardize the continuing existence of any of the listed species or result in destruction or adverse modification of designated critical habitats. The findings of the Revised BiOp are consistent with those reached in the 2010 BiOp.

The FWS also affirmed the accuracy of the incidental take statement found in the 2010 BiOp and incorporated it by reference. Those conclusions were drawn without consideration of or reliance on the ESA CAP. The conservation recommendations described in the 2010 BiOp were reviewed by the FWS, were determined to stand as written, and were incorporated by reference. The court did not rule that the discussion of the conservation agreement or groundwater extraction in the Final EIS was deficient or in violation of NEPA, so these topics are not analyzed in the Supplemental EIS.

In the Final EIS, Draft Supplemental EIS, and Final Supplemental EIS, the BLM provided quantified and detailed data regarding the cumulative loss of sagebrush steppe vegetation and habitat, including information on how much

acreage sagebrush steppe used to occupy, and what percentage has been lost. The Ruby Pipeline Project's direct and indirect impacts remain the same as those discussed in the Final EIS. The Final Supplemental EIS thoroughly discusses the cumulative impacts to sagebrush steppe habitat within the cumulative impact area and summarizes the substantial mitigation required by the BLM's July 12, 2010, ROD (and FERC's Certificate). The mitigation measures required by the July 12, 2010, ROD are intended to address the significant long-term impacts to sagebrush steppe habitat related to the Project. All elements of the July 12, 2010, ROD and subsequent BLM decisions remain in full force and effect, including all stipulations, monitoring, and mitigation measures. Those same stipulations, monitoring, and mitigation measures are required by this ROD. The BLM concludes that those mitigation measures are adequate and additional mitigation measures are not required.

The BLM published a *Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Ruby Pipeline Project* on July 5, 2013 (78 FR 40496). The release of the Draft Supplemental EIS initiated a formal 45-day public comment period that ended on August 19, 2013.

The BLM received 31 comment submissions on the Draft Supplemental EIS from the public, agencies, tribes, organizations, and businesses during the comment period. Substantive comments were considered during preparation of this Final Supplemental EIS. Comments resulted in the addition of clarifying text, but did not significantly change the analysis or the proposed decisions.

Filing an Appeal: Instructions for filing an appeal of this Decision are described in the ROD.

Copies of the ROD and Final Supplemental EIS for the Ruby Pipeline Project are available for public inspection at the following BLM offices:

- Kemmerer Field Office, 312 Highway 189 North, Kemmerer, WY
- Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, UT
- Elko District Office, 3900 East Idaho Street, Elko, NV
- Winnemucca District Office, 5100 East Winnemucca Boulevard, Winnemucca, NV
- Lakeview District Office, 1301 South G Street, Lakeview, OR
- Klamath Falls Resource Area Office, 2795 Anderson Avenue, Suite 25, Klamath Falls, OR
- Surprise Field Office, 602 Cressler Street, Cedarville, CA
- Additional locations where printed copies of the ROD/Final

Supplemental EIS can be viewed can be found on the Project Web site ([http://www.blm.gov/nv/st/en/info/nepa/ruby\\_pipeline\\_project.html](http://www.blm.gov/nv/st/en/info/nepa/ruby_pipeline_project.html)) or by contacting the project manager.

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

**Marci L. Todd,**

*Associate State Director, Nevada.*

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**BILLING CODE 4310-HC-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNMA00000.L12200000.DF0000]

#### Notice of Public Meeting, Albuquerque District Resource Advisory Council Meeting, New Mexico

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

**ACTION:** Notice of Public Meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM), Albuquerque District Resource Advisory Council (RAC), will meet as indicated below.

**DATES:** The meeting date is on December 17, 2013, from 9 a.m.–4 p.m.

**ADDRESSES:** The meeting will be at the BLM Albuquerque District Office, 435 Montano Rd., Albuquerque, NM. The public may send written comments to the RAC, 435 Montano Rd., Albuquerque, NM 87107.

#### FOR FURTHER INFORMATION CONTACT:

Chip Kimball, BLM Albuquerque District Office, 435 Montano Rd., Albuquerque, NM 87107, 505-761-8734. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8229 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 10-member RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in New Mexico.

Planned agenda items include new member introductions and orientation, election of new officers, discussions on and development of subcommittees, Kasha-Katuwe Tent Rocks fee discussions, updates by the Socorro and