



August 10, 2009

Kimberly D. Bose,  
Secretary, Federal Energy Regulatory Commission  
888 First Street NE; Room 1A  
Washington, DC 20426

Dear Secretary Bose,

On behalf of the National Wildlife Refuge Association (NWRA) and its membership comprised of current and former refuge professionals, refuge Friends organization affiliates and concerned citizens, and the National Audubon Society, a membership organization representing 1 million members and supporters, we thank you for the opportunity to offer comments on the proposed Ruby pipeline (CP09-54-000) at the Sheldon National Wildlife Refuge (NWR) in northwestern Nevada.

The NWRA is a 501(c)(3) nonprofit, national membership organization, established in 1975 whose mission is to conserve America's wildlife heritage for future generations through strategic programs that protect, enhance, and expand the National Wildlife Refuge System and the landscapes beyond its boundaries that secure its ecological integrity. As the only national organization dedicated exclusively to advocating on behalf of the National Wildlife Refuge System (NWRS), the NWRA strongly supports the management requirements mandated in the National Wildlife Refuge Improvement Act of 1997 and its strong biological integrity component.

National Audubon Society's 24 state offices and 500 local chapters throughout the United States serve more than one million members and supporters. Audubon's mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. Our national network of community-based nature centers and chapters, scientific and educational programs, and advocacy on behalf of areas sustaining important bird populations, engage millions of people of all ages and backgrounds in positive conservation experiences.

The Sheldon NWR was established in 1931 and represents the last large, intact and unspoiled sagebrush-steppe ecosystem in the United States. It's mission to provide habitat for pronghorn antelope, to conserve threatened and endangered species and to be a migratory bird sanctuary reflect its enormous importance in this fragile and endangered landscape. Refuges are the only federal lands with a "wildlife first" mandate and it's designation as a refuge instead of other federal land designation exemplifies it's high wildlife value.

Ruby Pipeline, L.L.C. has proposed constructing and operating a 678-mile, 42-inch natural gas pipeline from Opal, Wyoming to Malin, Oregon. The route would cut across the fragile sagebrush habitat immediately south of the refuge impacting the larger ecosystem and portions would transverse the southwest corner of the Sheldon NWR. Part of the proposal also involves the expansion and use of several roads within the refuge for access to the pipeline, including two roads that are currently undeveloped and under consideration for permanent closure by refuge managers.

Even more troubling is an alternate route running directly through the refuge. In the draft environmental impact statement (DEIS) prepared by the Federal Energy Regulatory Commission (FERC) the discussion of the Sheldon Route Alternative would follow Highway 140 directly through the refuge and should not be considered.

We urge the following actions:

- **The Sheldon Route Alternative should not be considered.** The mission and purpose of the refuge makes the construction and operation of a pipeline through the refuge incompatible. The Sheldon Alternative Route would cross 34.5 miles of the Refuge, 14.1 miles of Wilderness Study Areas, 6.4 miles of wetland habitat, and 4 miles of crucial winter habitat for the pronghorn and would be impossible to keep within the established right of way for the highway. This is not a compatible use of the refuge, and the FWS should deny associated right-of-way requests. The subsequent fragmentation and disruption of ecosystem processes would be damaging to pronghorn antelope, sagegrouse, mule deer, and bighorn sheep and would disturb sensitive cultural resources.
- **Disturbance to the fragile sagebrush ecosystem should be minimized.** Extremely sensitive to disturbance, this sagebrush ecosystem can take up to 200 years to reach maturity once disturbed. All precautions to protect the habitat from adverse road and pipeline impacts should be exercised to ensure no net loss of habitat for the area's sensitive species.
- **Prevent spread of invasive species.** Invasive plant species such as cheatgrass, whitetop, halogeton, and Russian thistle can easily take hold as habitats are disturbed. This risk should be fully evaluated in the final EIS, and all precautions should be taken to minimize this risk, since these species are potentially devastating to the region – the largest intact sagebrush-steppe ecosystem in the nation.
- **Compatibility Determinations must be made for any road development or expansion.** Pursuant to the Refuge Improvement Act of 1997, the FWS must conduct a compatibility determination for all refuge uses. Given the mission and purpose of the refuge, construction and development of roads should not be permitted, and use permits should be awarded only sparingly and after detailed analysis of the impacts that heavy construction-related vehicles will have on the refuge's habitat and wildlife. All information necessary to conduct the Compatibility Determination must be included in the EIS process for public comment.
- **The deadline for comments should be extended.** At least 30 days should be added to the comment period to accommodate FERC's accelerated NEPA process, which has prevented adequate environmental analysis and public comment.

The National Wildlife Refuge Association and the National Audubon Society value the Sheldon National Wildlife Refuge and the unique ecological role it plays in this fragile ecosystem. We appreciate the opportunity to submit comments on the proposed Ruby Pipeline.

Sincerely,



Evan Hirsche  
President  
National Wildlife Refuge Association



Mike Daulton  
Legislative Director  
National Audubon Society

CC: Ken Salazar, Secretary of the Interior