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**Subject:** Additional Comment given Material Error in FERC Commissioners April 5, 2010 Decision, Docket CP09-54-000, et al.  
**From:** [REDACTED]@summitlaketribe.org  
**Date:** Tue, Apr 06, 2010 3:06 pm  
**To:** blmruby@blm.gov

Dear Mr. Mackiewicz,

On behalf of the Summit Lake Paiute Council, governing body of the federally recognized Summit Lake Paiute Tribe, and a Ruby Pipeline affected Tribe, I submit this Comment on the FERC Final EIS on the Ruby Pipeline Project, FERC Docket CP0954-000 as instructed in the Cover Letter to the Final EIS at page 3, and by your letter, extending the Comment period to today.

A copy of this email will be electronically filed with FERC.

The Summit Lake Paiute Council (Council) represents and speaks for 120 members of the Summit Lake Paiute Tribe.

Please enter these additional comments of the Summit Lake Paiute Council into the BLM Record of Decision and Right of Way Record.

We viewed the FERC Issuance of the Certificate of Necessity and Convenience yesterday with great disappointment. On April 5, 2010, the FERC Commissioners basically told Nevada Tribes, in effect, like in yesteryear, "don't worry the Great White Father will protect you and what is sacred to you." FERC Commissioners also played off of Nevada Tribes the cooperation and support of Council of Energy Resource Tribes member Tribes--the latter never explicitly discussed in any of their comments the differences between the Proposed Route over the Black Rock Route or the Highway 140 (Sheldon) Route.

Much of the process is not yet even complete. Intense ESA, biological, cultural, wild lands, and other conflicts need to be resolved. As this Tribe learned at the El Paso Corporation sponsored 3rd Annual Conference in Denver, Colorado, February 18-19, 2010, more intensive studies, like ground penetrating radar, have been used on the western side of the pipeline construction route to locate remains of Northern Paiute ancestors and others. I do not see that FERC has had Ruby review the records of the U.S. Army during its occupation of Camp McGerry or any other U.S. Army Fort or Camp along the pipeline construction route to see where the U.S. Army reported killing Northern Paiutes and others, where they are buried or whether they were left where they fell. BLM should require identical studies and additional record searches before it issues its ROD or ROW.

While the Summit Lake Paiute Council was told by FERC staff that additional miles alone would not be a cause to reject one route over another, the length of miles between alternatives was, in fact, a major reason for FERC's decision. BLM should reject that reasoning.

FERC appears to have no understanding of sage-grouse, biological issues and threats to

species.

The FERC April 5, 2010 Ruby Decision states:

*As described in the EIS, the greater sage-grouse is a sensitive small game species in the project area that was classified as a candidate for federal protection at the time of Commission staff's environmental review. However, on March 5, 2010, FWS determined that the greater sage-grouse did not warrant Endangered Species Act (ESA) protection.*

FERC Decision, dated April 5, 2010, at page 21, paragraph 56.

FERC has not addressed the fact that the Interior Department in March 2010 found that sage-grouse do indeed Warrant Listing under the ESA. The status of sage-grouse throughout the EIS process is also incorrectly stated.

In the EIS and Certificate, there is no acknowledgement of the seriousness of the plight of sage-grouse habitats and small beleaguered populations that will be ripped apart by the ill-sited Ruby Proposed Route.

It will clearly violate BLM Conservation Policy for Sage-Grouse not to fully integrate this new Warranted but Precluded information into EIS analysis. Agencies must fully examine the current status of sage-grouse habitats and populations in the path of Ruby in a habitat, landscape and population conservation context.

The Summit Lake Paiute Council agrees with other comments that an SEIS is needed to address the myriad outstanding wildlife, migratory bird, golden eagle, aquatic species and other rare biota impacts. It is necessary for understanding and fully mitigating the severe effects of massive road construction and road use, the full battery of noise, visual and other disturbances on the Summit Lake Reservation, its members and Reservation residents, the huge number of unresolved cultural issues and conflicts, the evaluation of impacts on tribal members subsistence hunting, conducting spiritual ceremonies, etc.

For example, we understand that a separate EA and Transportation Plan may be in the works for just the Sheldon NWR. If that is the case BLM will need several EISs before it can issue or deny any Right-of-Way.

To save Northern Paiute People from being victimized by the federal government again, as they were in the 1800s, BLM must find that the current EIS is inadequate. It is BLM's duty to manage the public lands, which includes many Northern Paiute Nation Tribes' traditional territory (see Except and Map of Omer C. Stewart, Newsletter/Research Page, Summit Lake Paiute Tribe web site ([www.summitlaketribe.org](http://www.summitlaketribe.org))) to prevent undue degradation, and to ensure that NEPA is fully upheld. In the case of this Ruby process, BLM cannot rely on the EIS and information to date.

Sincerely,

Warner Barlese

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