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13-04035

Public Utilities Commission of Nevada  
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Filed For: Prospector Pipeline Company

In accordance with NRS Chapter 719,  
this filing has been electronically signed and filed  
by: /s Wood Rodgers Inc

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By electronically filing the document(s),  
the filer attests to the authenticity of the electronic signature(s) contained therein.

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This filing has been electronically filed and deemed to be signed by an authorized agent or  
representative of the signer(s) and  
Prospector Pipeline Company

*Law Offices of Gary Duhon, Ltd.*

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April 3, 2014

Alaina Burtenshaw, Esq., Chairman  
Rebecca Wagner, Commissioner  
David Noble, Esq., Commissioner  
Crystal Jackson, Executive Director  
Public Utilities Commission of Nevada  
1150 East Williams Street  
Carson City, Nevada 89701

Re: Docket No. 13-04035  
Prospector Pipeline Company UEPA Permit to Construct Eureka Pipeline

Ladies and Gentlemen:

Pursuant to NRS 704.870(2)(b), attached for your consideration is the Utility Environmental Protection Act ("UEPA") Permit Application for the Eureka Pipeline Project ("EPP") by applicant Prospector Pipeline Company ("PPC"). The initial Application (notice) was filed April 29, 2013 and is pending under Docket NO. 13-04035.

A copy of this application has been served on the Clerk of Eureka County, the Administrator of the Nevada Division of Environmental Protection of the Department of Conservation and Natural Resources and the Nevada State Clearinghouse. Summaries of the Application have been or will be published in the Eureka Sentinel. Proofs of such service and publication are or will be included in the Application.

Respectfully submitted,  
Law Offices of Gary Duhon, Ltd.



Gary W. Duhon

Attachments:

Draft Notice

Public Utilities Commission of Nevada Utility Environmental Protection Act Permit Application

UTILITY ENVIRONMENTAL PROTECTION ACT PERMIT APPLICATION  
PER NRS 704.870(2)(b)  
(Initial Filing 4/29/2013)

Eureka Pipeline

Applicant: Prospector Pipeline Company  
Docket No. 13-04035

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Exhibit I – Copy of Permits Obtained (NAC 703.423(11)(a))  
Nevada Department of Transportation District 3 Encroachment Permit

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## CERTIFICATE OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within application. My business address is Wood Rodgers, Inc., 5440 Reno Corporate Drive, Reno, NV 89511. On April 3, 2014, I served the

### UTILITY ENVIRONMENTAL PROTECTION ACT PERMIT APPLICATION OF PROSPECTOR PIPELINE

- BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- BY HAND:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Reno, Nevada addressed as set forth below.

Clerk – Treasurer  
Eureka County  
10 South Main Street  
Eureka, Nevada 89316

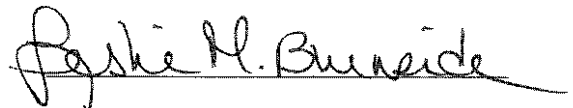
- BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- BY PERSONAL DELIVERY:** by causing personal delivery by **Leslie Burnside** of the document(s) listed above to the person(s) at the address(es) set forth below.

Nevada State Clearinghouse  
Department of Administration  
Nevada Division of State Lands  
901 S. Stewart Street, Suite 5003  
Carson City, Nevada 89701

Office of the Administrator  
Nevada Division of  
Environmental Protection  
Department of Conservation  
and Natural Resources  
901 S. Stewart Street, Suite 4001  
Carson City, Nevada 89701

I declare under penalty of perjury under the laws of the State of Nevada that the above is true and correct.

Executed on April 3, 2014 at Reno, Nevada.



**PUBLIC UTILITIES COMMISSION OF NEVADA  
DRAFT NOTICE  
(Applications, Tariff Filings, Complaints, and Petitions)**

Pursuant to Nevada Administrative Code (“NAC”) 703.162, the Commission requires that a draft notice be included with all applications, tariff filings, complaints and petitions. Please complete and include **ONE COPY** of this form with your filing. (Completion of this form may require the use of more than one page.)

A title that generally describes the relief requested (see NAC 703.160(4)(a)):

**Application for permit to construct a private, natural gas pipeline facility under the Nevada Utility Environmental Protection Act.**

The name of the applicant, complainant, petitioner or the name of the agent for the applicant, complainant or petitioner (see NAC 703.160(4)(b)):

**Prospector Pipeline Company**

A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled **AND** the effect of the relief or proceeding upon consumers (see NAC 703.160(4)(c)):

**Prospector Pipeline Company requests that the Public Utilities Commission of Nevada issue a permit to construct the Eureka Pipeline Project located in Eureka County, Nevada under the Nevada Utility Environmental Protection Act. The Eureka Pipeline Project is a private, 12 inch diameter natural gas pipeline extending south approximately 18 miles from the southern terminus of the existing North Elko Pipeline at the Goldstrike Meter Station to the Newmont Gold Quarry Mine. The relief requested will allow Prospector Pipeline Company to provide natural gas service to Newmont USA Limited and/or its affiliates (“Newmont”) and will allow the use of natural gas instead of propane at the Newmont facilities, which is expected to make more propane available to consumers in the region, thereby reducing shortages of propane available to consumers in the region.**

A statement indicating whether a consumer session is required to be held pursuant to Nevada Revised Statute (“NRS”) 704.069(1)<sup>1</sup>:

**Prospector Pipeline Company does not believe a consumer session is required by NRS 704.069(1).**

If the draft notice pertains to a tariff filing, please include the tariff number **AND** the section number(s) or schedule number(s) being revised.

**This draft notice does not pertain to a tariff filing.**

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<sup>1</sup> NRS 704.069 states in pertinent part:

1. The Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110 inclusive, in which:
  - (a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale or an application to clear its deferred accounts; and
  - (b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant’s annual gross operating revenue, whichever is less.

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

**IN THE MATTER OF:**

Application of **PROSPECTOR PIPELINE** )  
**COMPANY**, for a Permit to Construct the )  
Eureka Pipeline Project pursuant to the )  
provisions of the Utility Environmental )  
Protection Act )

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Docket No. 13-04035

**APPLICATION FOR A PERMIT TO CONSTRUCT**  
**A PRIVATE NATURAL GAS PIPELINE FACILITY UNDER THE**  
**UTILITY ENVIRONMENTAL PROTECTION ACT**

**Eureka Pipeline Project**

**April 3, 2014**

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21. Unless, pursuant to paragraph (b) of subsection 1 of NRS 704.890, the proposed utility facility is exempt from the requirement that the Commission find and determine the extent to which the proposed utility facility is needed to ensure reliable utility service to customers in this state, an explanation of the extent to which the proposed facility is needed to ensure reliable utility service to customers in this state, including if the proposed facility was not approved in a resource plan or an amendment to a resource plan, a description of the extent to which the proposed facility will provide service to customers in this State (NAC 703.423(8)(b)(1)) . . . . . 18

22. Unless, pursuant to paragraph (b) of subsection 1 of NRS 704.890, the proposed utility facility is exempt from the requirement that the Commission find and determine the extent to which the proposed utility facility is needed to ensure reliable utility service to customers in this state, an explanation of the extent to which the proposed facility is needed to ensure reliable utility service to customers in this state, including if the proposed facility was not approved in a resource plan or an amendment to a resource plan, a description of the extent to which the proposed utility facility will enhance the reliability of utility service in this State (NAC 703.423(8)(b)(2)) . . . . . 18

23. Unless, pursuant to paragraph (b) of subsection 1 of NRS 704.890, the proposed utility facility is exempt from the requirement that the Commission find and determine the extent to which the proposed utility facility is needed to ensure reliable utility service to customers in this state, an explanation of the extent to which the proposed facility is needed to ensure reliable utility service to . . . . . 19

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29. An explanation of how the location of the proposed facility conforms to applicable state and local laws and regulations, including a list of all permits, licenses and approvals required by the federal, state and local statutes, regulations and ordinances. The explanation must include a list that indicates all permits, licenses and approvals the applicant is in the process of obtaining to commence construction of the proposed facility including . . . . . 23

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**Exhibit G** – Notice of Application and Proof of Public Notice (NAC 703.423(5) / NRS 704.870(4)(b))

**Exhibit H** – Proof of Application Submittal to Nevada State Clearinghouse, Nevada Division of Environmental Protection Department of Conservation and Natural Resources, (NAC 703.423(6)/NRS 704.870(4)(a)), and Proof of Application Submittal to Clerk Eureka County (NRS 704.870(4)(b)) and Certificate of Service

**Exhibit I** – Copy of Permits Obtained (NAC 703.423(11)(a))  
Nevada Department of Transportation District 3 Encroachment Permit

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

**IN THE MATTER OF:**

Application of **PROSPECTOR PIPELINE** )  
**COMPANY**, for a Permit to Construct the )  
Eureka Pipeline Project pursuant to the )  
provisions of the Utility Environmental )  
Protection Act )

Docket No. 13-04035

**APPLICATION FOR A PERMIT TO CONSTRUCT**  
**A PRIVATE NATURAL GAS PIPELINE FACILITY UNDER THE**  
**UTILITY ENVIRONMENTAL PROTECTION ACT**

**Eureka Pipeline Project**

Applicant, PROSPECTOR PIPELINE COMPANY (“PPC” or “Applicant”), by and through the undersigned, and in accordance with NRS 704.870(2)(b), hereby files with the Public Utilities Commission of Nevada (“Commission”) an Application (“Application”) for a Permit to Construct a private, 12 inch diameter natural gas pipeline facility totaling approximately 18 miles in Eureka County, Nevada pursuant to Nevada’s Utility Environmental Protection Act (“UEPA”), set forth in NRS 704.820 to 704.900, and the Commission’s regulations thereunder, NAC 703.414 to 703.427. The proposed project is referred to as the Eureka Pipeline Project (EPP).

**A. BACKGROUND**

UEPA establishes a two-step application procedure for facilities subject to federal permitting and environmental review. Under NRS 704.870(2)(a), if a federal agency is required to conduct an environmental analysis of a proposed facility, the applicant is required to file a notice with the Commission and each other permitting entity, in such a form as the Commission or other permitting entity prescribes. This notice must be filed not later than the date the request

for an environmental analysis is made to the appropriate federal agency for approval for the construction of the utility facility. The notice must contain a description of the location and of the utility facility to be constructed, summary of the studies that have been made of the environmental impact of the facility, and reasonable alternative locations, their merits or detriments, and a statement of reason for selection of the preferred location for the facility. NRS 704.870(1). The notice required by NRS 704.870(2)(a) was filed with the Commission by Applicant on April 29, 2013 and is pending under this Docket No. 13-04035.

Subsequently, under NRS 704.870(2)(b), not later than 30 days after the issuance of the Final Environmental Assessment or Final Environmental Impact Statement (but not the record of decision or similar document), the applicant is required to file with the Commission a UEPA application that complies with NRS 704.870(1), and to file with each other permitting entity applications for permits, license or other approvals required for the construction of the utility facility. The final United States Department of the Interior, Bureau of Land Management, Eureka Pipeline Project Environmental Assessment DOI-BLM-NV-N020-2014-EA, file Number NVN-092048 (“BLM EA”), was issued March 4, 2014 and the public comment period for the BLM EA closed on March 19, 2014. Public review of the BLM EA for the EPP did not result in substantive public comment. BLM EA public review comments are made available on the BLM Elko District website at: [http://www.blm.gov/nv/st/en/fo/elko\\_field\\_office/blm\\_information/nepa/eureka\\_pipeline\\_project.html](http://www.blm.gov/nv/st/en/fo/elko_field_office/blm_information/nepa/eureka_pipeline_project.html).

Applicant is filing this Application in accordance with the requirements of NRS 704.870(2)(b).

### **The Eureka Pipeline Project**

The EPP will be constructed, owned and operated by Applicant. The EPP will be a 12 inch diameter underground natural gas pipeline extending from the existing Goldstrike Meter Station/Eureka Pipeline Receipt Point, connecting to the Newmont Leeville Mine, and then

extending on to the Newmont Gold Quarry Mine. See Exhibit C (EPP Alignment and Proposed Facilities). The total length of the pipeline will be 18± miles. The project will require three new above-ground facilities, including the Leeville Delivery Point/Regulating/Meter Station, the Leeville Mainline Valve, and the Gold Quarry Meter Station, each of which is shown on Exhibit C attached hereto.

The purpose of the EPP is to convey natural gas from the North Elko Pipeline (NEP) Goldstrike Meter Station/Eureka Pipeline Receipt Point to the Newmont Leeville Mine to replace current propane usage, and to the Newmont Gold Quarry Mine to provide a reliable supply of natural gas and to eliminate the need for current seasonal propane usage. The EPP is intended to improve energy efficiency, reduce emissions, enhance safety, and provide operational cost savings for the Leeville and Gold Quarry mining operations.

The pipeline will run east from the NEP Goldstrike Meter Station/EPP Receipt Point for approximately 1,400 feet and then head due south through the North Area Leach Plan of Operation (POO) area through the Chevas POO, into the Leeville POO and to the Leeville Mine. The pipeline will then trend southeast through the High Desert and Carlin POOs to the Gold Quarry POO following the haul road to Gold Quarry Mine in Newmont's South Operations Area.

The EPP will be primarily located on federal land managed by the BLM, Elko District Tuscarora Field Office and private lands owned by Elko Land and Livestock (Newmont), Newmont Mining and Newmont USA. The EPP will carry the fuel necessary to convert specific facilities at the Leeville and Gold Quarry Mines from propane to natural gas.

This UEPA application is intended to meet the requirements set forth in NRS 704.870(2)(b) and NAC 703.423. PPC hereby respectfully requests that the Commission issue a Permit to Construct the Eureka Pipeline Project pursuant to NRS 704.8905.

## **B. INFORMATION REGARDING THE APPLICANT**

PPC is a Nevada corporation formed under and pursuant to Chapter 82 of the Nevada Revised Statutes. All correspondence related to this Application (including copies of all pleadings, notices, orders and discovery requests), should be sent to the undersigned representatives at the addresses set forth below:

### **Applicant:**

Prospector Pipeline Company  
Brian Habersack, Vice President of Operations  
2981 Gold Canal Drive,  
Rancho Cordova, CA 95670  
(916) 859-4700  
BHabersack@gasbiz.com

### **Attorney for the Applicant:**

Law Offices of Gary Duhon, Ltd.  
Gary W. Duhon  
601 South Arlington Ave.  
Reno, NV 89509  
(775) 250-7970  
Gary@DuhonLawLtd.com

## **C. AUTHORITY**

This Application is filed pursuant to the Commission's regulations governing pleadings (NAC 703.530 et seq.); UEPA (NRS 704.820 to 704.900), specifically: NRS 704.870(2)(b) (filing of an application when there is a federal agency involved); NRS 704.873 (Commission has exclusive jurisdiction to determine need for utility facilities); NRS 704.877(1) (duty to accept findings and conclusions of environmental review that already has been conducted) and NRS 704.890 (grant or denial of application; required findings; conditions and modifications); and NAC 703.415 to 703.427 (the Commission's regulations governing construction of utility facilities), specifically, NAC 703.423 (application for permit when federal agency has issued final environmental assessment).

## **D. INFORMATION REQUIRED BY STATUTE AND REGULATION**

Together with Exhibits A through I attached hereto and incorporated herein, the following in this Section D provides the information required by NAC 703.423 and NRS 704.870, in the order specified.



**1. General description of the site of the proposed facility (NAC 703.423(1)(a); NRS 704.870(1)(a)).**

The proposed EPP will be located on public and private land in Eureka County. The 18± mile pipeline generally extends south from the point of connection at the North Elko Pipeline Goldstrike Meter Station/EPP Receipt Point, to the Leeville Mine, and then onward to the Gold Quarry Mine. See Exhibit A (Regional Map); Exhibit B (Existing Facilities); and Exhibit C (EPP Alignment and Proposed Facilities).

This EPP, not the individual mines which it will serve, is the subject of this application.

**2. Legal description of the site (NAC 703.423(1)(b)).**

Eureka Pipeline Project  
Public and Private Lands Legal Description

Township, Range	Section	Legal Description
T36N R50E	29	NE4
	28	W2
	33	W2
T35N R50E	2	NW4, SW4
	11	NE4NW4, NE4, NE4SE4
	12	SW4
	13	E2NW4, S2NE4
T35N R51E	19	NW4, S2NE4, E2SE4
	30	NE4NE4
	29	W4
	32	E2NW4, SW4NE4, W2SE4
T34N R51E	5	E2
	4	SW4SW4
	9	W2NW4, SW4
	16	E2NW4, SW4NE4, SE4
	21	NE4
	22	W2
	27	N2, NE4SE4
	26	NW4NW4, S2
	25	S2SW4, SW4SE4
36	N2	
T34N R52E	31	NW4

3. **Appropriately scaled site plan drawings of the proposed facility, vicinity maps and routing maps (NAC 703.423(1)(c)).**

Please refer to Exhibit A (Regional Map); Exhibit B (Existing Facilities), Exhibit C (EPP Alignment and Proposed Facilities); and Exhibit D (EPP Site Plan Drawings).

4. **Size and nature of the proposed facility (NAC 703.423(2)(a)).**

The EPP will be a 12 inch diameter underground natural gas pipeline connecting to the North Elko Pipeline Goldstrike Meter Station/Eureka Pipeline Receipt Point, extending south to the Leeville Mine and terminating at the Newmont Gold Quarry Mine. The total length of the pipeline will be 18± miles. The project will require three new above-ground facilities, including the Leeville Delivery Point/Regulating/Meter Station, the Leeville Mainline Valve, and the Gold Quarry Meter Station, each of which is shown on Exhibit C attached hereto.

5. **Natural resources that will be used during construction and operation (NAC 703.423(2)(b)).**

During construction, non-potable water will be used for dust abatement and hydrostatic testing of the pipeline to check for leaks. Non-potable water will be obtained from Newmont mining operations, with appropriate permission. After construction is completed operation of the pipeline is not anticipated to require the use of natural resources.

6. **Layout diagrams of the proposed facility and associated equipment (NAC 703.423(2)(c)).**

Please refer to Exhibit C (EPP Alignment and Proposed Facilities) and Exhibit D (EPP Site Plan Drawings).

7. **Scaled diagrams of the structures at the proposed facility (NAC 703.423(2)(d)).**

Please refer to Exhibit D (EPP Site Plan Drawings).

8. **A statement concerning whether the proposed facility is an electric generating plant or the associated facilities of an electric generating plant that uses renewable energy as its primary source of energy to generate electricity (NAC 703.423(2)(e)).**

The proposed facility is not an electric generating plant, nor is it an associated facility of an electric generating plant that uses renewable energy as its primary source of energy. The proposed EPP is a natural gas pipeline that will provide natural gas to Newmont Mining operation facilities.

**9. A copy and summary of any studies which have been made of the environmental impact of the proposed facility (NAC 703.423(3); NRS 704.870(1)(b)).**

Studies of the environmental impact of the EPP include the BLM EA, the Draft Finding Of No Significant Impact (FONSI) and the Class III Cultural Resources Inventory Report (“Cultural Report”), copies of which are attached hereto in Exhibit F.

The BLM EA provides an analysis of potential impacts to resources and resource uses as identified by the BLM during project scoping, which analysis reflects that the EPP will be constructed largely within areas that are included within Newmont’s existing, BLM-approved Plans of Operation. The Draft FONSI issued by the BLM provides that the EPP is in conformance with the approved Elko Resources Management Plan and is consistent with local and state plans and policies. The Cultural Report was completed in compliance with BLM Standards and is currently under review by the Nevada State Historic Preservation Office (SHPO) through consultation with the BLM. The BLM EA provides that the EPP is not expected to cumulatively contribute to direct effects to historic properties.

**10. A description of any reasonable alternate locations for the proposed facility, a description of the comparative merits or detriments of each location submitted and a statement of reasons why the location is best suited for the proposed facility (NAC 703.423(4); NRS 704.870(1)(c)).**

Three alternative routes were considered but eliminated from further analysis as a result of potential negative impacts to sensitive resources, infeasible or excessively difficult construction requirements, potentially unsafe construction conditions for workers and the public, excessive impact on undisturbed land compared to the selected EPP Alignment and conflict with current or planned mining activities. The locations of the alternative alignments are shown on

Exhibit E attached hereto and include the following:

**Newmont-Barrick Mine Road**

An alternative alignment following Nevada State Route 766 and the Newmont-Barrick Mine Road (Road 237A) was explored by Applicant. This alternative was eliminated from further consideration due to (i) its close proximity to and its crossing of Maggie Creek (which supports riparian habitat and endangered species and their habitat), (ii) the high likelihood of impact to cultural resources, (iii) potential disruption of daily traffic flow and (iv) safety concerns for construction workers and travelers.

**EPP Alignment South Extent**

At the south extent of the EPP alignment, PPC explored an option to run the alignment as far as possible down the southwest side of State Route 766, a portion of which has previously been disturbed. An existing waterline is located within the EPP proposed alignment in this section. This alternative was eliminated from further consideration because of (i) the route's close proximity to the existing waste rock dump and the likelihood of future failures of the waste rock dump slope similar to failures in the past and (ii) negative impact to the existing water line located in this section of alignment. These features pose additional safety concerns, impacts to existing facilities and likely would result in more difficult and possibly infeasible construction requirements.

**Minor Alignment Adjustments**

The initial EPP alignment was evaluated in the field for constructability, safety, maximum use of existing disturbed lands, and avoidance of conflict with current and future mining activities. The initial EPP alignment was adjusted in four general locations to maximize constructability of the pipeline, to maximize the use of previously disturbed lands, to maximize safety, and to avoid impact on current and future mining activities. The alignment adjustments added approximately 1 mile to the length of the pipeline.

