

BakkenLink Pipeline Project Environmental Assessment



Bureau of Land Management, North Dakota Field Office, Dickinson, North Dakota

Cooperating Agencies:

U.S. Forest Service



U.S. Army Corps of Engineers



US Army Corps
of Engineers®
Geotechnical and
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BLM Mission Statement

The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times.

Management is based upon the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation, rangelands, timber, minerals, watershed, fish and wildlife, wilderness, air and scenic, scientific, and cultural values.

Acronyms

°F	degrees Fahrenheit
µg/m ³	Micrograms per cubic meter
AAQS	Ambient Air Quality Standards
ACHP	Advisory Council on Historic Preservation
AIS	Aquatic Invasive Species
amsl	above mean sea level
APE	area of potential effects
API	American Petroleum Institute
APLIC	Avian Power Line Interaction Committee
AQRV	Air Quality Related Values
ATWS	additional temporary work space
AWBP	Aransas-Wood Buffalo population
Bakken	middle Bakken and upper Three Forks formations
BakkenLink	BakkenLink Pipeline LLC
BLM	Bureau of Land Management
BMP	Best Management Practices
BNSF	BNSF Railway Company
BOERTF	Bakken Oil Express Rail Terminal Facility
BOR	Bureau of Reclamation
BPD	barrels per day
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CESA	cumulative effects study area
CFR	Code of Federal Regulations
CH ₄	methane
CMRP	Construction Mitigation and Reclamation Plan
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
CWA	Clean Water Act
dB	decibel
dBA	decibels on the A-weighted scale
DR	Decision Record
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ERP	Emergency Response Plan

ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FLM	Federal Land Manager
FLPMA	Federal Land Policy and Management Act
FONSI	Finding of No Significant Impact
FR	Federal Register
FRTF	Fryburg Rail Terminal Facility
GHG	greenhouse gas
H ₂ S	Hydrogen sulfide
HAP	hazardous air pollutant
HCA	High Consequence Area
HDD	horizontal directional drilling
HUC	Hydrologic Unit Code
IF	isolated find
IPCC	Intergovernmental Panel on Climate Change
kV	kilovolt
LMNG	Little Missouri National Grasslands
LNG	liquefied natural gas
MACT	Maximum Achievable Control Technology
MBTA	Migratory Bird Treaty Act
mg/L	milligrams per liter
MIS	Management Indicator Species
MLA	Mineral Leasing Act
MLRA	Major Land Resource Area
MLV	Mainline valve
MP	milepost
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NDAREC	North Dakota Association of Rural Electric Cooperatives
NDDH	North Dakota Department of Health
NDDH-AQD	North Dakota Department of Health – Air Quality Division
NDDH-WQD	North Dakota Department of Health – Water Quality Division
NDGFD	North Dakota Game and Fish Department
NDGS	North Dakota Geological Survey
NDIC	North Dakota Industrial Commission
NDNHI	North Dakota Natural Heritage Inventory
NDSL	North Dakota State Land
NDSU	North Dakota State University
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NETL	National Energy Technology Laboratory

NGO	non-governmental organization
NHPA	National Historic Preservation Act
NO ₂	nitrogen dioxide
NO _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NSPS	New Source Performance Standards
NSR	New Source Review
NWI	National Wetland Inventory
O ₃	ozone
OCC	Operations Control Center
OD	outside diameter
OSHA	Occupational Safety and Health Administration
PAB	Palustrine Aquatic Bed
PEM	Palustrine Emergent Wetland
PFYC	Potential Fossil Yield Classification
PHMSA	Pipeline and Hazardous Material Safety Administration
PIC	Planning Information Corporation
pig	pipeline inspection gauge
PLOTS	Private Land Open to Sportsmen
PM	particulate matter
PM ₁₀	particulate matter with an aerodynamic diameter of 10 microns or less
PM _{2.5}	particulate matter with an aerodynamic diameter of 10 microns or less
POD	Plan of Development
ppm	parts per million
PRPA	Paleontological Resources Preservation Act
PSC	Public Service Commission
PSD	Prevention of Significant Deterioration
psig	per square inch gauge
Rail Facility	crude oil rail loading facility
RCRA	Resource Conservation and Recovery Act
RFFA	reasonably foreseeable future action
ROW	right-of-way
SCADA	Supervisory Control and Data Acquisition
SH	State Highway
SHPO	State Historic Preservation Office
SIO	scenic integrity objective
SIP	State Implementation Plan
SMS	Scenery Management System

SO ₂	sulfur dioxide
SPCC Plan	Spill Prevention, Control, and Countermeasures Plan
SR	State Route
SSURGO	Soil Survey Geographic Database
SWPPP	Storm Water Pollution Prevention Plan
tpy	tons per year
TRE	Theodore Roosevelt Expressway Association
TSS	total suspended sediment
U.S.	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VOC	volatile organic compound
VQO	Visual Quality Objectives
WMA	Wildlife Management Area
WT	wall thickness
WUS	Waters of the United States

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1.0 Introduction

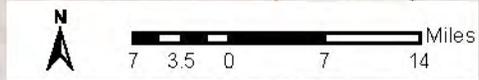
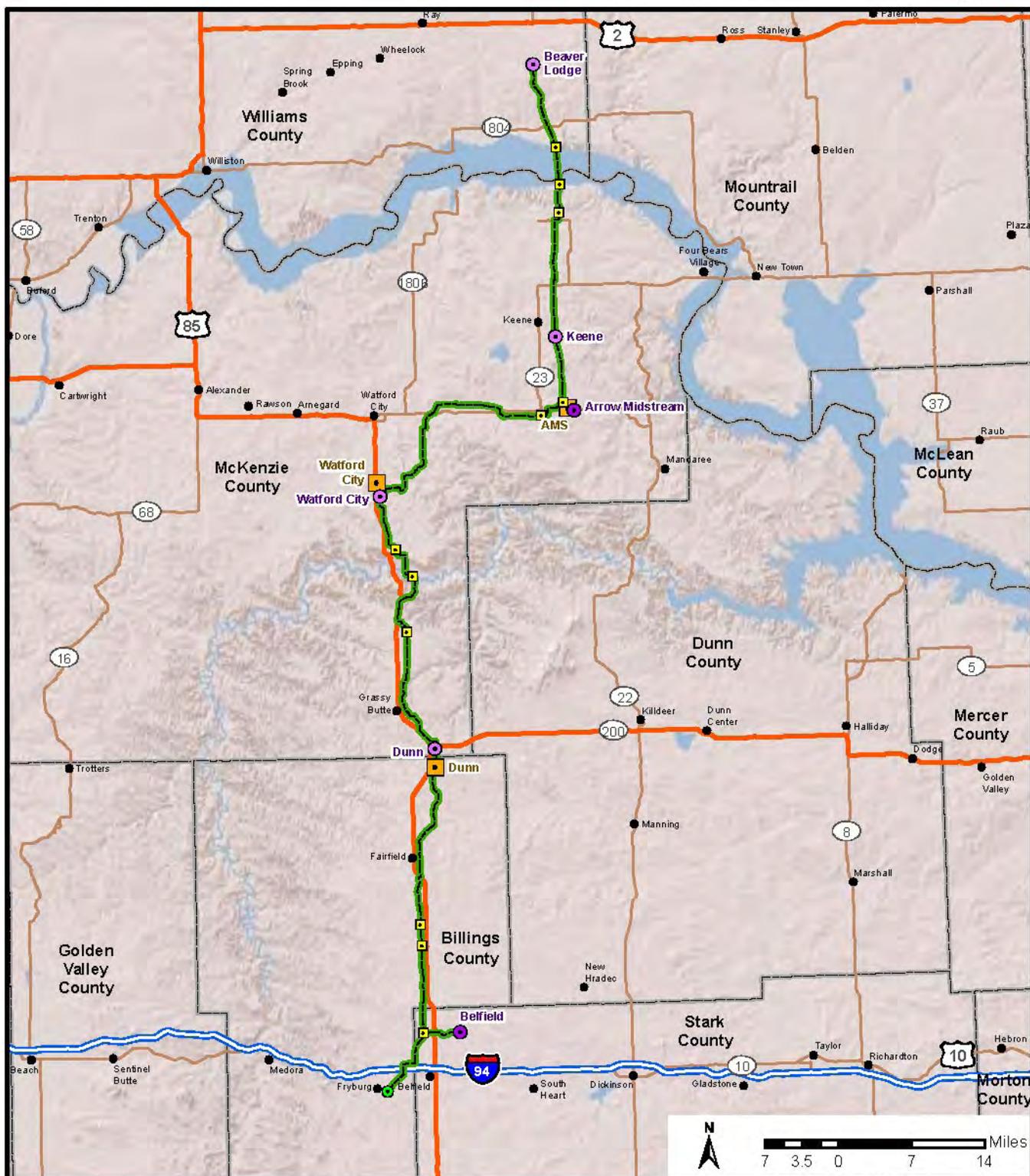
1.1 Introduction

BakkenLink Pipeline LLC (BakkenLink), a wholly owned subsidiary of Great Northern Midstream LLC, proposes to construct and operate a crude oil pipeline system consisting of approximately 132 miles of 8-inch-diameter and 12-inch-diameter steel crude oil pipeline (the Project) extending from multiple receipt points in Billings, McKenzie, Stark, and Williams counties, North Dakota, to an interconnect with a proposed, future rail facility at Fryburg, North Dakota, and/or facilities near Beaver Lodge, North Dakota (**Figure 1-1**). The 12-inch pipeline (Trunk line) would have bi-directional capability, and would be able to transport crude oil from the receipt points to either the proposed, future rail facility near Fryburg or facilities near Beaver Lodge, North Dakota. The system would transport light sweet crude, typical of middle Bakken and upper Three Forks formations (“Bakken”) production.

BakkenLink maintains that the proposed Project would provide much-needed pipeline capacity to transport the increasing supplies of crude oil produced in portions of Billings, McKenzie, Stark, and Williams counties, North Dakota, and that the location of the Project would encourage the development of pipeline gathering laterals and receipt points and outlet connections with third-party pipelines, including potentially the Enbridge North Dakota Pipeline system, the Tesoro High Plains Pipeline system, the Bridger Pipeline system, and if approved and it moves to construction, the Keystone XL Pipeline system¹.

This Environmental Assessment (EA) for the Project is being prepared under the direction of the Bureau of Land Management (BLM), serving as the lead agency in compliance with the National Environmental Policy Act of 1969 (NEPA) per the Mineral Leasing Act (MLA) of 1920, as amended. The United States (U.S.) Forest Service (USFS) and U.S. Army Corps of Engineers (USACE) are serving as cooperating agencies on the Project. This document follows the guidelines promulgated by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508, BLM's NEPA Handbook [H-1790-1], and the USACE regulation ER 200-2-2 [33 CFR Part 230]). Additionally, CFR 1506.3(a) allows the cooperating agencies (USACE and USFS) to adopt a NEPA document prepared by the lead federal agency (BLM). In order to issue an easement for a proposed activity, the USACE and USFS would independently evaluate and verify the information and analysis undertaken in the EA and would take full responsibility for the scope and content contained herein, even though, per the MLA, the BLM would issue the right-of-way (ROW) Grant for all federal lands crossed.

¹ Originally, BakkenLink applied to the North Dakota Public Service Commission (PSC) and the BLM with the intent of constructing their project to Baker, Montana, to deliver crude oil into the Keystone XL Pipeline. When it became apparent that the Keystone XL Project would not be constructed in time to meet the Project schedule, BakkenLink amended their applications to reflect the project analyzed in this EA (i.e., terminating at a rail facility near Fryburg, North Dakota), which would enable transporting Bakken oil to Gulf Coast markets via rail. BakkenLink has indicated that, should the Keystone XL Project proceed, it would still be interested in extending its pipeline system to enable a future interconnection with the Keystone XL pipeline near Baker, Montana. In the event that this occurs, it would be evaluated under a new NEPA process with a new set of applicant interests and objectives and new sets of agency purposes and needs. For the current NEPA process, the possibility of extending the BakkenLink pipeline will be analyzed as a reasonably foreseeable future development and addressed in the Cumulative Impacts chapter of this EA.



- Project Route
- Interstate
- Existing Receipt Facility
- Highway
- Proposed Receipt Facility
- Major Road
- Rail Terminal Facility
- MLV
- Pipe Storage Yard
- City/Town
- County Boundary

BakkenLink Pipeline Project

Figure 1-1

Proposed BakkenLink Project Route

The Project would be designed, constructed, and operated in accordance with CFR 49 Part 195, Transportation of Hazardous Liquids by Pipeline. These regulations are administered by the U.S. Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration (PHMSA).

This chapter presents BakkenLink's interests and objectives for the Project as well as the BLM's purpose and need for action. In addition, it also describes the Project location and identifies other authorizing actions necessary for the Project to be constructed. A complete description of the applicant's proposed Project is provided in Chapter 2.0.

The sources of the crude oil that would be transported by the Project are the middle Bakken and upper Three Forks formations (Bakken) of the Williston Basin. The Project would consist of the following assets:

- Approximately 127 miles of 12-inch-diameter steel trunk line for the transportation of crude oil from up to six proposed receipt points, including existing and proposed crude oil truck receipt locations. This trunk line would have bi-directional capability and would deliver to the proposed, future rail facilities near Fryburg and/or facilities near Beaver Lodge.
- Approximately 1 mile of 12-inch-diameter steel lateral from the Arrow Midstream Receipt Point, which would deliver into the trunk line near the crossing of Highway 73.
- Approximately 0.1 mile of 12-inch-diameter steel lateral from the Dunn Receipt Point, which would deliver into the trunk line south of the crossing of Highway 200.
- Approximately 4 miles of 8-inch-diameter steel lateral from the Belfield Receipt Point, which would deliver into the trunk line just north of Belfield.

Initially, BakkenLink proposes to use six receipt facility locations for input of crude oil. The receipt facilities, as depicted on **Figure 1-1**, are:

- Beaver Lodge Receipt Facility, Williams County;
- Keene Receipt Facility, McKenzie County;
- Existing Arrow Midstream Receipt Facility, McKenzie County;
- Watford City Receipt Facility, McKenzie County;
- Dunn Receipt Facility, McKenzie County; and
- Existing Belfield Receipt Facility, Stark County, North Dakota.

The proposed trunk line is designed to initially carry up to 65,000 barrels per day (bpd) and would have expansion capabilities of up to 85,000 bpd. The pipeline would be buried with a minimum of 3 feet of cover except for locations/conditions that would warrant deeper burial depths. Other surface facilities would be limited to pipeline markers, pipeline inspection gauge (pig) launchers and receivers, cathodic protection rectifiers and block valves. No pumping stations would be built as part of the Project. BakkenLink maintains that the pressure provided by storage tank transfer pumps at the receipt locations would be adequate for operation of the pipeline at the current projected flow rates.

1.2 BakkenLink's Interests and Objectives

BakkenLink initially submitted a Standard Form (SF) 299 application to the BLM North Dakota Field Office on May 17, 2011, and submitted an amended application on August 8, 2011, requesting a crude oil pipeline ROW Grant across 2.43 miles of USACE land and 6.8 miles of USFS lands in North Dakota. BakkenLink proposes to construct and operate a pipeline system that would collect crude oil from existing or new crude oil receipt facilities and would transport the collected crude oil to either a proposed, future rail facility to be located near Fryburg, North Dakota, and/or to facilities near Beaver Lodge, North

Dakota. BakkenLink maintains that the Project would help to address anticipated regional pipeline and outlet constraints as development of the Bakken Formation increases and that the pipeline is needed to relieve the large truck traffic congestion on the western North Dakota road system.

1.3 BLM's Proposed Action

The Proposed Action under consideration in this analysis is the BLM's authorization of a 50-foot-wide to 100-foot-wide construction ROW across 6.8 miles of USFS land and 2.43 miles of USACE land for the construction and operation of the crude oil pipeline. During operation of the pipeline, the ROW would permanently accommodate a 12-inch-diameter steel pipeline within a 20- (USFS) to 50-foot-wide (USACE) permanent easement across federal lands.

1.4 Purpose and Need for the Proposed Action

The purpose of the Proposed Action is to consider providing BakkenLink with a ROW across federal lands to meet their interests and objectives for the project. The need for the Proposed Action is the requirement to consider granting approval for the construction, operation, maintenance, and termination of a pipeline system for the purpose of transporting crude oil on public lands administered by the USFS, McKenzie Ranger District, and the USACE, Omaha District, under the authority of the MLA, as amended and supplemented, (30 United States Code [USC] 181 *et seq.*), and prescribed in 43 CFR Parts 2880 and 3160. The Department of Interior's Energy Policy Act of 2005 encourages the development of energy related facilities upon review and analysis.

1.5 Decisions to be Made

The BLM is the lead agency for this EA and would decide whether or not to approve BakkenLink's application for a ROW, and if so, under what terms and conditions. The cooperating agencies will have their own terms and conditions for portions of the pipeline and/or any facilities that would be installed on their property. BLM would make a decision regarding whether or not to issue a ROW Grant, and under what conditions, after consultation with and agreement from the cooperating agencies.

1.6 Location of Proposed Project

The Project proposed by BakkenLink would be located in four North Dakota counties (Billings, McKenzie, Stark, and Williams) and traverse private, state, USFS- and USACE-administered lands. The proposed route would not traverse BLM-administered lands. A map showing the location of the proposed pipeline route and associated facilities is provided on **Figure 1-1**.

1.7 Authorizing Actions

The Project would require federal, state, and local authorizations for many aspects of construction, operation, maintenance, and abandonment. It is the Applicant's responsibility to fulfill all requirements of any applicable statutes, regulations, and policies. **Table 1-1** lists permits, approvals, and reviews necessary for implementation of the Project.

1.7.1 Easement Acquisition Process on Public Lands

In order to obtain a ROW grant from federal land management agencies or easements across private land, several steps must be taken. For federally administered lands, an applicant must submit a ROW application to the appropriate federal agency along with a fee to cover the costs of processing the application and granting and administering the ROW. The agency then prepares an environmental document (such as this EA) as required under NEPA to determine potential impacts on all lands (regardless of ownership) that may occur as a result of implementing the Proposed Action. CFR 1506.3(a) allows the cooperating agencies (USACE and USFS) to adopt a NEPA document prepared by the lead federal agency (BLM) if needed for any independent decisions those agencies may require.

Table 1-1 Federal, State, and Local Permits, Approvals, and Reviews Required for Construction and Operation of the Project

Agency	Nature of Action	Authority
Federal Permits, Approvals, and Reviews		
U.S. Department of the Interior, BLM	Grant ROWs and issue temporary use permits for federal lands after NEPA review	Section 28 of the Mineral Leasing Act of 1920, as amended
	Issue cultural resource permit to excavate or remove cultural resources on federal lands	Archaeological Resources Protection Act of 1979, 16 USC Section 470aa-47011; 43 CFR Part 3
USFS	Review proposal for consistency with Land and Resource Management Plan. Provide BLM with reasonable and necessary measures to minimize impacts to Grassland resources	Section 28 of the Mineral Leasing Act of 1920, as amended
USACE	Review, provide stipulations, approve, and adopt BLM's decision for issuance of a ROW and Special Use Permits across USACE lands	40 CFR 1506.3(a)
	Issue Section 404 permit for placement of dredged or filled material in Waters of the U.S. (WUS)	Section 404 of the Clean Water Act (CWA) of 1972 (40 CFR 122-123); 33 USC Section 1344; 33 CFR Parts 323, 325
	Issue Section 10 permit for crossing navigable water in the U.S.	Section 10 of the Rivers and Harbors Act of 1899, 33 USC 401-413
U.S. Fish and Wildlife Service (USFWS)	Section 7 Consultation process for endangered or threatened species	Endangered Species Act (ESA) of 1973; 16 USC 1531 et seq. Migratory Bird Treaty Act (MBTA) of 1918, as amended; Executive Order (EO) 13186; EO 11990; Bald and Golden Eagle Protection Act (BGEPA) of 1940; NEPA
USDOT Federal Highway Administration	Issue permits to cross federal-aid highways	23 USC Sections 116, 123, 23 CFR Part 645 Subpart B
USDOT - (PHMSA)	Review and approve Integrity Management Plan for High Consequence Areas	49 CFR Part 195
	Review and approve Emergency Response Plan	49 CFR Part 194
U.S. Department of the Treasury Bureau of Alcohol, Tobacco and Firearms	Issue permits to purchase, store, and use explosives	Section 1102(a) of the Organized Crime Control Act of 1970, 18 USC Section 841-848; 27 CFR Part 181
Advisory Council on Historic Preservation	Review and compliance activities related to cultural resources	Section 106 National Historic Preservation Act (NHPA) (16 USC 470) (36 CFR Part 80)

Table 1-1 Federal, State, and Local Permits, Approvals, and Reviews Required for Construction and Operation of the Project

Agency	Nature of Action	Authority
State of North Dakota		
North Dakota State Historical Society	Review and comment on activities potentially affecting cultural resources	Consultation under Section 106, NHPA
Department of Health, Division of Water Quality	Permit for stream and wetland crossings/consultation for USACE Section 404 process	Section 401 CWA, Water Quality Certification
	Permit regulating hydrostatic test water discharge and construction dewatering and storm water to waters of the state	National Pollutant Discharge Elimination System (NPDES) Temporary Dewatering/ Hydrostatic Testing Permit (NDG07000), Storm Water Discharge Permit NDR10-0000
Department of Health, Division of Air Quality	Permit to construct	Clean Air Act (CAA)
Public Service Commission	Permit for construction of a pipeline within an approved corridor and along an approved route	Energy Conversion and Transmission Facility Siting Act Corridor Certificate and Route Permit
Game and Fish Department	Consultation and review	Assess potential effects to fish and wildlife
North Dakota State Water Commission	Section 401 CWA Certification	CWA
	State Sovereign Lands Permit	NDCC 28-32-02, 61-03-13
	Water Use	Temporary Water Use Permit SWC Form 247
Department of Transportation	Utility Occupancy Permit	ROW occupancy permit for state roadway crossings.
Counties	Conditional Use/Pipeline Permit/Road Crossing Permits	Required for pipeline construction

Protective measures to avoid and minimize adverse impacts are proposed by the Applicant and referenced throughout this document as design features. In addition to these commitments, the agencies require standard protective measures and best management practices (BMPs) on federal lands.

After the EA is prepared with input and participation from the cooperating agencies, reviewing agencies, tribal governments, and the public, the BLM prepares a Decision Record (DR). The Decision Record documents and provides the legal record for BLM decisions made regarding the requested ROW on federal lands. If it is determined that no significant impacts would be incurred after application of mitigation measures, the BLM would issue a Finding of No Significant Impact (FONSI) along with its DR. If it is determined that significant impacts would be incurred as a result of construction and/or operation of the Project, an Environmental Impact Statement (EIS) would have to be prepared to further evaluate the Project under NEPA.

Before the ROW can be granted, BakkenLink must prepare a Plan of Development (POD) detailing construction of all Project facilities. The POD must be submitted to the authorizing agencies for approval. The POD would be amended to include reasonable and necessary mitigation as described in the EA.

POD approval is concurrent with the ROW approval. The POD contains Project information and site-specific procedures for the following:

- Fire protection;
- Erosion control, revegetation, and reclamation;
- Water resources protection;
- Transportation;
- Communications;
- Cultural resources protection;
- Threatened or endangered species protection;
- Wildlife protection;
- Blasting;
- Dust control;
- Weed control;
- Health and safety;
- Construction schedule;
- Construction facilities and housing;
- Pipeline testing;
- Construction monitoring;
- Operations and maintenance plans; and
- Abandonment.

For the NEPA analysis, the Applicant has been required to conduct site-specific surveys on the proposed ROW, additional temporary work space (ATWS), and ancillary facility locations for sensitive habitats, plants, animals, and other resources, including threatened and endangered species and federally protected raptors; jurisdictional waters of the U.S.; cultural, historical, and paleontological resources; and noxious weeds. Data obtained from these surveys have been used in this document to apply stipulations and mitigation measures, where necessary, to protect site-specific resources. All reasonable and necessary stipulations and mitigation measures must be incorporated into the POD prior to issuance of a DR or FONSI.

1.7.2 Easement Acquisition Process on Private Lands

The process used by pipeline companies to obtain easements across private lands is different from that used for state or federal lands. The company's ROW agent first contacts the landowner for permission to determine the proposed pipeline's centerline across the owner's property. At the same time, the ROW agent seeks the landowner's permission to conduct the cultural and biological surveys required by the PSC to obtain permits to cross private lands as a common carrier (such as cultural and wildlife surveys).

A plat is prepared after the surveyor obtains the necessary data for locating the pipeline. This plat shows the relationship of the planned pipeline to the property boundaries. The ROW agent meets with the landowner to initiate negotiations for an easement across the property.

Across federal, state, and private lands, BakkenLink has requested a temporary construction ROW of 100 feet (USFS will allow only a 50-foot-wide construction ROW on their lands). ATWS would be required at certain locations (e.g., road and river crossings and in rugged terrain). The temporary

construction ROW may be reduced in some areas as necessary to avoid impacts to environmentally sensitive areas. BakkenLink requests a permanent easement of 50 feet (USFS will allow only 20-foot-wide easement on their lands). The location of the pipeline within the permanent easement may vary, however, depending on terrain, the presence of other existing facilities, and landowner concerns. Construction techniques and reclamation procedures would be the same on private and public lands, or as specified by the landowner.

1.8 Conformance with Land Use Plans

This Project would traverse private, state, USFS- and USACE-administered lands; BLM-administered lands are not crossed by the Project. However, BLM is responsible for issuing the ROW grant across federal lands under the authority of the MLA. The USFS and USACE, as cooperating agencies, are reviewing the Project to assure conformance with their land use plans. The State of North Dakota and affected counties also are reviewing the Project to assure conformance with any state- and county-level land use plans. To this point, there has been no indication that the project would not be consistent with any federal, state, or local land use plans.

1.9 Agency and Public Scoping and Issues

Both formal and informal agency scoping regarding the proposed Project has been ongoing for over a year. BakkenLink engineers, lands specialists, and consultants have interacted with the applicable agencies and landowners extensively over the past year to develop a preferred route and construction techniques that would avoid or minimize impacts to the environment. In accordance with NEPA Sections 101 and 102, federal regulations, and BLM policy, through scoping via the Public Notice, the BLM has solicited the public's involvement in the EA process. Public involvement can be achieved through various methods, such as sending direct mail notification of a proposed project and/or conducting scoping meetings where public and other interested parties (federal, state, and local agencies; tribal governments; landowners; and non-governmental organizations [NGOs]) are invited to a public venue to comment on the proposed project via an open house or more formal presentation setting. Scoping provides a mechanism for defining the scope of significant issues (40 CFR 1501.7 and 40 CFR 1508.25) and concerns associated with the development and operation of a proposed project. This information is used to better define the EA analysis so that the focus is on areas of interest and concern to the public and other parties.

Formal public scoping meetings were not conducted as part of the NEPA process for the BakkenLink Project; however, public scoping was conducted via published Public Notices in local newspapers and through direct mail notification to affected landowners, tribal governments, governmental agencies, and other potentially interested parties.

1.9.1 Agency Involvement

In addition to ongoing informal agency consultation, mail notifications, and news press releases, interested agencies were invited to formal agency scoping meetings held in Dickinson, North Dakota, on September 7 and October 6, 2011. Thirteen agency personnel participated in one or more of the agency scoping meetings, representing the BLM, State Historic Preservation Office (SHPO), National Park Service (NPS), USFS, USACE, and Bureau of Indian Affairs.

1.9.1.1 Agency Issues and Concerns

A majority of the comments received from agencies (during meetings and in comment letters) were related to project development and potential impacts to biological resources, visual resources, processes for siting project components, and details on operations and safety measures to minimize impacts to resources. The following is a general list of issues or concerns noted in the comments:

- Range of alternatives to the Proposed Action;
- Direct, indirect, and cumulative impacts to:

- Wildlife,
 - Special status species (federal-listed, candidate, and USFS-listed),
 - Nesting golden eagles, bald eagles, other raptors, and migratory birds,
 - Soils and hydrology,
 - Cultural resources,
 - Vegetation from noxious weed invasion,
 - Wetlands,
 - Air quality,
 - Soundscapes from noise, and
 - Theodore Roosevelt National Park.
- Lake Sakakawea crossing methods and potential impacts to piping plover (including designated critical habitat), interior least tern, and pallid sturgeon;
 - Pipeline integrity and potential risks for accidental release of crude oil at the Lake Sakakawea and Little Missouri River crossings;
 - Potential water quality issues related to disturbance of sediment at the Lake Sakakawea crossing and potential impacts to the pallid sturgeon;
 - Potential impacts to migrating whooping cranes during construction;
 - Avoid or minimize impacts to the Dakota skipper and Sprague's pipit by utilizing existing ROWs, minimizing construction ROW width, and reclaiming disturbed areas;
 - Reclamation of disturbance areas with native species;
 - Potential impacts to bighorn sheep lambing area in the Little Missouri River area;
 - Potential impacts to management indicator species as described in the Grassland Management Plan for USFS-administered lands;
 - Potential impacts to an inventoried roadless area on USFS-administered land (several miles south of the Little Missouri River crossing);
 - Potential impacts to "Suitable for Wilderness" area on USFS-administered land;
 - Develop Conservation Plan to identify potential impacts to migratory birds during all phases of the project;
 - Avoidance of all USFWS property interests within the project area; and
 - Potential impacts to USFWS trust resources.

1.9.2 Public Involvement

The BLM initiated public involvement and the scoping comment period with the mailing of newsletters that described the proposed project on November 3, 2011, to 308 interested parties and landowners in the area of the proposed project. The newsletter also included BLM contact information for providing comments. The BLM issued press releases containing the same project and contact information during the week of November 7, 2011. The press releases appeared in seven regional newspapers (Williston Daily Herald, Minot Daily News, The Dickinson Press, McKenzie County Farmer [Watford City newspaper], Bismarck Tribune, Dunn County Herald, and Billings County Pioneer) throughout the project region. The BLM's public scoping comment period ended on December 12, 2011.

1.9.2.1 Public Issues and Concerns

By the conclusion of the official scoping period, BLM had received a total of six comment letters/submittals (e.g., formal letters or e-mails) from two federal agencies (USFWS and NPS), three individuals, and one NGO (Badlands Conservation Alliance). The comments received were compiled and reviewed to identify key issues and concerns to be addressed in the EA.

A majority of the comments received during the scoping period were related to project development and potential impacts to biological resources, visual resources, recreation, and measures to ensure minimal impacts to these resources. The following is a general list of concerns noted in the comments:

- Range of alternatives to the Proposed Action;
- Direct, indirect and cumulative impacts to:
 - Cultural resources,
 - National grasslands, and
 - Wetlands.
- Traffic;
- Mitigation;
- Noise;
- Need for site-specific engineering investigations in potential mass-wasting areas in the Little Missouri Valley and installation of early warning detection system (i.e., tilt meters) and pipeline shut-off valves in case of an accidental oil release;
- Potential for the devaluation of land as a result of pipeline construction;
- More frequent pipeline inspections to identify potential risks for accidental releases of oil;
- Adequate bonding to provide funding for clean-up operations and reclamation in the event of accidental oil releases;
- Full environmental review of anticipated infrastructure (e.g., pipeline laterals, receipt facilities) needed for operation of the proposed project;
- Impacts to Theodore Roosevelt National Park from construction and operation of the Rail Loading Facility;
- Impacts related to the Lake Sakakawea crossing;
- Fugitive dust emissions affecting air quality and visual resources; and
- Fragmentation and disturbance of wildlife habitat.

1.9.3 Native American Consultation

The BLM initiated Native American consultation by sending letters to 14 tribes on October 20, 2011. The letter described the proposed project and provided the tribes with the opportunity to comment on the proposed project and identify sites or places that might be of religious or cultural significance to the tribes. Of the 14 tribes, 2 tribes responded to the letter including the Standing Rock Sioux Tribe and Three Affiliated Tribes (Chapter 4.0, Section 4.21, Cultural Resources/Native American Concerns).

As part of the National Historic Preservation Act, Section 106 compliance, BLM notified all federally recognized Native American groups residing in or with cultural ties to the Project area (Chapter 3.0, Section 3.21, Cultural Resources/Native American Concerns).