

**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD**

BakkenLink Pipeline Project
Environmental Assessment **DOI-BLM-MT-C030-2012-427-EA**
BLM ROW SERIAL NUMBER NDM 102507

Based on the analysis of potential environmental impacts contained in the referenced environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

Decision:

It is my decision to issue a right-of-way (ROW) grant to BakkenLink Pipeline LLC for construction of a crude oil pipeline as identified in the Agency Preferred Alternative, which is part of the originally proposed BakkenLink Pipeline Project that was analyzed by the Bureau of Land Management (BLM) in EA NO. **DOI-BLM-MT-C030-2012-427-EA**. The ROW will be issued pursuant to the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), and will be subject to the rules and regulations in 43 CFR 2880 and the terms of authorization listed below.

Summary of the Selected Alternative:

The Agency-Preferred Alternative is the Proposed Action excluding the Lake Sakakawea crossing, which extends from MP 9.7 to MP 12.0 (2.1 miles). BakkenLink would construct approximately 98 miles of 12-inch-diameter (Trunk line and Dunn and Arrow Midstream Laterals) and 8-inch-diameter (Belfield Lateral) steel crude oil pipeline extending from the existing Arrow Midstream Receipt Facility to a proposed crude oil rail loading facility located near Fryburg, North Dakota, to be constructed by Great Northern Midstream LLC.

This decision is contingent on meeting all stipulations and monitoring requirements listed in **Table 1**.

All construction, reclamation, operation, maintenance, and abandonment will be implemented in accordance with the POD that has been prepared in conjunction with the EA and additional standard mitigating measures, which will become part of the ROW grant. As a condition of ROW authorization, no surface disturbance will be permitted until BakkenLink Pipeline LLC receives a Notice to Proceed (in the form of a signed ROW Grant) from the BLM authorized officer. A Notice to Proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.

This decision to issue a ROW grant to BakkenLink Pipeline LLC approves the BakkenLink Pipeline LLC POD dated October 2 2012, as the typical ROW construction configuration.

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Environmental Protection Measures As Design Features
Air Quality	<ul style="list-style-type: none"> Water or chemical soil binders and best management practices (BMPs) would be used to control dust along the ROW and access roads during construction in accordance with federal, state, and local requirements.
Soils	<ul style="list-style-type: none"> Soil erosion would be minimized by implementing procedures described in BMPs, the Storm Water Pollution Prevention Plan (SWPPP), and the Reclamation Plan. During periods when soils are excessively wet, vehicle traffic and equipment would be restricted to prevent rutting in areas where topsoil is intact (excluding areas where topsoil has been removed/segregated). Use of temporary roads across agricultural lands may result in some compaction and seasonal loss of crops. When necessary, compacted soils would be disked following Project completion and landowners would be compensated for any crop loss.
Water Resources and Wetlands	<ul style="list-style-type: none"> The SWPPP and BMPs would be implemented to minimize storm water transport of sediment from disturbed areas to streams and wetlands. All Project-related storm water and hydrostatic test water discharges would be in compliance with a NPDES permit. No aboveground facilities or staging areas would be constructed within wetlands, riparian areas, or other waters of the U.S. Biologists familiar with wetland and riparian identification would post signs at the edges of the wetland/waterbody features prior to construction. ATWSs would be located a minimum of 50 feet outside wetland boundaries. BMPs (including installation of erosion control devices) would be utilized at all wetland and waterbody crossings to minimize sedimentation. For areas where additional setbacks are deemed necessary to protect the resource, the applicability of the appropriate setback would be determined in consultation with agencies on a site-specific basis. No refueling or lubricating would occur within 100 feet of wetlands and/or perennial/intermittent waterbodies. Hazardous materials, chemicals, fuels, etc. would not be stored within 100 feet of wetlands or perennial/intermittent waterbodies. Application of herbicides or pesticides within the vicinity of wetlands and waterbodies would follow pesticide use protocol and restrictions outlined in the Noxious Weed Management Plan. For dry crossings, topsoil within the trench line shall be segregated from subsoil in wetland and riparian areas for use in reclamation as specified in the Construction, Mitigation, and Reclamation Plan (CMRP). Where crossings of riparian or wetland areas cannot be reasonably avoided, the construction ROW width would be reduced to approximately 50 feet and measures would be taken to minimize impacts. This reduction to the construction ROW would apply to all Waters of the U.S. crossings.

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Environmental Protection Measures As Design Features
Water Resources and Wetlands (Continued)	<ul style="list-style-type: none"> To control Aquatic Invasive Species (AIS), equipment would be washed to remove all vegetative matter and AIS after constructing through stream crossings, where water is evident within the channel.
	<ul style="list-style-type: none"> BakkenLink would avoid impacts to perennial streams by using the HDD crossing method where required. Construction would occur over a limited period of time with the minimum equipment required for safe and efficient operations. Direct access of vehicles and heavy machinery to waterbodies would be minimized.
	<ul style="list-style-type: none"> The horizontal directional drill crossing method would be used at the Little Missouri River and Green River, which would avoid in-stream impacts and reduce erosion along the banks of these waterbodies.
	<ul style="list-style-type: none"> Water used for hydrostatic testing, dust control during construction, etc. would be obtained from municipal or other permitted water supply wells. The installation or abandonment of any wells is not anticipated. Surface water or groundwater appropriation is not anticipated.
	<ul style="list-style-type: none"> If Section 404 permit is obtained and mitigation is required, mitigation areas would need to be monitored for a minimum of five years. Annual reports would have to be submitted to the ND Corps regulatory office. Successful performance criteria would need to be developed in a mitigation and monitoring plan that should be submitted with completed 404 permit application. ND Corps regulatory should be able to provide more guidance.
Vegetation	<ul style="list-style-type: none"> Revegetation seed mixes would be developed in coordination with the agencies and private landowners. The CMRP would outline the procedures to be followed to return the land to pre-existing vegetative cover and land uses.
	<ul style="list-style-type: none"> Trees and shrubs would be replaced in accordance with the PSC's tree and shrub mitigation specifications. BakkenLink would coordinate with the appropriate agencies to identify efficient restoration and mitigation measures following construction.
	<ul style="list-style-type: none"> ROW monitoring of reclaimed areas would be conducted annually for 5 years following reclamation. Reclamation success would be based on the revegetation to 70 percent of the background cover as stipulated in the SWPPP (North Dakota Department of Health, Water Quality Division requirement) and the applicable permits obtained. If, after the first growing season, revegetation is successful, no additional monitoring would be conducted. Reclamation success criteria would be established in coordination with the USFS and USACE.

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Environmental Protection Measures As Design Features
Noxious Weeds	<ul style="list-style-type: none"> The Project's Noxious Weed Management Plan would be implemented to minimize the spread of noxious weeds. A Pesticide Use Proposal (PUP) would be included in the Noxious Weed Management Plan.
	<ul style="list-style-type: none"> ROW monitoring for noxious weeds and invasive species would be conducted following reclamation in conjunction with ROW monitoring of reclamation success.
	<ul style="list-style-type: none"> BakkenLink would clean construction equipment after completion of construction activities in the Summit Campground area, to prevent the spread of invasive species (e.g., smooth brome) to adjacent areas.
	<ul style="list-style-type: none"> When treating for noxious weeds and invasive species inside USFS recreation sites (e.g., Summit Campground), BakkenLink or their subcontractor would be responsible for providing public notice at least 24 hours in advance of treatment. BakkenLink would notify USFS, and post notice on campsite bulletin boards with information on the product being used, dates of spraying, and contact numbers.
Wildlife and Fisheries	<ul style="list-style-type: none"> Appropriate wildlife and fisheries protection measures would be implemented during all phases of construction in coordination with jurisdictional agencies.
	<ul style="list-style-type: none"> BMPs for protection of water resources that would reduce potential impacts to fish and their habitat would be implemented.
Special Status Species	<ul style="list-style-type: none"> Prior to the initiation of construction, applicable biological surveys would be conducted through areas of suitable habitat for specific species during the appropriate season, as determined by the jurisdictional agencies (e.g., BLM and USFWS) and survey results reported in compliance with Section 7 of the ESA.
	<ul style="list-style-type: none"> If threatened, endangered, candidate, or sensitive plant species are identified in proposed disturbance areas prior to construction, appropriate protection measures would be determined in consultation with agencies.
	<ul style="list-style-type: none"> No construction, operation, or maintenance activities would be allowed within 0.25 mile of the identified sharp-tailed grouse leks on USFS-administered land during the breeding season (March 1 to June 15).
	<ul style="list-style-type: none"> Surface use is prohibited from March 1 through June 15 within 1 mile (line of sight) of a sharp-tailed grouse display ground.
	<ul style="list-style-type: none"> No surface occupancy or use is allowed within 0.25 mile (line of sight) of a sharp-tailed grouse and sage grouse display ground.
	<ul style="list-style-type: none"> If a whooping crane is sighted within 1 mile of pipeline or associated facilities while under construction, all work cease within 1 mile of the Project and the USFWS be contacted immediately (USFWS 2011). In coordination with the USFWS, work may resume after the bird(s) leave the area (USFWS 2011).

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Environmental Protection Measures As Design Features
Land Use	<ul style="list-style-type: none"> Any range improvements such as fences, gates, cattle guards, and developed water sources located within disturbance or access routes would be repaired to the satisfaction of the agency or private landowner.
	<ul style="list-style-type: none"> If construction would disturb or destroy a natural barrier used for livestock control, the opening would be temporarily closed during construction and permanently closed following construction, as required by the agency or private landowner.
	<ul style="list-style-type: none"> BakkenLink would coordinate with landowners to minimize impacts to their lands. Lands would be restored to cropland and farming use following the construction phase of the Project.
Recreation and Visual Resources	<ul style="list-style-type: none"> Measures would be implemented to minimize the visual effects of construction on high value road, river, and trail crossings as identified in the ROW permit and POD.
	<ul style="list-style-type: none"> To prevent unauthorized use of the ROW by off-road vehicles and subsequent potential impacts to soil, vegetation, and wildlife resources, access would be blocked at locations specified by agencies and /or private landowners.
Transportation	<ul style="list-style-type: none"> All major highway crossings would be bored to limit traffic interruptions.
	<ul style="list-style-type: none"> Un-paved roads would be open cut, subject to approval of local road authorities. Where roads are open cut, traffic would be temporarily directed around the site. Most road crossings would typically be completed within several days, which would limit any disturbance to the traffic flow.
	<ul style="list-style-type: none"> Placement of temporary access would be designed to avoid sensitive features such as wetlands. Areas used for temporary roads or working areas during construction would be restored to their original condition to the extent practicable.
	<ul style="list-style-type: none"> The USFS designated inventoried Roadless Area would be crossed using the HDD method. No construction traffic would be allowed to access this property.
Cultural and Paleontological Resources	<ul style="list-style-type: none"> Prior to the Project construction, cultural resource inventories would be conducted on all previously uninventoried lands in proposed disturbance areas. Any resources that have been determined as eligible or are included in the NRHP would be avoided to the extent practical. If avoidance is not possible, appropriate mitigation measures would be implemented.
	<ul style="list-style-type: none"> Avoidance is recommended for the NRHP-eligible sites (including unevaluated sites) located within or adjacent to the APE. If avoidance of an unevaluated site is not feasible, evaluative testing would be conducted and eligibility determined by the BLM in consultation with the North Dakota State Historic Preservation Office. For any NRHP-eligible sites that cannot be avoided, a treatment plan would be developed by the BLM in consultation with the North Dakota SHPO and interested tribes.
	<ul style="list-style-type: none"> To minimize indirect impacts to cultural and paleontological resources, Project-related personnel would be educated as to the sensitive nature of the resources; a strict policy of prohibiting collecting of these resources would be implemented.

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Environmental Protection Measures As Design Features
Cultural and Paleontological Resources (Continued)	<ul style="list-style-type: none"> If cultural resources are found while Project is under construction, all work would stop and the ND SHPO would be contacted to determine what should be done to protect resources. Written permission shall be obtained stating that work in this area no longer presents a hazard to cultural resources and work can resume.
Noise	<ul style="list-style-type: none"> The Project route would be at least 500 feet from occupied houses and structures. At this distance, noise created during construction should be below ambient background levels, especially near highways and railroad lines.
Public Safety	<ul style="list-style-type: none"> The Project would be located a minimum distance of 500 feet from residences to minimize hazards to human health and safety. Also, isolation valves would be installed along the pipeline in accordance with federal regulations to isolate the pipeline during a leak to minimize the release.
	<ul style="list-style-type: none"> A Spill Risk Assessment has been completed to identify HCAs and potential impacts as a result of an accidental release of crude oil during pipeline operation.

Resource	Mitigation Measures
Geology and Minerals	<p>GM-1: Geotechnical investigations will be completed in landslide prone areas north and south of the Lake Sakakawea and Little Missouri River crossings in order to characterize areas of potential instability. HDD will be used for the Little Missouri crossing not only at the river crossing itself, but also HDD will be used to avoid landslide hazards and steep slopes along the bluffs on the north and south sides of the river crossing. It is recommended that final design of the HDDs under the landslides incorporate information concerning the bedrock-landslide interface so that the drill borings and eventually the pipe are placed in relatively competent bedrock and not in landslide material. Also, the distance of the entry/exit points from the edges of the bluffs should be adequate to accommodate erosion and large rotational slump blocks that could occur along the edges of the bluffs.</p>
	<p>GM-2: Pre-construction investigations in areas of known or suspected historic lignite mining along the Project route will be completed prior to construction in order to identify potential subsidence areas. Avoidance of areas having underground voids is the best protection. If avoidance is not possible, then appropriate engineering design is recommended to protect the pipeline and facilities from risk of damage and rupture.</p>
Soils	<p>S-1: During reclamation, compacted areas (typically any area that received repeated traffic or three or more passes by heavy equipment) will be decompacted, to the depth of compaction, by subsoiling or ripping to the depth of compaction. This will help prepare the seed bed, encourage infiltration and help to prevent accelerated runoff and erosion. Where topsoil has been salvaged and segregated, decompaction will occur prior to respreading topsoil. Scarification will only be used on shallow soils.</p>
	<p>S-2: Salvaged topsoil will be protected from wind and water erosion at all times. To ensure proper erosion control of topsoil piles, all sediment and erosion control measures will be inspected after large rain events and repairs will be performed as needed.</p>

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Mitigation Measures
Water Resources	WR-1: An additional mainline valve will be placed on the eastern side of the Cherry Creek Aquifer near Highway 23 (approximately MP 48.5) to reduce the maximum volume of oil (from 15,900 barrels to 5,950 barrels) that could be released in the event of a pipeline rupture.
	WR-2: BakkenLink has consulted and will continue consulting with the North Dakota Department of Health (NDDH), Water Quality Division, and will implement ground water protection measures as directed (or recommended) by NDDH for segments of the proposed pipeline that traverse the Cherry Creek and Tobacco Garden aquifers.
Wildlife and Fisheries	WF-1: BakkenLink will construct escape ramps every 0.5 mile to reduce the potential for livestock and wildlife becoming trapped in the pipeline trench.
	WF-2: To the extent practicable, clearing and grubbing of the Project ROW will occur in the fall or winter (i.e., outside of nesting season) to minimize disturbance to nesting birds.
	WF-3: If construction occurs during breeding season, BakkenLink will conduct pre-construction surveys for active nests, including raptor nests, to protect migratory birds. In North Dakota, the typical migratory bird nesting season (including raptors) is February 1 through July 15 (USFWS 2011c). To minimize impacts to migratory birds (including some game birds, waterfowl, and raptors), active nests will be avoided during construction and maintenance activities, in coordination with USFWS.
	WF-4: Any open posts (1.5-inch-diameter or greater), which may be utilized in pipeline construction or operation (such as markers, signs, stacks, etc), will be permanently covered or filled with sand or gravel. This is necessary to prevent wildlife mortalities by entrapment.
Special Status Species	SSS-1: The loss of special status plant species individuals or populations may occur as a result of adjacent noxious weed-related herbicide application treatments. To effectively mitigate this impact, consultation between the special status plant species jurisdictional agency and the weed control specialists will be completed prior to treatments. The location of known special status plant species and noxious weed species individuals and populations will be confirmed prior to treatments. In addition, techniques for special status plant species avoidance via direct and indirect applications will be developed.
	SSS-2: To prevent the spread of aquatic nuisance species during construction and operation, BakkenLink will remove aquatic plants and animals from equipment before leaving any waterbody. Project staff will spray/wash equipment with high pressure hot water when leaving a wetland/waterbody, or will dry equipment for at least 5 days before use at a different wetland/waterbody.
	SSS-3: The revegetation plan will include a commitment to reseed disturbed native prairie with a comparable native grass/forb seed mixture and planting a diverse mixture of native cool- and warm-season grasses and forbs; and

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Mitigation Measures
Special Status Species (Continued)	<p>SSS-4: BakkenLink will obtain a seed source that is as local as possible to ensure the particular cultivars are well adapted to the local climate.</p>
	<p>SSS-5: Disturbance to native prairie will be reclaimed to its original condition using native seed mixes specified by applicable state and federal agencies. The objective is for no net loss of native prairie habitat to occur. Where avoidance of native prairie is not feasible, appropriate surveys will be conducted to ensure that Dakota skipper and regal fritillary populations will not be affected. In addition, the following protection measures will be implemented to minimize impacts to the Dakota skipper, regal fritillary, Ottoe skipper, and tawny crescent:</p> <ul style="list-style-type: none"> • Restrict workspaces where the ROW crosses native prairie habitat; • Salvage and segregate topsoil in native prairie to maintain the native seed sources for re-vegetation of the ROW in native prairie; and • Restrict herbicide and pesticide use where Dakota skippers, regal fritillaries, Ottoe skippers, and tawny crescents are found.
	<p>SSS-6: If construction occurs during spring or fall migration, BakkenLink will provide whooping crane monitors in suitable habitat along the ROW. If a whooping crane is sighted within 1 mile of a pipeline or associated facilities during construction, all work will cease within 1 mile of the area and the USFWS will be contacted immediately. In coordination with the USFWS, work will resume after the bird(s) leave the area (USFWS 2011c). By implementing these mitigation measures, construction-related impacts to the whooping crane are anticipated to be low.</p>
	<p>SSS-7: If construction were to occur during the interior least tern or piping plover breeding season (April 1 through August 31), BakkenLink will conduct surveys in suitable habitat within 0.25 mile of the Lake Sakakawea crossing location. A qualified biologist will survey no more than 2 weeks prior to construction-related activities to identify occupied breeding territories and/or active nest sites. If occupied breeding territories and/or active nest sites are identified, the USFWS will be notified. Appropriate protection measures, such as seasonal constraints and the establishment of a spatial buffer area, will be implemented on a site-specific basis, in coordination with the USFWS. Similar constraints and/or mitigation measures may apply to pipeline maintenance activities if conducted during the breeding season within 0.25 mile of the Project area.</p>
	<p>SSS-8: All surface disturbing activities within suitable nesting habitat occur outside the burrowing owl breeding period (May 1 to September 15).</p>

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Mitigation Measures
Special Status Species (Continued)	SSS-9: If work is proposed to take place during the migratory bird breeding season (February 1 to July 15), BakkenLink will implement appropriate protection measures, including clearing and grubbing the Project route prior to spring nesting, and having a qualified biologist survey the Project route for nesting migratory birds within 5 days of any ground disturbing activity.
	SSS-10: If surveys or other available information indicate a potential for take of migratory birds, their eggs, or active nests, BakkenLink will suspend activities and contact the USFS, McKenzie Ranger District, and the USFWS for further coordination on the extent of the impact and the long-term implications of the intended use of the Project on migratory bird populations.
	SSS-11: Any open posts (1.5-inch-diameter or greater), which may be utilized for pipeline construction or operation (e.g., markers, signs, stacks, fences, etc.) will be permanently covered or filled with sand or gravel to prevent wildlife mortalities by entrapment.
	SSS-12: Surface use is prohibited from April 1 through June 15 within 1 mile (line-of-sight) of bighorn sheep lambing areas (USFS 2001; NDGFP 2011).
	SSS-13: New developments, including new facilities, roads, and concentrations of humans, within 1 mile of bighorn sheep lambing areas may be moved or modified to be out of view of the lambing areas (USFS 2001). This stipulation applies to drilling and testing and new construction projects, not to operation or maintenance of production facilities (USFS 2001).
Recreation	RR-1: Construction activities within the Summit Campground will not take place between the established quiet hours of 10:00 pm to 7:00 am; this time restriction would not apply to the HDD activities that would be completed for the U.S. Highway 85 crossing and area immediately south of the Summit Campground.
	RR-2: Recreation facilities at the Summit Campground will not be used by project construction workers. Alternative facilities will be provided.
	RR-3: Construction vehicles or equipment at the Summit Campground will not park in recreation campsites or parking areas by the restrooms.
	RR-4: Camping at the Summit Campground by construction workers will not be permitted.
	RR-5: Access to the Summit Campground will be maintained by keeping access open from at least one entrance.
Visual Resources	VR-1: Aboveground structures will be painted with BLM-approved environmental colors to minimize contrasts with surrounding landscapes.
Hazardous Materials	HM-1: It is recommended that ground disturbing activities be monitored in the area of uranium deposits shown on Figure 3.2-3 in the EA. Spoil piles and airborne dust will be monitored by qualified persons to ensure that radiation is below government recommended action levels. If action levels are exceeded, BakkenLink will provide for appropriate personal protective equipment to be provided to construction workers and length of potential exposure monitored to limit time of exposure to comply with government recommended levels. In addition, soils that exhibit elevated levels of radioactivity will be dealt with according to the provisions for handling contaminated soil in the SPCC Plan.

Table 1 Summary of Environmental Protection Measures and Mitigation Measures for the Project

Resource	Mitigation Measures
<p>Cultural Resources / Native American Concerns</p>	<p>CR-1 - BakkenLink would provide funding to allow interested Native American tribes the opportunity to inventory the route for traditional cultural properties prior to construction, and to monitor previously identified cultural resource sites during project construction. Inventory and Monitoring activities would be conducted as specified in the cultural resources monitoring plan jointly developed by the tribe(s), Metcalf Archaeology, Inc. and the BLM. The monitoring plan would be approved by BLM.</p>
<p>U.S. Forest Service Mitigation Measures</p>	<ul style="list-style-type: none"> • Keep disturbance to a minimum to reduce impacts to suitable sensitive species habitat and native vegetation communities in general, and also to reduce spread of invasive species. • Where the disturbance area will intersect noxious weeds or patches of invasive species, treat the noxious weeds or invasive species at least two weeks prior to construction; or salvage and stockpile the topsoil from these sites separately to isolate the vegetative propagules and seed. These areas should be identified to ensure they are monitored after reclamation. • Use a Forest Service approved native seed mix for reclamation; monitor to ensure proper establishment. Monitor annually for 5 years following reclamation to ensure reclamation success and to identify noxious weeds and invasive species establishment. • If invasive species are found on reclaimed sites that are in areas mostly dominated by native species, treat the invasive species sites and reseed if necessary. • If noxious weeds are found on reclaimed sites, treat the weeds and reseed if necessary. • Clean vehicles and equipment used for construction prior to entering the National Grassland to remove all seeds and plant propagules (seeds and vegetative parts that may sprout) in order to prevent the potential spread of noxious weeds and invasive species. This mitigation would be applied when moving equipment from an area dominated by invasive species to an area that is not dominated by invasive species. • Clearly mark (stake/fence/flag) sensitive plants within or very near the ROW prior to construction and note them on alignment sheets to ensure that they are avoided. Ensure that such marking is still visible prior to reclamation activities. • Any discovery of sensitive or watch plants within the project area should be reported to the McKenzie Ranger District office. Sensitive plant populations discovered after project approval should be protected; therefore, last minute alterations of the project design or access route may be requested in order to avoid negative impacts to such populations.

Rationale for the Decision:

The decision to issue the ROW grant to BakkenLink Pipeline LLC meets the BLM's objectives identified in the purpose for the Proposed Action, as described in Section 1.4 of the EA, and is based on the impact analysis contained in the EA. The analysis shows that there will be no undue or unnecessary environmental impacts to the environment caused by construction, reclamation, operation, maintenance, or abandonment of the pipeline while adhering to the POD and stipulations set forth under the ROW grant.

Nothing has been discovered which would preclude the BLM from authorizing the project as specified in the project EA and POD, and as described in this Decision Record.

The No Action Alternative was the only alternative considered due to the lack of viable action alternatives to the Proposed Action.

Additional regulations and statutes that support this decision are identified in Table 1-1 of the EA.

The proposed project has been reviewed and found to be in conformance with prescribed management actions and standards and guidelines for protecting resources from surface-disturbing activity, as set forth in the Dakota Prairie Grasslands Land and Resource Management Plan.

Project Summary

The Agency-Preferred Alternative is the Proposed Action excluding the Lake Sakakawea crossing, which extends from MP 9.7 to MP 12.0 (2.1 miles). This segment of the Project has been excluded from the Agency-Preferred Alternative due to the potential adverse effects to special status wildlife species (i.e., pallid sturgeon, piping plover, interior least tern) and designated critical habitat for the piping plover as a result of pipeline construction. As a result of excluding the Lake Sakakawea crossing from the Project, BLM has determined, in consultation with BakkenLink, the Project could still be viable and partially meet BakkenLink's interests and objectives, if the section from the Arrow Midstream Receipt Facility to the Beaver Lodge Receipt Facility was not constructed. If the segment from the Arrow Midstream Receipt Facility to the Fryburg Rail Facility was constructed, and everything north of Arrow Midstream was not, four of the six Receipt Facilities would still allow receipt and delivery of crude oil to Fryburg. BakkenLink has indicated that this would still be a feasible project. The Agency-Preferred Alternative would include the implementation of the environmental protection measures, Construction, Mitigation, and Reclamation Plan, and resource-specific mitigation measures identified in the EA.

BakkenLink would construct approximately 98 miles of 12-inch-diameter (Trunk line and Dunn and Arrow Midstream Laterals) and 8-inch-diameter (Belfield Lateral) steel crude oil pipeline extending from the existing Arrow Midstream Receipt Facility to a proposed crude oil rail loading facility located near Fryburg, North Dakota, to be constructed by Great Northern Midstream LLC. The Project would be located in the following North Dakota counties: Billings, McKenzie, and Stark. The system would transport light sweet crude, typical of middle Bakken and upper Three Forks formations (Bakken) production. The initial capacity would be 65,000 BPD, beginning on the estimated in-service date of December 31, 2012. BakkenLink would transport crude oil from four receipt facilities, including two existing (Arrow Midstream and Belfield) and two new proposed (Watford City and Dunn) crude oil receipt locations. The Trunk line would have bi-directional capability and the crude oil collected by the Project would have improved access to key markets across the U.S. Construction of the Project would help to alleviate anticipated pipeline constraints in the oil production area of the Project and reduce the amount of truck traffic for hauling crude oil from the lease to truck facility locations.

Public and Agency Involvement

Both formal and informal agency scoping regarding the proposed Project has been ongoing for over 1 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.

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.

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.

The EA was issued for public review on August 16, 2012, with a direct mailing to 29 agencies, 15 tribes, 53 groups, and 246 individuals, and a press release. The review period ended on September 15, 2012. Written comments were received from the following:

- Federal agencies - Environmental Protection Agency, National Park Service, and U.S. Fish and Wildlife Service;
- State agency - North Dakota Parks and Recreation;
- Organizations - Badlands Conservation Alliance, Sierra Club, and North Dakota Petroleum Council;
- Company - Bridger Pipeline;
- Congressman - U.S. Senator John Hoeven; and
- Individuals - Odin Stutrud, Morris Tarnavsky, and Ruth Molm.

Based on review of the comment letters, a listing of substantive comments on the EA and responses to these comments were developed by the BLM. Several of the commentors were

supportive of the project, and in concurrence with the findings of the analysis and the coordination conducted during preparation of the EA.

Some of the key issues identified in the comment letters included the following:

- Past and future oil and gas development should be included in the cumulative impact analysis;
- Potential for pipeline leaks or spills and potential contamination of groundwater in the Cherry Creek and Tobacco Garden aquifers;
- Leak detection system capabilities of the proposed pipeline;
- Pipeline maintenance, inspections, and abandonment;
- Proximity of the proposed pipeline to Theodore Roosevelt National Park;
- Proximity of the proposed pipeline to Inventoried Roadless and Suitable for Wilderness Areas on the Little Missouri National Grassland;
- Reclamation of disturbance areas with native species;
- Impacts to vegetation types;
- Compensation for loss of rangeland used for livestock grazing;
- Wetland protection during construction;
- Buffers for raptor nests;
- Alternative construction methods for the Lake Sakakawea crossing;
- Potential impacts to special status species and significant ecological communities;
- Additional federal laws or acts for which the U.S. Fish and Wildlife Service is responsible for compliance;
- Purpose and need; and
- Implementation of environmental protection measures and mitigation measures.

Finding of No Significant Impact (FONSI)

Based on the analysis of the potential environmental impacts contained in the above referenced EA, I have determined that the impacts are not expected to be significant and an environmental impact statement is not needed. This FONSI is based in part, on CEQ guidance regarding the appropriate use of Mitigated FONSI's dated January 14, 2011. This guidance addresses mitigation that an agency has committed to implement as part of a project design and mitigation commitments informed by the NEPA review process. Agencies may commit to mitigation measures considered as alternatives in an EA so as to achieve an environmentally preferable outcome. Agencies may also commit to mitigation measures to support a mitigated FONSI, so as to complete their review of potentially significant environmental impacts without preparing an EIS.

Appeal Opportunity

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, part 4 and Form 1842-1 which is available at any BLM office. If an appeal is taken, the notice of appeal must be filed in this office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed is in error.

If anyone wishes to file a petition pursuant to the regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time the appeal is

being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals, and to the appropriate Office of the Solicitor (see CFR 4.413) at the same time the original documents are filed with this office. Anyone requesting a stay has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting a stay.

APPROVED



Authorized Officer (signature)



Date of signature