

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

BakkenLink Dry Creek to Beaver Lodge Pipeline Project
Environmental Assessment **DOI-BLM-MT-C030-2015-137-EA**
BLM ROW SERIAL NUMBER NDM 102507

Based on the analysis of potential environmental impacts contained in the referenced environmental assessment (EA), and considering the significance criteria in 40 Code of Federal Regulations (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 amend right-of-way (ROW) grant Number NDM 102507, issued to BakkenLink Pipeline LLC on October 23, 2012. The amendment will authorize construction of a crude oil pipeline as identified in the Agency Preferred Alternative; the new pipeline will connect to the original 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 United States Code 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, which extends from Milepost (MP) 0 to MP 37. BakkenLink will construct approximately 37 miles of 16-inch-diameter steel crude oil pipeline extending from the existing Dry Creek Receipt Facility to the proposed Beaver Lodge Receipt Facility.

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

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
Air Quality	Water or chemical soil binders will be used to control dust along the ROW and access roads during construction in accordance with federal, state, and local requirements.
Geology and Minerals	The horizontal directional drill (HDD) construction method will be used to avoid impacts to landslide areas associated with the bluffs on the north and south sides of Lake Sakakawea.
Soils	Soil erosion will be minimized by implementing procedures described in the Storm Water Pollution Prevention Plan (SWPPP), and the Construction, Mitigation, and Reclamation Plan (CMRP).
	If construction is planned during a storm event, vehicle traffic and equipment will be restricted to prevent excessive rutting.
	Use of temporary roads across agricultural lands may result in some compaction and seasonal loss of crops. When necessary, compacted soils will be disked following Project completion and landowners will be compensated for any crop loss.
	During reclamation, compacted areas (typically any area that received repeated traffic or three or more passes by heavy equipment) will be decompact, 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 be used only on shallow soils.

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
Soils (Continued)	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.
Water Resources and Wetlands	The SWPPP will be implemented to minimize storm water transport of sediment from disturbed areas to streams, wetlands, and Lake Sakakawea. All Project-related storm water and hydrostatic test water discharges will be in compliance with a National Pollutant Discharge Elimination System permit.
	No aboveground facilities or staging areas will be constructed/located within wetlands, riparian areas, or other Waters of the U.S.
	Biologists familiar with wetland and riparian area identification will post signs at the edges of the wetland/waterbody features prior to construction to avoid surface disturbance and resource impacts.
	Additional temporary work spaces will be located a minimum of 50 feet outside wetland boundaries. Protection measures (including installation of erosion control devices) will 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 will be determined in consultation with agencies on a site-specific basis.
	No refueling or lubricating will occur within 100 feet of wetlands and/or perennial/intermittent waterbodies. Hazardous materials, chemicals, fuels, etc., will not be stored within 100 feet of wetlands or perennial/intermittent waterbodies.
	Application of pesticides in the vicinity of wetlands and waterbodies will follow pesticide use protocol, label instructions, and restrictions outlined in the Noxious Weed and Aquatic Nuisance Species Control Plan.
	For dry crossings, topsoil within the trench line will be segregated from subsoil in wetland and riparian areas for use in reclamation as specified in the CMRP.
	For standard wetland or riparian area crossings, topsoil stripping is impractical due to the saturated nature of the soil as specified in the CMRP.
	Where crossings of wetland or riparian areas cannot be reasonably avoided, the construction ROW width will be reduced to approximately 75 feet or less in standard wetlands and measures will be taken to minimize impacts. The construction ROW width will be reduced to approximately 50 feet or less on all federal lands.
	To control aquatic nuisance species (ANS), equipment and boats will be washed to remove all vegetative matter and ANS prior to arrival at the construction site and after constructing through waterbody crossings (e.g., Lake Sakakawea), where water is evident. 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. A minimum of 72 hours notice will be provided to the North Dakota Game and Fish Department (NDGFD) for scheduling an inspection. The NDGFD's ANS Biologist, Mr. Fred Ryckman, will be contacted at the NDGFD Riverdale Office (701-770-0920) for equipment inspections or any additional information regarding ANS prevention protocols.
	Water used for hydrostatic testing, dust control during construction, etc., will be obtained from municipal or other permitted water supply wells. The installation or abandonment of any wells is not anticipated. Surface water or non-permitted groundwater appropriation is not anticipated.
	Sensitive areas will be marked and flagged as an "environmental sensitive area."

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
<p>Water Resources and Wetlands (Continued)</p>	<p>Pipeline crossings of any surface waterway will be scheduled at times of minimal rainfall to minimize the risk of construction-related sediment sources being washed into waterbodies or wetlands.</p> <p>A Section 404 permit will be obtained and mitigation will be required in consultation with the U.S. Army Corps of Engineers (USACE). Mitigation areas will need to be monitored for a minimum of 5 years. Annual reports will have to be submitted to the North Dakota USACE regulatory office. Successful performance criteria will need to be developed in a mitigation and monitoring plan that should be submitted with a completed 404 permit application. North Dakota USACE regulatory staff will be able to provide additional guidance as necessary.</p>
<p>Vegetation</p>	<p>The U.S. Forest Service (USFS)-approved revegetation seed mix for native prairie will be applied on federal lands. The USFS-approved seed mix will be applied on state and private lands unless state and private landowners request a different seed mix. The CMRP outlines the procedures to be followed for returning the land to pre-existing vegetative cover and land uses. All seed will be certified or registered by the State of North Dakota or the state of origin.</p> <p>Trees and shrubs will be replaced in accordance with the Public Service Commission’s tree and shrub mitigation specifications and the USACE’s tree and shrub mitigation specifications (SOP #14 – Garrison Project Tree/Vegetation Mitigation) on USACE-administered land. BakkenLink will coordinate with the appropriate agencies to identify efficient restoration and mitigation measures following construction.</p> <p>Post-construction monitoring of reclaimed areas will be conducted for 3 to 5 years following the first growing season, depending on land ownership, to determine the success of revegetation focusing on vegetative cover, noxious weeds, and invasive species cover. On private lands, if revegetation is successful after the third growing season, no additional monitoring will be conducted. On USFS, State, and USACE-administered lands, if revegetation is successful after the fifth growing season, no additional monitoring will be conducted. Annual reports will be sent to the BLM and appropriate land management agency.</p> <p>Reclamation success will be based on the revegetation to at least 70 percent of the background cover. On USFS lands, if revegetation is successful at any time during the 5-year monitoring period, no additional monitoring will be conducted.</p> <p>In grasslands identified as high and moderate quality Dakota Skipper habitat, post-construction monitoring inspections will be conducted for 5 years following the first growing season to determine the success of revegetation focusing on vegetative cover and noxious weeds and invasive species establishment. The monitoring period may be shortened to 3 years upon request if located on private land.</p> <p>If 2 consecutive years of successful revegetation is not documented, additional mitigation measures (e.g., reseeding) and extended monitoring may be required. Additional mitigation measures will be determined in consultation with the BLM, landowner/manager, and the U.S. Fish and Wildlife Service (USFWS).</p> <p>Sensitive areas will be marked and flagged as an “environmental sensitive area.”</p>
<p>Noxious Weeds</p>	<p>The Project’s Noxious Weed and Aquatic Nuisance Species Control Plan will be implemented to minimize the spread of noxious weeds.</p> <p>Noxious weed monitoring and control will continue for any ROW over which BakkenLink will retain control over the land surface use after construction.</p> <p>ROW monitoring for noxious weeds and invasive species will be conducted following reclamation in conjunction with ROW monitoring of reclamation success. BakkenLink will be responsible for noxious weed control within the permanent ROW for the life of the Project.</p>

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
<p>Wildlife and Fisheries</p>	<p>BakkenLink will construct escape ramps every 0.5 mile to reduce the potential for livestock and wildlife becoming trapped in the pipeline trench.</p>
	<p>To the extent practicable, mowing, clearing, and grubbing of the Project ROW will occur in the fall or winter (i.e., outside of migratory bird nesting season [February 1 through July 15]) to minimize disturbance to nesting birds.</p>
	<p>If construction occurs during migratory bird breeding season (February 1 to July 15), BakkenLink will conduct pre-construction surveys for active nests, including raptor nests, in order to avoid disrupting migratory birds during the breeding season. BakkenLink will have a qualified biologist survey the proposed route for nesting migratory birds within 5 days of any ground disturbing activity. 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. 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 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.</p>
	<p>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.</p>
	<p>To avoid/minimize impacts to nesting bald eagles from construction activities, BakkenLink will: 1) maintain a minimum 0.5-mile buffer between the activity and any bald eagle nest if no landscape buffer exists; 2) maintain a minimum 660-foot buffer and landscape buffer or natural area between the activity and around the nest tree; and 3) avoid activities during the bald eagle nesting season (February 1 to July 15).</p>
	<p>To avoid/minimize impacts to golden eagles, BakkenLink will conduct surveys prior to any on-the-ground activities to determine the extent of any golden eagle breeding territories in the area that may be impacted by the Project. BakkenLink will conduct an aerial nest survey (preferably by helicopter) within 1 mile of the Project ROW to identify any occupied and unoccupied golden eagle nest sites in proximity to the Project area. Aerial surveys will be conducted between March 1 and May 15, before leaf-out, so that nests are visible and their status (active or inactive) can be determined. A nesting territory or inventoried habitat will be designated as unoccupied by golden eagles only after at least two complete aerial surveys in a single breeding season. Aerial surveys will include the following:</p> <ol style="list-style-type: none"> <li data-bbox="456 1367 1422 1493">1. Due to the ability to hover and facilitate observations of the ground, helicopters are preferred over fixed-wing aircraft, although small aircraft also may be used. BakkenLink will report any golden eagle nests, as well as other nests of any other raptors found during the survey. Where possible, BakkenLink will utilize two observers to conduct the surveys. <li data-bbox="456 1503 1422 1591">2. BakkenLink will record any observations of golden eagle nest sites using a global positioning system. The date, location, nest condition, activity status, and habitat will be recorded for each sighting. <li data-bbox="456 1602 1422 1659">3. BakkenLink will share the qualifications of the biologist(s) conducting the survey, method of survey, and results of the survey with the USFWS.

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
Wildlife and Fisheries (Continued)	<p>Alternatively, BakkenLink may conduct ground surveys to identify golden eagle nests within 1 mile of the Project ROW between March 1 and May 15. However, ground surveys are much less reliable than aerial surveys, even during leaf-off conditions, and 75 percent of golden eagle nests present may be missed. BakkenLink will conduct at least two ground observation periods lasting at least 4 hours or more per linear mile to designate inventoried habitat or territory as unoccupied as long as all potential nest sites and alternate nests are visible and monitored. If a golden eagle nest is observed, BakkenLink will contact the USFWS for further consultation to determine appropriate protection measures and possible “take” permit implications.</p>
Special Status Species	<p>Prior to the initiation of construction, applicable biological surveys will be conducted through areas of suitable habitat for specific species during the appropriate season, as determined by the jurisdictional agencies (e.g., BLM, USFS, USACE, and USFWS) and survey results reported in compliance with Section 7 of the Endangered Species Act.</p> <p>If threatened, endangered, candidate, or sensitive plant species are identified in proposed disturbance areas prior to construction, appropriate protection measures will be determined in consultation with agencies.</p> <p>Surface use is prohibited from March 1 through June 15 within 1 mile (line of sight) of active sharp-tailed grouse leks.</p> <p>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.</p> <p>The revegetation plan will include a commitment to reseed disturbed native prairie with USFS-approved seed mixture and planting a diverse mixture of native cool- and warm-season grasses and forbs.</p> <p>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>Disturbed native prairie will be reclaimed to its original condition using USFS-approved 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, the following protection measures will be implemented to minimize impacts to the Dakota skipper, regal fritillary, Ottoe skipper, and tawny crescent:</p> <ol style="list-style-type: none"> 1) Restrict workspaces where the ROW crosses native prairie habitat; 2) Salvage and segregate topsoil in native prairie to maintain the native seed sources for revegetation of the ROW in native prairie; and 3) Eliminate pesticide use where Dakota skippers, regal fritillaries, Ottoe skippers, and tawny crescents are found. <p>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.</p>

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
Special Status Species (Continued)	<p>If construction were to occur during the rufa red knot migration period (Fall: July 15 through November 15; Spring: March 15 through June 15), BakkenLink will conduct surveys in suitable habitat within 0.5 mile of the Lake Sakakawea crossing location. Surveys will be conducted by a qualified wildlife biologist who is able to identify rufa red knots and will occur daily before and after construction activities. Surveys will last for at least 2 hours prior to the start of construction each day and continue for at least 1 hour after construction has finished each day. If rufa red knots are observed within line-of-sight of the Project area, no work will begin or continue and the BLM and USFWS will be contacted within 24 hours. In coordination with the USFWS, work may resume after the bird(s) leave the area. Similar constraints may apply to pipeline maintenance activities if conducted within 0.5 mile of suitable habitat.</p>
	<p>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 0.5 mile of the Lake Sakakawea crossing location. A qualified biologist will survey no more than 5 days 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 0.5 mile of the Project area.</p>
Land Use	<p>Any range improvements such as fences, gates, cattle guards, and developed water sources located within disturbance or access routes will be repaired to the satisfaction of the agency or private landowner.</p>
	<p>If construction will disturb or destroy a natural barrier used for livestock control, the opening will be temporarily closed during construction and permanently closed following construction, as required by the agency or private landowner.</p>
	<p>BakkenLink will coordinate with landowners to minimize impacts to their lands. Lands will be restored to cropland and farming use following the construction phase of the Project.</p>
	<p>In cultivated areas, the depth of cover may be increased to avoid interference with land use activities.</p>
Recreation and Visual Resources	<p>Measures will be implemented to minimize the visual effects of construction on high value road, river, and trail crossings as identified by the BLM, USFS, or USACE.</p>
	<p>To prevent unauthorized use of the ROW by off-road vehicles and subsequent potential impacts to soil, vegetation, and wildlife resources, access to the ROW will be restricted by BakkenLink during construction. On federally administered lands (i.e., USFS and USACE), existing regulations regarding off-road vehicles also will apply.</p>
	<p>Aboveground structures will be painted with BLM-approved environmental colors to minimize contrasts with surrounding landscapes.</p>
Transportation	<p>All major highway and improved gravel or scoria road crossings will be bored to limit traffic interruptions.</p>
	<p>Placement of temporary access will be designed to avoid sensitive features such as wetlands. Areas used for temporary roads or working areas during construction will be restored to their original condition to the extent practicable.</p>

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
<p>Cultural and Paleontological Resources</p>	<p>Prior to the Project construction, cultural and paleontological resource inventories will be conducted on all proposed disturbance areas not previously inventoried. All cultural resources recorded during the inventories will be evaluated for eligibility to the National Register of Historic Places (NRHP). Avoidance is recommended for cultural resources listed on the NRHP, evaluated as eligible for listing on the NRHP, or unevaluated. If avoidance is not possible, a treatment plan will be developed by the BLM in consultation with the North Dakota State Historic Preservation Office (SHPO), USFS/USACE (if on their lands), and interested tribes. The treatment plan will be implemented prior to Project construction.</p>
	<p>Twenty-two cultural resources (32MZ1151, 32MZx1423, 32MZ2695, 32MZ2696, 32MZ2718, 32MZ2741, 32MZ2753, 32MZ2760, 32MZ2761, 32MZ2762, 32MZ2763, 32MZ2766, 32MZ2767, 32MZ2773, 32WI1124, 32WI1209, 32WI1488, 32WI1491, 32WI1492, 32WI1506, 32WI1513, and 32WI1514) have been identified in the Project area and all of these cultural resources have been avoided by the Project through redesign of the Project ROW. On January 7, 2015, SHPO concurred with BLM's determination that the Project will not have an adverse effect on these cultural resources. In accordance with the cultural resource monitoring plan, archaeological monitoring and protective fencing will be utilized during construction near seven of the cultural resources (32MZ1151, 32MZx1423, 32MZ2695, 32MZ2741, 32MZ2753, 32MZ2763, and 32WI1124). One area near the Project ROW will be monitored due to the possibility of encountering buried archaeological resources and/or paleosols.</p>
	<p>No paleontological resources were identified during the survey; however, paleontological resource monitoring is required on lands designated as Potential Fossil Yield Classification Class 4 bedrock during Project construction. Paleontological monitoring will be conducted by a paleontological resource consultant approved and permitted by the BLM.</p>
	<p>To minimize indirect impacts to cultural and paleontological resources, Project-related personnel will be educated as to the sensitive nature of the resources; a strict policy of prohibiting collecting of these resources will be implemented.</p>
	<p>Sensitive areas will be marked and flagged as an "environmental sensitive area."</p>
	<p>If cultural resources, including human remains, are discovered during Project construction, all work will stop in the area of the discovery and the procedures outlined in the Unanticipated Discoveries Plan (Plan of Development [POD], Appendix XV) will be followed. If the cultural resource is determined to be a historic property, and cannot be avoided, then appropriate mitigation measures will be developed in consultation with SHPO, applicable federal agency if found on USACE- or USFS-administered lands, and interested tribes. Written permission stating that work in this area no longer presents a hazard to cultural resources will be required before work could resume in the area of the discovery. If human remains are discovered, the Environmental Inspector will immediately stop construction in a 300-foot radius and notify the BLM. If human remains are found on federal lands and determined to be Native American, BLM will follow the requirements under the Native American Graves Protection and Repatriation Act. BLM will provide written notice to BakkenLink indicating they can proceed with construction once the remains have been fully evaluated and appropriate treatment of the discovery has been completed.</p>
	<p>If paleontological resources are discovered during Project construction, all work will cease within 100 feet of the discovery, and the Unanticipated Discoveries Plan for Paleontological Resources (POD, Appendix XXVIII) will be followed. A certified paleontologist permitted by the State of North Dakota and the BLM will be contacted to determine appropriate resource identification and protection procedures. Construction activities will not resume until the BLM project manager has provided written notice that construction can proceed.</p>

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
Tribal Treaty Rights and Interests	Several areas of tribal concern have been identified within the Project ROW. These areas of tribal concern will be avoided by the Project by realignment, narrowing of the Project construction ROW, or use of the HDD construction method.
Noise	The proposed route will 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.
Health and Safety	The Project will be located a minimum distance of 500 feet from residences to minimize hazards to human health and safety. Also, isolation valves will be installed along the pipeline in accordance with federal regulations to isolate the pipeline during a potential leak to minimize the release.
	A Spill Risk Assessment (Appendix A of this EA) has been completed to identify high consequence areas and potential impacts as a result of an accidental release of crude oil during pipeline operation.
	Any burning during the Project will comply with all federal, state, county, and local fire regulations pertaining to burning permits.
	All hazardous and potentially hazardous materials will be transported, stored, and handled in accordance with applicable regulations.
	If toxic or hazardous waste materials are encountered during construction, construction will stop immediately, and will not restart until clearance is granted by the appropriate agency.
USFS-Specific Mitigation Measures	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 2 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 USFS-approved native seed mix for reclamation and 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. Reclamation success will be based on the revegetation to at least 70 percent of the background cover. On USFS-administered lands, if revegetation is successful at any time during the 5-year monitoring period, no additional monitoring will be conducted.
	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 at approved water or air wash stations (monitored by an environmental inspector) prior to entering the Little Missouri 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. Approved wash stations will include commercial car washes and on-site locations. This mitigation will be applied when moving equipment from an area containing invasive species to an area that does not contain invasive species.
	Clearly mark (stake/fence/flag) sensitive plant populations 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.

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
USACE-Specific Mitigation Measures	Prior to construction, all Project personnel will be trained on environmental permit requirements and environmental specifications, including fuel handling and storage, cultural resource protection methods, stream and wetland crossing requirements, and sensitive species protection measures.
	Construction will occur between August 15 and April 1 to avoid potential impacts to sensitive species. If construction is proposed outside of this schedule restriction, then the USACE will be contacted as early as possible to allow for coordination with pertinent state and federal resource agencies.
	BakkenLink will provide a minimum of one third-party environmental inspector at the Lake Sakakawea crossing to ensure that construction activities are compliant with the permit-approved environmental mitigation and reclamation requirements specified in all permits and this EA. An email will be sent to USACE staff every day documenting construction activities.
	If fish kills ¹ are observed, construction will stop and the USACE lake manager will be contacted. USACE will contact the North Dakota Department of Health and/or NDGFD who will dispatch staff to investigate cause of fish kill. Work may resume with permission from either agency.
	No refueling or lubricating of non-stationary equipment will occur on USACE-administered lands. Refueling and lubricating of stationary equipment associated with the Project will be done on USACE-administered land only with equipment located within a secondary containment system.
	Drilling mud pits will not be constructed on lands administered by the USACE.
	When working in water, the backhoe will always use a silt curtain and the jet trench will always use a turbidity mat and diffuser.
	During construction, BakkenLink will deploy turbidity monitoring instrumentation with a third-party inspector monitoring turbidity levels. The third-party inspector will have stop work authority if turbidity levels exceeded 100 Nephelometric Turbidity Units (NTUs) above pre-workday/work period background levels. Pre-work background turbidity readings will be taken at a location 1,000 feet perpendicular and to the east of the construction area and no greater than 1 hour prior to work starting. Turbidity monitoring readings taken during construction will be 1,000 feet perpendicular and to the east of the construction area, taken at mid-depth of the reservoir, and at intervals of 1 hour after work commences and then every 4 hours until work has ceased for that day/work period. Should work be stopped due to turbidity levels, work will not commence again until turbidity levels fall below the 100 NTU's above pre-workday/work period background levels.
	No sheet piling will be used to construct the Project.
	Trees and shrubs will be replaced in accordance with the USACE's tree and shrub mitigation specifications (SOP #14 – Garrison Project Tree/Vegetation Mitigation) on USACE-administered land.
	Use the USFS-approved native seed mix for reclamation unless the USACE requests a different seed mix and monitor to ensure proper establishment. Post-construction monitoring of reclaimed areas will be conducted for 3 years following the first growing season to determine the success of revegetation focusing on vegetative cover, noxious weeds, and invasive species cover. Reclamation success will be based on the revegetation to at least 90 percent of the background cover. On USACE-administered lands, if revegetation is successful at any time during the 3-year monitoring period, no additional monitoring will be conducted. Annual reports will be sent to the USACE Garrison Project Office.

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
USACE-Specific Mitigation Measures (Continued)	To control ANS, equipment and boats will be washed to remove all vegetative matter and ANS prior to arrival at the construction site and after constructing through waterbody crossings (e.g., Lake Sakakawea), where water is evident. NDGFD will be given a minimum of 72 hours notice to enable a biologist to inspect the equipment and boats.
	BakkenLink will install remotely controlled double mainline valves (MLVs) on both sides of Lake Sakakawea. In the event of a pipeline leak or rupture at the proposed Lake Sakakawea crossing, Lake Sakakawea water permit holders will be notified immediately as described in BakkenLink’s Emergency Response Plan.
	The pipeline will be monitored 24 hours a day, 365 days a year, from an Operations Control Center, located in Fryburg, North Dakota, using a sophisticated Supervisory Control and Data Acquisition system.
	BakkenLink will follow the Spill, Prevention, Containment and Countermeasures Plan to reduce the likelihood of an accidental release of hazardous fluids.
	BakkenLink has committed to join the Sakakawea Area Spill Response Team, which provides access to adequate equipment for quick spill response.
	Rectifiers and deep well anodes that are a part of the cathodic protection system will be inspected at least six times per year and replaced if necessary.
	BakkenLink commits to having a threat assessment annual meeting with USACE to determine if additional riprap protection around the pipe or initiation of “evacuate and shut-in” provisions are needed based on annual Missouri River and accompanying reservoirs water level forecast.
	In order to prevent shoreline erosion (scour) and possible pipeline exposure in the long term, BakkenLink has committed to protecting with riprap or lowering the pipe if reservoir levels draw down. If for any reason the threat is imminent, leaving insufficient time to take measures to physically protect the pipe, BakkenLink temporarily will suspend service and remove all oil from the pipe at the Lake Sakakawea crossing until such threat passes. See EA Section 2.2.5.5, Waterbody Crossings, and EA Appendix B, Erosion Monitoring Plan, for more information.
	BakkenLink will maintain a non-public boat launch on USACE lands to be used only for launching emergency response boats.
	BLM regulations at 43 CFR 2880, Rights-of-way under the Mineral Leasing Act, will be followed for the abandonment process.
USFWS-Specific Mitigation Measures	<p>SSS-1: Northern Long-eared Bat</p> <ol style="list-style-type: none"> 1. In areas along the Project route where woodlands and shrublands will be crossed, BakkenLink will conduct acoustic bat surveys (minimum of 2 detector nights per 0.6 miles of suitable summer habitat) between May 1 and August 31, in coordination with the USFWS, to determine if northern long-eared bats are present within the Project area (as per the Northern Long-Eared Bat Interim Conference and Planning Guidance). 2. If acoustic surveys indicate the presence of northern long-eared bats, BakkenLink will conduct surveys prior to construction to identify potential roosting trees/snags within and immediately adjacent to the Project ROW that are potentially suitable habitat for the northern long-eared bat. Once identified, BakkenLink will not construct in these areas from June 1 to August 15, when there may be young present. In the case that construction occurs between June 1 and August 15, BakkenLink will implement additional measures to ensure potential roosting trees/snags and trees surrounding potential roosting trees/snags are not impacted by Project activities, including fencing-off and/or monitoring.

Table 1 Environmental Protection Measures as Design Features

Resource	Environmental Protection Measures As Design Features
USFWS-Specific Mitigation Measures (Continued)	<p>SSS-2: Dakota Skipper</p> <ol style="list-style-type: none"> In order to further reduce impacts to potential grassland habitat, BakkenLink will construct one additional HDD segment (MP 34.2 to 34.3) and extend the lengths of 3 existing HDD segments (MP 11.4 to 11.8, MP 20.6 to 21.0, MP 26.0 to 26.5) to avoid impacts to potential grassland habitat. BakkenLink will also reduce the construction ROW width from 100 feet to 75 feet in 10 areas (MP 4.90 to 4.96, MP 8.5 to 9.4, MP 10.8 to 11.4, MP 11.8 to 11.9, MP 27.4 to 27.8, MP 28.1 to 28.8, MP 30.2 to 30.6, MP 30.9 to 31.0, MP 31.8 to 32.1, MP 33.0 to 33.3) to reduce impacts to potential grassland habitat. To the extent practical, BakkenLink will limit the width of access roads to 35 feet and will utilize existing disturbed or recently disturbed areas for additional temporary workspaces. Constructing 1 additional HDD segment, extending the lengths of 3 existing HDD segments, reducing the construction ROW width from 100 feet to 75 feet in 10 areas, limiting the width of access roads to 35 feet, and utilizing existing disturbed and recently disturbed areas for additional temporary workspaces, will avoid impacts to approximately 20.9 acres of grassland habitat potentially suitable for Dakota skippers (i.e., native and native-invaded grassland habitat). This will result in an 18 percent decrease in overall impacts to potential grassland habitat.
Other Mitigation Measures	<p>Soils</p> <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. Scarification will only be used on shallow soils.</p> <p>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> <p>Visual Resources</p> <p>VR-1: Aboveground structures will be painted with BLM-approved environmental colors to minimize contrasts with surrounding landscapes.</p>

¹ A "fish kill" is a significant and sudden death of fish, shellfish, and other aquatic animals. Such events are characterized by large numbers of animals dying over a short time, usually in a defined area.

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 amend the ROW grant to BakkenLink Pipeline LLC approves the BakkenLink Pipeline LLC POD dated October 13, 2015, as the typical ROW construction configuration.

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 that 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 with the implementation of the environmental protection measures, Construction, Mitigation, and Reclamation Plan, and resource-specific mitigation measures identified in the EA.

The Project will consist of approximately 37 miles of 16-inch-diameter steel crude oil pipeline for the transportation of crude oil from 3 receipt facilities, including 1 existing (Dry Creek Terminal) and 2 proposed (Keene and Beaver Lodge) crude oil receipt facilities located in McKenzie and Williams counties, North Dakota . This pipeline will have bi-directional capability and will transport crude oil between the Beaver Lodge Receipt Facility on the north end of the Project and the existing Dry Creek Terminal on the south end of the Project. The Project is designed to initially carry up to 100,000 barrels per day (bpd) and will have expansion capabilities of up to 135,000 bpd. The pipeline will be buried with a minimum of 3 feet of cover except for locations/conditions that will warrant deeper burial depths. Other surface facilities will be limited to pipeline markers, communications equipment, emergency response equipment storage areas, and MLVs.

The connection to the Dry Creek Terminal will establish a connection with the existing BakkenLink Pipeline that is transporting crude oil to a rail facility operated by ND Land Holdings LLC (dba Dory Land), a wholly owned subsidiary of Great Northern Midstream LLC at Fryburg, North Dakota. The Project also will include an oil receipt facility near Keene, North Dakota.

The Project is a continuation of an ongoing crude oil pipeline system that BakkenLink originally proposed to construct between Fryburg, North Dakota, and the Beaver Lodge Receipt Facility near Tioga, North Dakota (original BakkenLink Pipeline Project). That project was evaluated in an EA by the jurisdictional agencies in 2012. Because the jurisdictional agencies were interested in evaluating a HDD alternative crossing method of Lake Sakakawea and inadequate geotechnical data existed at the time to determine the feasibility of an HDD at the proposed crossing location, the BLM Decision Record indicated that it analyzed most, but not all, of the Project and possible alternatives. Because BakkenLink indicated a willingness to construct part of the Project that did not include the Lake Sakakawea crossing, and because that part of the Project had independent utility, a Mitigated Finding of No Significant Impact was issued for the segment of the Project extending from Arrow Midstream to Fryburg (the mitigation being to not make a decision on the lake crossing until the necessary geotechnical data could be obtained and evaluated). From September 2012 to February 2013, BakkenLink obtained and evaluated the necessary geotechnical data at the Lake Sakakawea crossing. The feasibility report completed by a third-party HDD expert determined that an HDD is not feasible due to multiple factors, and indicated a very high likelihood of failure.

Public and Agency Involvement

Both formal and informal agency scoping regarding the Project has been ongoing for over 2 years. BakkenLink engineers, lands specialists, and consultants have interacted with the applicable agencies and landowners extensively over the past 2 years to develop a preferred route and construction techniques that will avoid or minimize impacts to the environment. In accordance with National Environmental Policy Act (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) 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 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, formal agency scoping meetings were held in the USACE Omaha District Office (Omaha, Nebraska) and the USFWS North Dakota Ecological Service Field Office on November 7, 2013, and January 15, 2014, respectively. Agencies that participated in the meetings or provided written comments during the agency scoping period included the USFWS, USACE, USFS, Bureau of Indian Affairs, NDGFD, North Dakota State Water Commission, and North Dakota Parks and Recreation.

An information letter describing the Project and requesting comments was distributed on April 22, 2013, to all individuals identified on the mailing list, which included 394 interested parties and landowners in the area of the Project. The information letter also included BLM contact information for providing comments. The BLM issued public notices containing the same project and contact information during the week of April 22, 2013. Public notices were published in the following regional newspaper, notifying the public of the Project and soliciting comments:

- Associated Press [BHG Newsgroup and Bloomberg];
- Beulah Beacon;
- Billings County Pioneer;
- Bismarck Tribune;
- Bowman County Pioneer;
- Dickinson Press;
- Dunn County Herald;
- Golden Valley News;
- Hazen Star;
- Kenmare News;
- Mandan News;
- McKenzie County Farmer [Watford City newspaper];
- Mclean County Independent;

- Minot Daily News;
- Mountrail County Promoter;
- Mountrail County Record;
- New Town News;
- Tioga Tribune;
- Turtle Mountain Star;
- Turtle Mountain Times;
- Washburn Leader News; and
- Williston Daily Herald

The BLM's public scoping comment period ended on May 22, 2013.

The Draft EA was issued for public review on January 13, 2015, with a direct mailing to 65 agencies, 33 tribes, 21 groups, 254 individuals, 38 businesses, 3 schools, 4 churches, and a press release. The review period ended on February 13, 2015. Three letters and one e-mail with comments on the Draft EA were received by the BLM during the 30-day public comment period. Comments were received from the following Native American tribes and companies:

- Three Affiliated Tribes – Mandan, Hidatsa, and Arikara Nation (MHA Nation);
- Cheyenne River Sioux Tribe;
- Valero; and
- XTO Energy Inc.

Based on review of the comment letters, a listing of substantive comments on the Draft EA and responses to these comments were developed by the BLM. Two of the commenters 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 and e-mail included the following:

- Opposed to the Project due potential impacts to the lake bottom, Lake Sakakawea, endangered species, and ecology associated with the lake;
- Potential impacts to cultural and historical resources associated with the Missouri River that are sacred to the MHA Nation people;
- Other potential route alternatives to cross Lake Sakakawea;
- Potential for sedimentation in the lake and groundwater contamination during construction and operation;
- Integrity and safety of petroleum pipelines at major river crossings;
- Potential for environmental and ecological damage to the lake ecosystem, water supply, and downstream communities of the MHA Nation from an oil spill and release during pipeline operation;
- Compliance with the Native American consultation process;
- Notification should be provided by federal lead and cooperating agencies to the MHA Nation for other pipeline projects prior to trenching activities along the lake bottom;

- Cumulative impacts; and
- Support for the Project.

On March 11, 2015, BLM responded to comments received on the Draft EA in a letter dated January 29, 2015 from Chairman Fox of the MHA Nation. Based on the BLM's review of the comments provided in these letters and e-mail, revisions were made to the EA.

Finding of No Significant Impact

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.

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. 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 2881.10(b) 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)

5/25/16

Date of signature