

**CenterPoint Energy Bakken Crude Services, LLC
Bear Den Project Environmental Assessment
Substantive Comments**

The Bureau of Land Management (BLM) North Dakota Field Office issued an Environmental Assessment (EA) for the proposed CenterPoint Energy Bakken Crude Services, LLC (CEBCS) Bear Den Project (Project) for public review on June 6, 2013. The purpose of the Project is to construct a gathering pipeline system to eliminate tanker truck activity on public and private roads in the Project area. CEBCS would construct approximately 68.5 miles of 3- to 8-inch-diameter welded steel crude oil pipeline and 59.4 miles of 3- to 6-inch-diameter composite produced water pipeline in McKenzie and Dunn Counties, North Dakota. The pipelines would be buried underground and would follow existing pipeline and utility easement and corridors where feasible. The review period ended on July 6, 2013. Written comments were received from the Badlands Conservation Alliance (BCA), letter dated July 3, 2013. The BCA is a conservation non-profit focused on public lands and natural resources in western North Dakota. The BLM's response to comments received on the EA are provided in Table 1.

TABLE 1

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Comment No.	Commentor	Resource/Topic	Comment	Response to Comment
1	Badlands Conservation Alliance	Proposed Action and Alternatives	The Bear Den Project should not proceed without the addition of natural gas gathering lines as a component. The June 17, 2013 "Director's Cut" from Lynn Helms of the North Dakota Oil and Gas Division stated the rate of flaring remains exorbitantly high at 29 percent. Installation of natural gas lines should be considered part of the cost of doing business regardless of current economics. To do otherwise, is an inefficiency, an environmental disservice, and an insult to the people of North Dakota and the Nation.	Gathering of natural gas is beyond the scope of the Bear Den Project (Project), which consists of a crude oil and produced water gathering system. Flaring of natural gas produced from oil wells in the Project areas is regulated by the North Dakota Industrial Commission, Oil and Gas Division, and that agency is responsible for the granting of any exemptions to allow the flaring of natural gas produced from oil wells. As a pipeline operator, as opposed to a producer and owner of the well infrastructure serviced by the Project, CenterPoint Energy Bakken Crude Services, LLC (CEBCS) has no control over the fate of natural gas produced from oil wells in the Project area. However, gathering of natural gas from 100 percent of the subject wells in the Project area is dedicated to a third-party pipeline operator (i.e., ONEOK Rockies Midstream), with the majority of wells serviced by the Project already connected to that natural gas gathering system. (No change to the Project Environmental Assessment [EA] is considered warranted.)
2	Badlands Conservation Alliance	Cultural Resources	<p>The EA does not mention the famous story of our 26th President's encounter with the Boat Thieves at Cherry Creek's confluence with the Little Missouri. It is a child's history lesson written about boldly by Roosevelt himself and retold by contemporary historians and scholars including Edmund Morris, Clay Jenkinson, and Douglas Brinkley. Indeed, North Dakota native son Jenkinson in his <i>Theodore Roosevelt in the Dakota Badlands</i> claims it as the second "most Rooseveltian" in North Dakota, second only to his Elkhorn Ranch site, which is a unit of Theodore Roosevelt National Park.</p> <p>Certainly Roosevelt's experience here should qualify under the National Register of Historic Places' <i>Criterion B – are associated with the lives of persons significant in our past</i> (EA, page 3-36). Furthermore, the EA states on page 4-39: <i>The BLM 8100 Manual states that cultural resources need not be determined eligible for the NRHP to receive consideration under NEPA.</i> BCA requests that the significance of this site be formally addressed in this EA.</p>	In response to this comment, the Bureau of Land Management contacted the North Dakota State Historic Preservation Office (ND SHPO). The ND SHPO does not have any formal records of this site at the confluence of Cherry Creek and the Little Missouri River. Further, the confluence of Cherry Creek and the Little Missouri River is located approximately 0.9 mile from the nearest Project component. Thus, the site/event is located outside the Area of Potential Effect for the Project. For that reason, consideration of the site/event in the Project EA is not appropriate. (No change to the Project EA is considered warranted.)
3	Badlands Conservation Alliance	Tribal Treaty Rights and Interests	BCA has great respect for the traditional and contemporary cultural and spiritual use and treaty rights of the tribal peoples associated with this land. While BCA's affiliation with this landscape may be less historically rich, it bears a similarity. Discussion of Tribal Treaty Rights under both EA 3.14.2 and 4.14.3 describe a scenario of unresolved issues. Prior to any decision-making on this proposed project, the public should be notified of the final results of tribal consultation and any resolution that may or may not be the result. BCA requests this notification by U.S. Postal Service.	The Bureau of Land Management's (BLM) Decision Record for the Project conveys the final results of consultations with participating Native American Tribes for the Project. The Decision Record will be publically available and posted to the BLM's website for the Project. (No change to the Project EA is considered warranted.)
4	Badlands Conservation Alliance	Recreation	<p>On page 4-49 of the EA under <i>Recreation</i> it states: <i>Due to the current infrastructure in the area associated with oil and gas development, the existing suitable environment for hiking, camping, and ORV and snowmobile use is fairly limited.</i> This declarative statement is purely opinion. Similarly, a statement made on page 3-39 that <i>There are no designated recreational areas in the Project area</i> seems to diminish the significance and value of recreational qualities in the proposed project area.</p> <p>Given that these are the citizens' public lands, and given that we will have a more and more industry-impacted landscape, it is inappropriate to make judgment calls about residual opportunities.</p>	<p>As described in Section 3.19.1 of the Project EA, while there are no formally designated recreation areas or facilities in the Project area, "Recreational opportunities in the Project vicinity could include wildlife viewing, hunting, fishing, hiking, camping, snowmobiling, and off-road vehicle (ORV) use." Certainly, federal lands managed by the BLM and U.S. Forest Service (USFS) in the Project area provide opportunities for pursuit of these recreational activities, consistent with applicable rules and management plans.</p> <p>The intent of the Environmental Effects discussion in Section 4.19.1 of the Project EA was to convey that oil and gas infrastructure and associated development is part of the existing environment, and as such, already affects the pursuit of recreational opportunities in the Project area. Such effects may be positive (e.g., development of road infrastructure for off-road vehicle traffic) or negative (e.g., pursuit of solitude as a recreational experience). As described in the Project EA, Project-related direct and indirect effects on any recreational activity would be limited in scope or temporary in nature (i.e., during construction), but such effects would be consistent with the existing recreational environment. Restoration of affected public lands to near pre-construction conditions would ensure that permanent effects to recreational opportunities in the area would be limited to those effects associated with the permanent aboveground facilities. Permanent aboveground facilities associated with the Project on federal lands are considered minor in scope (e.g., valves and minor aboveground piping at the intersections of pipeline laterals), and such facilities would be confined to the granted right-of-way. Therefore, no significant impacts to recreation are anticipated in association with the Project. (No change to the Project EA is considered warranted.)</p>

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5	Badlands Conservation Alliance	Visual Resources	<p>On page 3-44 of the EA under Visual Resources it is stated: <i>The BLM's 1988 North Dakota Resource Management Plan does not apply the VRM System to BLM-managed lands crossed by the Project; therefore, no visual value has been assigned to the area. The document directing management of USFS-administered lands within the Project area is the 2001 LRMP for the Dakota Prairie Grasslands. Currently, the LRMP does not contain visual quality objectives in the area of the Project. Private lands and North Dakota State lands that would be crossed by the Project are not subject to visual management standards.</i></p> <p>This is an issue that should be addressed prior to decision-making on this proposed project. It is self-evident to BCA members having spent even a single day in this area on June 15, 2013 that the visual resources are uncommonly spectacular. As we stood at Bear Den RNA with awe inspired, gaping mouths and audible sighs of amazement, it was perfectly clear: this is the natural world at its very best.</p>	Revision of the noted BLM and USFS management plans are beyond the scope of the National Environmental Policy Act review and analysis for the Project. Even though visual quality objectives are not defined in the BLM's and USFS' management plans, Project-related effects on visual resources were evaluated in the Project EA. As described in Section 4.16.1 of the EA, effects on visual resources resulting from construction of the Project would primarily be temporary, limited to the period of construction and reclamation of the right-of-way. To help minimize the visual impact of permanent aboveground facilities, the facilities would be painted to blend into the existing landscape. Additionally, the most significant aboveground facility, the storage/transfer facility, would be located on private lands adjacent to similar existing industrial development. (No change to the Project EA is considered warranted.)
6	Badlands Conservation Alliance	Proposed Action and Alternatives Cumulative Impacts	The 84 daily truck trips eliminated by the proposed project in the project area will be appreciated by local ranchers and residents, recreationalists, and wildlife, etc. However, they will not be truly eliminated, just moved down the road to assist further oil development where they will harass other local ranchers and residents, recreationists, and wildlife, etc.	Construction and operation of the proposed Project would eliminate the need for continued trucking of crude oil and produced water from the wells serviced by the proposed Project. While tanker trucks currently servicing the subject wells may be dispatched to other wells in the future, such operations are beyond the scope of the current environmental review, as well as the BLM's regulatory authority. As described in Section 5.4.21 of the Project EA, implementation of the Project would likely result in a measurable positive effect on traffic in the Project area during operation. (No change to the Project EA is considered warranted.)
7	Badlands Conservation Alliance	Special Status Animal Species Terrestrial Wildlife Migratory Birds Cumulative Impacts	The industrializing threats to wildlife – be it golden eagles, songbirds, sharp-tailed grouse, mule deer or bighorn sheep – include this proposed project and are cumulative in the highest sense. The increasingly pervasive habitat fragmentation allows for less and less opportunity “over the next hill.” Relocation, whether temporary or permanent, is ever more limited. We stand to lose viable populations.	The potential for Project-related impacts to wildlife is evaluated and analyzed extensively in the Project EA, as well as the Biological Evaluation (BE), Biological Assessment (BA), and Migratory Bird Impact Assessment, Mitigation, and Compliance Plan. Additionally, the BLM has consulted with numerous state and federal agencies with management and conservation responsibility for wildlife species, including the U.S. Fish and Wildlife Service, the USFS, and the North Dakota Department of Game and Fish. Based on these consultations and the effects analyses conducted for the proposed Project, although individuals or habitat may be impacted, the proposed Project will not likely contribute to a trend towards federal listing or cause a loss of viability to any population or species of wildlife. Further, no take of any federally listed species is anticipated in association with the proposed Project. (No change to the Project EA is considered warranted.)