

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

Enable Bakken Crude Services, Bear Den Phase 2 Project
Environmental Assessment **DOI-BLM-MT-C030-2014-96-EA**
BLM ROW SERIAL NUMBER NDM 104448

Based on the analysis of potential environmental impacts contained in the referenced Environmental Assessment (EA) for the Bear Den Pipeline Project (Project), 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 issue a right-of-way (ROW) grant to Enable Bakken Crude Services, LLC (EBCS) for construction of crude oil and produced water pipelines as identified in the Agency Preferred Alternative analyzed by the Bureau of Land Management (BLM) in EA NO. **DOI-BLM-MT-C030-2014-96-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. EBCS would construct approximately 14.5 miles of 3- to 8-inch-diameter welded steel crude oil pipeline and 14.5 miles of 3- to 6-inch-diameter composite produced water pipeline in Dunn County, North Dakota. The proposed crude oil pipeline is designed with a capacity of approximately 14,000 barrels of oil per day, and the produced water line is designed with a capacity of approximately 3,500 barrels per day. The pipelines would be buried underground and would follow existing pipeline and utility easements and corridors where feasible.

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 Plan of Development (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 EBCS 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 EBCS approves the EBCS POD dated July 2014, and the associated Project ROW construction typical drawings and alignment sheets.

Table 1: Summary of Environmental Protection Design Features and Mitigation Measures for the Bear Den Phase 2 Pipeline Project

Resource	Environmental Protection Design Features and Mitigation Measures
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. • All emissions related to operations of the facilities would be properly permitted, and Project facilities and equipment would be maintained in compliance with the appropriate permits and regulations.
Noise	<ul style="list-style-type: none"> • The Project route was selected to avoid noise sensitive receptors. The closest residence is located more than 1,000 feet from the ROW. At this distance, noise created during construction and operations should be below ambient background levels. • All construction equipment and vehicles would be equipped with mufflers and properly maintained to minimize noise emissions.
Geology and Minerals	<ul style="list-style-type: none"> • EBCS has identified locations along the Project route that may be prone to subsidence or landslides. EBCS would install the pipeline via the horizontal directional drill (HDD) method across these unstable slopes to minimize the potential for slumping or the creation of long-term stabilization issues. • No historic mines are documented or known to occur along the Project route. If encountered during construction, then appropriate measures would be taken to secure the pipeline from the risk of damage and notify the appropriate landowner of the discovery.
Soil Resources	<ul style="list-style-type: none"> • Soil erosion would be minimized by implementing procedures described in EBCS' Storm Water Pollution Prevention Plan (SWPPP) and Construction, Reclamation, and Monitoring Plan (CRMP). • Inadvertent spills and leaks of hazardous materials, once detected, would be cleaned up as outlined in EBCS' Spill Prevention, Control, and Countermeasure Plan (SPCC Plan), in coordination with the BLM or U.S. Forest Service (USFS) when on federally administered lands. • Topsoil stripping and segregation, soil stabilization, erosion and sediment control, and right-of-way reclamation would be performed in accordance with EBCS' CRMP and SWPPP. • Salvaged topsoil will be protected from wind and water erosion. In areas prone to wind erosion, EBCS will wet down topsoil piles to create a crust and minimize soil loss by wind. • 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. Where necessary, compacted soils would be disked following Project completion and landowners would be compensated for any crop loss attributable to construction.

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Resource	Environmental Protection Design Features and Mitigation Measures
Water Resources and Wetlands	<ul style="list-style-type: none"> EBCS' 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 authorized by an applicable National Pollutant Discharge Elimination System (NPDES) permit.
	<ul style="list-style-type: none"> No aboveground facilities or staging areas would be constructed within wetlands, riparian areas, or other waters of the United States.
	<ul style="list-style-type: none"> Environmental Inspectors (EIs) familiar with wetland and riparian identification would post signs at the edges of the wetland/waterbody features prior to construction. Wetland and waterbody boundaries would also be noted on construction alignment sheets.
	<ul style="list-style-type: none"> Additional Temporary Work Spaces (ATWS) 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.
	<ul style="list-style-type: none"> 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. Additionally, EBCS' SPCC Plan would be implemented to prevent and minimize the potential impact of hazardous material spills during construction and operation of the Project.
	<ul style="list-style-type: none"> Application of herbicides or pesticides within the vicinity of wetlands and waterbodies would follow pesticide use protocol and restrictions outlined in EBCS' Weed Management Plan and as identified on the product label.
	<ul style="list-style-type: none"> 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 EBCS' CRMP.
	<ul style="list-style-type: none"> Where crossings of riparian or wetland areas cannot be reasonably avoided, the construction ROW width would be reduced to 75 feet and measures would be taken to minimize impacts. This reduction to the construction ROW would apply to all crossings of waters of the United States. All crossings of waters of the United States would be performed in accordance with the conditions of any Section 404 permit issued by the U.S. Army Corps of Engineers for the Project.
	<ul style="list-style-type: none"> EBCS would avoid impacts to waterbodies and wetlands by using the HDD crossing method where proposed. 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 wetlands and waterbodies would be minimized.
	<ul style="list-style-type: none"> EBCS would implement its Horizontal Directional Drill and Contingency Plan to avoid and minimize adverse impacts associated with HDD crossing methods.
<ul style="list-style-type: none"> Water used for hydrostatic testing, dust control during construction, etc. would be obtained from municipal or commercial sources. Surface water or groundwater appropriation is not anticipated. 	

Table 1: Summary of Environmental Protection Design Features and Mitigation Measures for the Bear Den Phase 2 Pipeline Project

Resource	Environmental Protection Design Features and Mitigation Measures
	<ul style="list-style-type: none"> • Reclamation specialists will conduct annual inspections during the first 5 years following reclamation to assess the condition of the right-of-way, the effectiveness of erosion control measures, and the condition of bed and bank stabilization measures installed during restoration at waterbodies.
Vegetation	<ul style="list-style-type: none"> • Revegetation seed mixes have been developed in coordination with the land management agencies and private landowners. EBCS' CRMP outlines the procedures to be followed to return the land to pre-existing vegetative cover and land uses. • ROW monitoring of reclaimed areas would be conducted annually for 5 years following reclamation. Reclamation success would be based on revegetation to 70 percent of the background cover and the applicable permits obtained. If, after the first growing season, revegetation is successful, no additional monitoring would be conducted. Reclamation success criteria have been established in coordination with the USFS and the BLM. • As conditions require, it will be necessary to periodically remove woody vegetation (shrubs and trees) from the permanent pipeline ROW. However, no maintenance clearing of woody vegetation will generally be required in wetland and riparian areas within the permanent pipeline ROW corresponding to segments of pipeline installed via the HDD crossing method. Given the prevailing short-grass vegetative cover in the Project area, regular maintenance mowing of the permanent pipeline right-of-way is not anticipated. In the unlikely event that maintenance mowing is identified as required (e.g., due to Pipeline and Hazardous Materials Safety Administration regulations), EBCS would coordinate with BLM and USFS prior to conducting any such activities on federal lands traversed by the Project pipeline.
Noxious Weeds and Invasive Species	<ul style="list-style-type: none"> • The Project's Weed Management Plan would be implemented to minimize the spread of noxious weeds. A Pesticide Use Proposal (PUP) would be developed by EBCS or its contractor to document the use of herbicide on federally administered lands. • Contractor vehicles and equipment would arrive to the Project area clean and weed-free, as verified by the EI. • ROW monitoring for noxious weeds and invasive species would be conducted following reclamation in conjunction with ROW monitoring of reclamation success. • EBCS would clean construction equipment at designated stations with air compressors after completion of construction activities in identified weed infested areas to prevent the spread of noxious weeds and non-native invasive species to adjacent areas, in accordance with EBCS' Weed Management Plan. • Seed that is certified or registered by the state of North Dakota (or state of origin) would be used to reclaim the ROW. Seed certification tags would be submitted to the BLM Authorized Officer and USFS McKenzie Ranger District prior to seeding efforts. • Straw bales, used for sediment barrier installations, or mulch will be certified weed-free.

Table 1: Summary of Environmental Protection Design Features and Mitigation Measures for the Bear Den Phase 2 Pipeline Project

Resource	Environmental Protection Design Features and Mitigation Measures
Special Status Species	<ul style="list-style-type: none"> • Applicable biological surveys have been conducted through areas of suitable habitat for specific species during the appropriate seasons, as determined by the jurisdictional agencies (e.g., BLM, USFS, and U.S. Fish and Wildlife Service [FWS]). • If previously undetected threatened, endangered, candidate, or sensitive plant or animal species are identified in proposed disturbance areas during construction, appropriate protection measures would be determined in consultation with agencies. • As part of the environmental training for the Project, EBCS would educate all construction personnel and EIs on identification of whooping crane and their suitable habitat along the ROW. If a whooping crane is sighted during Project construction, all work will cease within 1 mile of the individual(s) and the FWS will be contacted. In coordination with the FWS, work may resume after the bird(s) leave the area. • If burrowing owls are found to be breeding on federal land crossed by the Project, all surface-disturbing activities would be ceased within 0.25 mile of the burrowing owls from May 15 to August 31. If identified, active burrows would be monitored until the chicks are fledged or the nest fails, at which point construction would resume. • HDD crossing methods will be utilized to avoid impacting sensitive and watch list plants on USFS land. Buffers and signage will be installed along the Project to protect identified sensitive and watch list plant species that are adjacent to the Project area.
Migratory Birds	<ul style="list-style-type: none"> • If construction occurs during breeding season, EBCS will conduct pre-construction surveys for active nests, including raptor nests, to protect migratory birds as outlined in EBCS' Migratory Bird Impact Assessment, Mitigation, and Voluntary Conservation Plan. In North Dakota, the typical migratory bird nesting season is May 1 through July 15 and the raptor nesting season is February 1 to August 31. To minimize impacts to migratory birds (including some game birds, waterfowl, and raptors), active nests will be avoided and protected with a buffer and signage during construction activities.
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. • EBCS will leave periodic gaps in the topsoil and subsoil windrows to allow for livestock and wildlife movement, and periodic trench plugs or ramps would be maintained to prevent livestock or wildlife trappings in the excavated trench. • The HDD crossing method would be used at all perennial waterbody crossings to avoid impacts to fisheries habitat. • BMPs would be implemented that would reduce potential impacts to water resources and fish habitat.

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Resource	Environmental Protection Design Features and Mitigation Measures
Cultural Resources	<ul style="list-style-type: none"> <li data-bbox="516 278 1401 400">• Complete avoidance of impacts to National Register-eligible resources is the preferred protection strategy. Where feasible, National Register-eligible and potentially National Register-eligible resources shall be protected from direct impacts by project redesign. <li data-bbox="516 410 1401 774">• Four historic properties (32MZ1419, 32MZ2637, 32MZ2638, and 32MZ2700) have been identified in the Project area. The BLM consulted with North Dakota State Historic Preservation Office (SHPO) concerning determinations of eligibility and effect for these sites. On July 30, 2014, 2014 SHPO concurred with BLM's findings that the Project will not have an adverse effect on these sites as the project route had been designed to avoid direct impacts to these five sites. Furthermore, archaeological and tribal monitoring will be utilized during construction near these four historic properties (32MZ1419, 32MZ2637, 32MZ2638, and 32MZ2700, and an unevaluated site (32MZ489). Exclusion fencing for the existing unimproved road through 32MZ1419 will be used when the road is being used for construction access. <li data-bbox="516 785 1401 906">• To minimize potential impacts to cultural resources, construction personnel will be educated as to the sensitive nature of these resources and a strict policy prohibiting the collection of artifacts and other cultural materials will be implemented. <li data-bbox="516 917 1401 1310">• If cultural resources and/or human remains are found during construction, all work will immediately stop and the procedures outlined in the Project Unanticipated Discovery Plan will be implemented. If the resource is determined to be a historic property and cannot be avoided, then appropriate mitigation measures will be developed in consultation with the tribes and the SHPO. If human remains are discovered, the Environmental Inspector will immediately stop construction in a 200-foot radius and notify the BLM. If human remains are Native American and found on federal lands, the BLM will follow the requirements under the Native American Graves Protection and Repatriation Act (NAGPRA). The BLM will provide written notice to EBCS indicating they can proceed with construction once the remains have been fully evaluated and appropriate treatment of the discovery has been completed.
Native American Concerns	<ul style="list-style-type: none"> <li data-bbox="516 1332 1401 1644">• As discussed in the EA for the Project, representatives from several tribes including, Cheyenne River Sioux, Crow Creek Sioux, Fort Peck Assiniboine and Sioux Tribes, Northern Cheyenne, Three Affiliated Tribes: Mandan, Hidatsa, and Arikara, Turtle Mountain Chippewa Tribe, and Yankton Sioux conducted a reconnaissance survey of the Project. The tribal survey resulted in the identification of five areas of interest, including two plant gathering locales, a mineral-paint collection area, a collection of three stone circles, and a shallow depression. These sites, with the exception of the two plant gathering locales, will be avoided by construction, either through adoption of minor route adjustments or the use of the HDD crossing method.

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Resource	Environmental Protection Design Features and Mitigation Measures
Paleontological Resources	<ul style="list-style-type: none"> • Based on the results of paleontological field survey of Project areas with a Potential Fossil Yield Classification (PFYC) rank of 3 or higher, construction monitoring will be restricted to spot checks of construction excavations and spoils piles. A BLM-permitted paleontologist would monitor ground-disturbing activities in portion of the project area designated as PFYC Class 4. Approximately 10 miles of the pipeline route would be installed via the HDD crossing method with no open trench available for inspection. Monitoring during HDD activities would not be conducted. • EBCS' Plan for Construction Monitoring and Unanticipated Discovery of Paleontological Resources would be implemented during construction and outlines the procedures to be followed in the event previously unidentified paleontological resources (e.g., vertebrate fossils) are discovered during construction of the Project.
Visual Resources	<ul style="list-style-type: none"> • EBCS would minimize temporary and visual impacts where feasible by collocating approximately 52 percent of the Project pipelines with existing utility (e.g., other pipelines, powerlines, etc.), railroad, or road ROW. • To help minimize the visual impact of permanent aboveground facilities, the facilities would be painted to blend into the existing landscape with BLM-approved environmental colors.
Hazardous or Solid Wastes	<ul style="list-style-type: none"> • A Project-specific SPCC Plan would be implemented to minimize the potential for and mitigate the release of any hazardous materials during construction. • Contractors and construction workers would be properly trained in waste minimization techniques and waste classification. • Portable toilet facilities would be provided throughout the Project area, and would be maintained 2 to 3 times per week. • During operations, EBCS would implement a maintenance, inspection, and repair program to ensure the integrity of the pipeline. EBCS' pipeline maintenance program would be designed to maintain the safe and reliable operation of the pipeline and minimize the risk of a spill or leak of hazardous material.
Land Use, Range Management, and Recreation	<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 pre-construction condition, or in accordance with agency or private landowner agreements. • EBCS would coordinate with landowners to minimize impacts to their lands. Lands would be restored to cropland and farming use, as applicable, following the construction phase of the Project. • EBCS would coordinate with the land management agencies and private landowners to discourage unauthorized use of the ROW by off-highway vehicles, as needed.

Table 1: Summary of Environmental Protection Design Features and Mitigation Measures for the Bear Den Phase 2 Pipeline Project

Resource	Environmental Protection Design Features and Mitigation Measures
Access and Transportation	<ul style="list-style-type: none"> • All improved or heavily trafficked roads would be crossed using the bore method, minimizing traffic interruptions. • Where unimproved roads are open cut, traffic would be temporarily directed around the work site. Road crossings would typically be completed within several days, which would limit any disturbance to traffic flow. • Placement of temporary access would be designed to avoid sensitive features, such as wetlands, to the extent practicable. Areas used for temporary roads or working areas during construction would be restored to as near pre-construction condition as practicable. • EBCS will implement its Transportation Management Plan during construction to minimize the effects of construction-related traffic on existing roadways in the Project area.
Public Safety	<ul style="list-style-type: none"> • The Project would be located a minimum distance of 1,000 feet from residences to minimize hazards to human health and safety. • A Risk Assessment has been completed for the Bear Den Project (Phase 1) to identify high consequence areas designated by the Pipeline and Hazardous Materials Safety Administration and evaluate potential impacts that could result from an accidental release of crude oil or produced water during pipeline operation. The Risk Assessment also applies to Bear Den Phase 2 Project. • EBCS would construct the produced water system out of a reinforced high-density polyethylene pipeline material that is resistant to corrosion. The crude oil pipeline would receive a fusion bond epoxy or other type of protective coating to the external surface to prevent corrosion, and a cathodic protection system would be installed. • During operations, EBCS would implement a maintenance, inspection, and repair program to ensure the integrity of the pipeline. EBCS' pipeline maintenance program would be designed to maintain the safe and reliable operation of the pipeline and minimize the risk of a spill or leak of hazardous material. • To further protect the integrity of the pipeline system, during operation, the pipelines would be monitored 24 hours a day, 365 days a year using a Supervisory Control and Data Acquisition (SCADA) system. • EBCS would mitigate third-party excavation risk by implementing comprehensive Public Awareness and Damage Prevention programs during operations. The location of the pipeline will be marked above ground to prevent third-party excavation. • Emergency response procedures would be established to handle any incident involving hazardous waste or a fire emergency. These procedures include immediate cleanup efforts and notification of spills to the appropriate agency officials, and initial fire suppression efforts should a fire occur. • Buses would be used to transport construction workers to work areas to limit the level of traffic traveling to and from the construction site.

Rationale for the Decision:

The decision to issue the ROW grant to EBCS meets the BLM's objectives identified in the purpose for the Proposed Action, as described in Section 2.1 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 2.11-1 of the POD.

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 BLM's 1988 North Dakota Resource Management Plan and the USFS' 2001 Dakota Prairie Grasslands Land and Resource Management Plan.

The BLM has completed consultation with the FWS to comply with Section 7 of the Endangered Species Act of 1973 (ESA). In correspondence dated August 28, 2014, the FWS concurred that the proposed Project would either have no effect or not be likely to adversely affect any federally listed threatened or endangered species. Similarly, in correspondence dated July 30, 2014, the SHPO provided concurrence that the Project would comply with Section 106 of the National Historic Preservation Act.

Project Summary

The Agency-Preferred Alternative is the Proposed Action. The Agency-Preferred Alternative would include the implementation of the environmental protection measures and resource-specific mitigation measures identified in the EA and the POD.

EBCS would construct 14.5 miles of 3- to 8-inch-diameter welded steel crude oil pipeline and 14.5 miles of 3- to 6-inch-diameter composite produced water pipeline. The proposed crude oil pipeline is designed with a capacity of 14,000 barrels of oil per day, and the produced water line is designed with a capacity of 3,500 barrels per day. The pipelines would be buried underground and would follow existing pipeline and utility easements and corridors where feasible. The system would transport light sweet crude, typical of middle Bakken and upper Three Forks formations (Bakken) production. The crude oil collected by the Project would ultimately be delivered to a crude oil transmission pipeline system with improved access to key markets across the United States. 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 well pads to temporary storage and facility locations.

Public and Agency Involvement

Both formal and informal agency scoping regarding the proposed Project has been ongoing for over 1 year. EBCS 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 the National Environmental Policy Act (NEPA) Sections 101 and 102, federal regulations, and BLM policy, the BLM has solicited the public's involvement in the EA process through public scoping. 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 EBCS 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.

On December 19, 2013, prior to the public scoping, the BLM sent letters initiating government to government consultation with 15 tribes who have tribal treaty interests in, and/or traditional connections to, western North Dakota. These tribes are the Lower Sioux Tribe, Lower Brule Sioux Tribe, Northern Cheyenne Tribe, Fort Peck Assiniboine and Sioux Tribes, Sisseton- Wahpeton Oyate Tribe, Three Affiliated Tribes: Mandan, Hidatsa, and Arikara, Flandreau Santee Sioux Tribe, Yankton Sioux Tribe, Spirit Lake Sioux Tribe, Oglala Sioux Tribe, Cheyenne River Sioux Tribe, Rosebud Sioux Tribe, Crow Creek Sioux Tribe, Standing Rock Sioux Tribe, and the Turtle Mountain Band of Chippewa.

A tribal consultation meeting was held April 17, 2014 in Bismarck, North Dakota to formally present the project and results of resource studies, as well as provide the opportunity for the tribes to ask questions and provide comments. Tribal Historic Preservation Officers (THPOs) and/or other tribal representatives from seven tribes, including the Northern Cheyenne, Fort Peck Assiniboine and Sioux Tribes, Three Affiliated Tribes: Mandan, Hidatsa, and Arikara, Yankton Sioux, Cheyenne River Sioux, Crow Creek Sioux, Spirit Lake Sioux, and Turtle Mountain Band of Chippewa, were present at the meeting on April 17. In addition, seven of the 15 consulting tribes participated in field surveys of the project. The Three Affiliated Tribes: Mandan, Hidatsa, and Arikara and Turtle Mountain Band of Chippewa conducted a survey of portions of the project area in early fall of 2013. The Cheyenne River Sioux, Crow Creek Sioux, Fort Peck Assiniboine and Sioux Tribes, Northern Cheyenne, and Yankton Sioux participated in a field survey in April and May 2014.

In addition to ongoing informal agency consultation, mail notifications, and news press releases, interested agencies were invited to a formal agency scoping meeting held in Bismarck, North Dakota, on January 23, 2014. Eight agency personnel participated in one or more of the agency scoping meetings, representing the BLM, USFS, FWS, North Dakota Department of Health, and North Dakota Game and Fish Department.

The BLM initiated public involvement and the scoping comment period with the mailing of notices that described the proposed Project on December 16, 2013, to over 100 interested parties and landowners in the area of the proposed Project. The scoping notices also included BLM contact information for providing comments. The BLM issued press releases containing the same Project and contact information during the third week of December 2013. 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 January 17, 2014. Five comment letters were received during the public scoping period.

The EA was issued for public review on May 20, 2014, with a direct mailing to 30 agencies, 15 tribes, 42 groups, and 9 individuals, and a press release. The review period ended on June 21, 2014. No written comments were received.

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 EIS is not needed. This FONSI is based in part on Council on Environmental Quality 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.

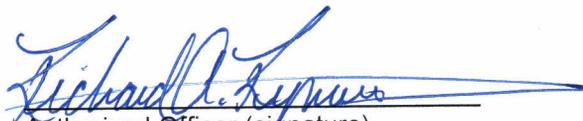
If anyone wishes to file a petition pursuant to the regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition 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)

AUG 28 2014

Date of signature