



Forest
Service

July 2011



Environmental Assessment

Bear Paw Energy, L.L.C. Garden Creek Natural Gas Liquids Pipeline Special Use Application

**McKenzie Ranger District, Dakota Prairie Grasslands
McKenzie County, North Dakota**

Sections 5, 6, and 7, T147N, R103W, Sections 7, 9, and 10, T147N, R104W,
Sections 2, 11, and 12, T147N, R105W, Sections 23, 26, 27, 32, 33, and 34,
T148N, R103W, and Sections 34 and 35, T148N, R105W, 5th Principle Meridian.

For Information Contact: Kim Grotte
1901 South Main
Watford City, ND 58854
701-842-2394 ext 12
kgrotte@fs.fed.us

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INTRODUCTION

The Forest Service has prepared this Environmental Assessment in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This Environmental Assessment discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. Additional documentation, including more detailed analyses of project-area resources, may be found in the project planning record located at the McKenzie Ranger District Office in Watford City, North Dakota.

Background

The Forest Service has received a proposal from Bear Paw Energy, L.L.C. (Bear Paw) requesting use of National Forest System (NFS) land for the purpose of constructing a natural gas liquids pipeline. The pipeline is called the Garden Creek Natural Gas Liquids (NGL). The pipeline's total length is approximately 60 miles on private and National Forest System land. See the attached map of the proposal on National Forest System land.

Purpose and Need for Action

This pipeline is needed to transport natural gas liquids from the Garden Creek Gas Plant near Watford City, North Dakota to the existing liquid natural gas transportation facility near Sidney, Montana. It is within the scope of Forest Service public service to grant special use permits for activities that cannot be met on private lands and are in the public's interest (Grassland Plan pp.1-26). The total footage on NFS land for this proposal would be approximately 60,000 feet of 10-inch NGL pipeline. The proposed action would be constructed with the size and ability to transport production from current and future development.

Land and Resource Management Plan Direction

This document tiers to the 2001 Northern Great Plains Final Environmental Impact Statement for the Dakota Prairie Grasslands Land and Resource Management Plan (Grasslands Plan) and its associated Record of Decision, signed July 31, 2002. Grasslands Plan direction applicable to this proposal follows.

Grassland-wide Direction:

Permit utility companies to construct new utility corridors, unless prohibited by management direction provided in Chapters 1, 2, and 3. (Guideline)

Consolidate utility lines within existing corridors or in areas adjacent to roads wherever possible. (Guideline)

Place all new pipelines underground. (Guideline)

Route new roads, pipelines, gathering lines, and technically required overhead power lines in a manner as to minimize visual impacts and conform to approved corridors.

When these facilities leave corridors, they should be subordinate to the landscape.
(Guideline)

Approve only special-use applications that cannot reasonably be met on private lands unless it is clearly in the public interest (Guideline)

Management Area 6.1 - Rangeland with Broad Resource Emphasis - Direction:

Management activities that contribute to a loss of ecological integrity will be discouraged. (Guideline)

Proposed Action

The proposed action is to issue a special use permit to Bear Paw to occupy National Forest System lands in order to construct and use a 10-inch natural gas liquids (NGL) pipeline. The proposed pipeline on National Forest System (NFS) lands would be approximately 60,000 feet long with a 50-foot temporary construction right-of-way. Following construction, the right-of-way would be reduced to a 20-foot right-of-way for operation and maintenance. About 75% of the route would closely parallel and be co-located with the Lewis and Clark Pipeline (also owned by Bear Paw) that was constructed during 2010 to replace an existing line of low integrity, while approximately 25% of proposed line at the west end of the route on NFS lands would veer south of the Lewis and Clark Pipeline and create a new pipeline corridor. Where the pipeline would be co-located, the pipeline centerline would be offset approximately 10 feet south of the existing Lewis and Clark Pipeline, and therefore the right-of-way would largely overlap with the existing pipeline disturbance. The pipeline would be buried in a single trench with a minimum of 4 feet of soil cover. The disturbed area would be reclaimed immediately following construction. The new 10-inch pipeline would be constructed of carbon steel with external fusion bond epoxy coating. An integrity management program would be implemented for the project, consisting of an induced current cathodic protection system to control corrosion and extend the life of the pipeline system.

See the attached map of the proposed action.

The following design criteria and monitoring would be applied to the proposed action:

Design Criteria and Monitoring

- The project is designed to follow existing pipelines and roads as much as possible.
- Any crossing of Bay Coulee will be bored under the coulee to protect resources.
- If the project is planned to occur between February 1 and August 15 of 2012 or any subsequent year, a supplemental raptor survey would be conducted to determine any new raptor activity. Raptor surveys cannot commence until after April 10 to ensure all potential raptor species are included.
- No work would be done during periods of wet soil conditions.
- No construction activities would be allowed from March 1 to July 15 to minimize potential affects to nesting migratory birds.
- No construction activities would be allowed during the sharp-tailed grouse lekking season (March 1-June 15) on segments of the project within 1 mile of an active sharp-tailed grouse display grounds.

- If a whooping crane is sighted within 0.5 miles of the project area, Bear Paw would cease all project activities and contact the U.S. Fish and Wildlife Service; only after coordination with that agency and after the bird have left the area, would project activities resume.
- Disturbed areas would be seeded with a native grass species mix as included with the Special Use Permit (Seed mix #12). The project segment in Section 2, T.147N., R105W., contains clayey and alkaline soils and should be reseeded with a inland salt grass, alkali grass, and western wheat grass at a rate of at least 12 lbs. of pure live seed/acre.
- All vehicles and equipment used in this project would be cleaned with a high-pressure hose prior to entering the Grasslands to prevent the spread of noxious weeds. Construction should begin on the western end of this project with cleaned and washed equipment through Sections 34 and 35, T.148N., R105W., and Section 2, T.147N., R.105W. to avoid dispersal of invasive seed and root fragments into the native plant communities.
- Construct temporary fence around known sensitive plant species populations during construction and reclamation to ensure that sites are not disturbed.
- Monitoring would include periodic inspections during various phases of the project to ensure compliance with this decision.

In addition, the Standard Special Use Permit Terms and Conditions would be in effect.

Decision Framework

An Environmental Assessment is not a decision document. It is a document disclosing the potential environmental impacts of implementing the different alternatives, including the No Action alternative.

Based on the information in this analysis and consideration of public comments, the responsible official, the McKenzie District Ranger, will document his decision. If the analysis finds no significant impacts to the human environment, the decision will be documented in a Decision Notice and Finding of No Significant Impact. If the analysis determines significant impacts may occur, an Environmental Impact Statement will be prepared to further analyze the significant issue.

The responsible official must decide whether to approve or modify the Proposed Action or choose the No Action alternative. He must also determine whether or not his decision is consistent with the Grasslands Plan, and if it is not, whether an amendment to the Grasslands Plan is required.

Public Involvement

The proposal was provided to the public, other agencies and tribes for comment during scoping from May 4, 2011 to May 24, 2011. There were four responses to the scoping effort. Two responses basically voiced approval for the NGL pipeline construction. Two responses were from agencies providing information about resources in the project area.

Documentation of the scoping process is included in the Project File available at the McKenzie Ranger District Office.

Issues

Determining Issues

An issue is generally a concern the public or the Forest Service may have about the anticipated effects of a proposal. Each alternative is analyzed and compared to determine how well it addresses the issues and how well it achieves the purpose and need for the project. While many concerns may be raised in relation to a proposed project, they are not considered issues that need to be analyzed if they are:

1. outside the scope of the proposed action;
2. already decided by law, regulation, Land and Resource Management Plan, or other higher level decision;
3. irrelevant to the decision to be made; or
4. conjectural and not supported by scientific or factual evidence.

The magnitude, extent, duration, speed, and direction of effects relating to the issue can also be considered in determining if an issue is non-significant.

Issues

There were no issues raised, either externally or internally, about the anticipated effect of the proposal. However, to ensure compliance with laws, regulations and Grasslands Plan direction, the following resource conditions were identified for analysis:

- Threatened, Endangered and Sensitive plant and animal species and their habitats.
- Management Indicator Species.
- Cultural resources.
- Hydrology and Soils.

ALTERNATIVES, INCLUDING THE PROPOSED ACTION

When Bear Paw first submitted their project proposal to the Forest Service, two other routes for the pipeline were investigated. These alternatives were dropped from further consideration and the Proposed Action was scoped to the public.

Because there were no significant issues identified with the proposal, no other action alternatives were developed. Two alternatives are considered in this analysis.

Alternative 1 – Proposed Action

This alternative is fully described above on pages 6 and 7.

Alternative 2 – No Action

The National Environmental Policy Act (NEPA) and National Forest Management Act (NFMA) require the No Action Alternative.

It serves as a baseline against which the proposed action can be compared. Under this alternative, Bear Paw’s application for a special use permit would be denied and no action would be taken to construct the pipeline on National Forest System land.

Comparison of Alternatives

This section provides a summary of the effects of implementing each alternative. Information in Table 1 is focused on activities and effects where different levels of effects or outputs can be distinguished quantitatively or qualitatively among alternatives.

Table 1: Summary comparison of alternatives.

	Alternative 1 – Proposed Action	Alternative 2 – No Action
Meets Purpose and Need to provide a pipeline route across National Forest System land.	Provides an efficient means of transportation for the natural gas liquids from the Garden Creek Gas Plant to the existing natural gas liquids transportation facility.	Does not allow a means of pipeline transportation of the natural gas liquids from the Garden Creek Natural Gas Plant.
Effects to T&E Species	No effects.	No effects.
Effects to Sensitive Species	Small impacts to individuals or habitats of some sensitive species; no impacts on populations or species.	No impacts.
Effects to MIS	No effects.	No effects.
Effects to Cultural Resources	No effects.	No effects.
Effects to Hydrology and Soils	Approximately 60,000 feet of temporary soil disturbance.	No effects.

ENVIRONMENTAL CONSEQUENCES

This section summarizes the environments of the affected project area and the potential changes to those environments due to implementation of the alternatives. It also presents the basis for comparison of alternatives presented in the chart above.

Project Area Overview

The project area is located on the McKenzie Ranger District, which comprises the north half of the Little Missouri National Grassland (LMNG).

The LMNG is composed of two geographic areas: the badlands and the rolling prairie. The project area is located within rolling prairie.

Most of section of co-located route (about 75% of the route) follows road corridors. The proposed pipeline would be placed about 10 ft south of the existing Lewis and Clark Pipeline, so approximately half of the disturbance corridor would occur within the recent area of disturbance. Vegetation in the area that would be disturbed varies from native to invasive species dominance. Native grass communities tend to be dominated by needlegrass species, prairie Junegrass, western wheatgrass, and blue grama. Invasive crested wheatgrass and sweet clover are particularly prominent where the route closely parallels road edges. Portions of the co-located route that cut cross-country away from the road edges also tend to be characterized by native species with intermingled patches of Kentucky bluegrass and sweet clover. Crested wheatgrass present along the margins of the recently disturbed corridor likely reflect past use of crested wheatgrass for reclamation of the original Lewis and Clark line. Portions of the route on NFS land also cross previous agricultural land that had been abandoned and seeded to crested wheatgrass (broken land).

The west end of the proposed route veers southwest of the existing pipeline corridor in the northeast corner of Section 7 and mostly follows two-track trails and reclaimed roads. This area also exhibits both native and invasive plant species, but is less disturbed than the section that would be co-located with the existing pipeline.

Threatened, Endangered and Sensitive Species and Habitats

Biological and botanical surveys were conducted in the project area and biological evaluations were completed for federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, and Forest Service sensitive species.

The complete biological evaluations are located in the project file.

Direct and Indirect Effects of the Proposed Action

Wildlife

Threatened and Endangered Species

There are no resident threatened or endangered (T&E) wildlife species, designated critical habitat, nor are there any species proposed for Federal listing or proposed critical habitat on the McKenzie Ranger District or Little Missouri National Grassland. The U.S. Fish and Wildlife Service lists 5 endangered wildlife species for McKenzie County, North Dakota – the black-footed ferret, gray wolf, interior least tern, pallid sturgeon, and whooping crane. There is one threatened species – the piping plover – and there is also existing designated critical habitat within the county for the piping plover. A biological evaluation was conducted for the six T&E species listed for McKenzie County. The Forest Service wildlife biologist determined that there would be no effect to these species. Table 2 summarizes the reasons for the determinations.

Table 2: Summary of determinations for wildlife T&E species.

Species Common Name	Determination	Summary of Rationale
Black-footed ferret	No Effect	This species is considered extirpated in North Dakota. There is a specific management area on the Dakota Prairie Grasslands for potential ferret reintroduction, but it is not located in or near this project area. The project area does not contain prairie dogs, which ferrets rely on for habitat.
Gray wolf	No Effect	The gray wolf is not common in North Dakota, but individual wolves do occasionally pass through the state. It is unlikely that gray wolves would inhabit the project area as it does not contain preferred habitat or suitable prey to sustain a population, and is far from other known wolf populations.
Interior least tern	No Effect	This species is found along the Missouri River and Yellowstone Rivier during the summer nesting season. Suitable shoreline habiat for breeding and nesting terns does not occur within the project area.
Pallid sturgeon	No Effect	The pallid sturgeon exists in North Dakota in the Missouri River and upstream of Lake Sakakawea in the Yellowstone River. There is no suitable habitat within the project area.
Whooping Crane	No Effect	Whooping cranes migrate through North Dakota along a band running from south central to the northwest parts of the state. The project area is located in the Central Flyway where 75 percent of confirmed whooping crane sightings in the state have occurred. Suitable foraging habitat does not occur near the project area; however, project design criteria that would halt activities if a whooping crane were sighted within 0.5 miles of the project area would protect any migrating birds from disturbance.
Piping plover	No Effect	Preferred habitat for the piping plover includes riverine sandbars, gravel beaches, alkali areas of wetlands and flat, sandy beaches with little vegetation. In North Dakota, breeding and nesting sites can be found along the Missouri River and critical habitat has been identified there. Suitable habitat for the piping plover does not occur within the project area.

Sensitive Species

Sensitive species are plant and animal species identified by the Regional Forester for which population viability is a concern. There are 20 species listed as sensitive for the Dakota Prairie Grasslands. Five of those species are not known to occur, nor is there habitat for them, on the Little Missouri National Grassland. Therefore, 15 Forest Service sensitive species associated with the project area were evaluated. It is anticipated that the project may impact seven of those species, mainly due to impacts on habitat. These impacts include the direct impact of ground disturbance during construction, and also the potential increase in invasive plant species as a result of the ground disturbance; however, if impacts occur, it is expected that they will be minor impacts to scattered individuals or to habitat and that these impacts will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species. For the remaining sensitive wildlife species, it is anticipated that there will be no impacts because the species and associated habitats are not currently present within the area. Table 3 summarizes the effects determinations for sensitive wildlife species.

Table 3: Summary of determinations for sensitive wildlife species.

Species Common Name	Determination	Summary of Rationale
Black-tailed Prairie Dog	No Impact	There are no colonies in the project area.
California Bighorn Sheep	No Impact	Suitable habitat does not occur in or near the project area.
Bald Eagle	No Impact	No historic or active nests or communal winter roost sites are suspected or known. Roosting or nesting habitat is not available within the project area.
Burrowing Owl	No impact	There are no prairie dog colonies in the project area. Burrowing owls are not known to use the project area.
Long-billed Curlew	MIIH*	There is suitable habitat in the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Greater Prairie Chicken	No impact	There are no historical records in the project area or vicinity.
Greater Sage Grouse	No impact	The project area does not contain suitable habitat for breeding, nesting, or brood rearing.
Baird's Sparrow	MIIH*	There is suitable habitat in and near the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Loggerhead Shrike	MIIH*	There is suitable habitat in the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Sprague's Pipit	MIIH*	There is suitable habitat near the project area. The project may impact individuals or associated habitat.
Dakota Skipper	MIIH*	There is suitable habitat in the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Ottoo Skipper	MIIH*	There is suitable habitat in the project area and historical sightings near the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Regal Fritillary Butterfly	No Impact	Suitable habitat does not occur in the project area.
Tawny Crescent	MIIH*	There is suitable habitat in the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Redbelly Dace	No impact	Preferred habitat is not present in the project area.

*MIIH= May impact individuals or habitat but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species.

Plants

Threatened and Endangered Species

There are no federally listed T&E plant species or designated critical habitat on the LMNG. There are no species proposed for Federal listing or proposed critical habitat on the McKenzie Ranger District or Little Missouri National Grassland.

Sensitive Species

There are 14 Forest Service sensitive plant species identified for the Little Missouri National Grassland. One occurrence of a sensitive plant species, Hooker's townsendia, was observed during the floristic survey. It will be protected from disturbance during construction and reclamation. Because of a variety of habitats along the proposed pipeline route, there is suitable habitat for 13 of the 14 listed sensitive plant species and undiscovered plants and habitats could be impacted. These impacts include the direct impact of ground disturbance during construction, and also the potential increase in invasive plant species as a result of the ground disturbance; however, it is anticipated that potential impacts will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species. Table 4 summarizes the effects determinations for sensitive plant species.

Table 4: Summary of determinations for sensitive plant species.

Plant Name	Determination	Rationale for Effect Determination
Smooth goosefoot (<i>Chenopodium subglabrum</i>)	MIIH*	Suitable habitat may be present in some parts of the project area. The area was searched and no plants were found.
Torrey's cryptantha (<i>Cryptantha torreyana</i>)	MIIH*	Suitable habitat may be present in some parts of the project area. The area was thoroughly searched and no plants were found.
Nodding wild buckwheat (<i>Eriogonum cernuum</i>)	MIIH*	Suitable habitat may be present in some parts of the project area. The area was thoroughly searched and no plants were found.
Dakota buckwheat (<i>Eriogonum visherii</i>)	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Blue-eyed Mary (<i>Collinsia parviflora</i>)	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Sand lily (<i>Leucocrinum montanum</i>)	MIIH*	The project area has some habitat for sand lily. The area was searched and no plants were found.
Missouri pincushion cactus (<i>Escobaria missouriensis</i>)	MIIH*	Suitable habitat may be present in some parts of the project area. The area was thoroughly searched and no plants were found.
Dwarf mentzelia (<i>Mentzelia pumila</i>)	MIIH*	Habitat suitable for dwarf mentzelia does occur in the project area. The area was searched and no plants were found.

Plant Name	Determination	Rationale for Effect Determination
Alyssum-leaved phlox (<i>Phlox alyssifolia</i>)	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Limber pine (<i>Pinus flexilis</i>)	No Impact	Habitat does not occur in the project area. The area was searched and no plants were found.
Lance-leaf cottonwood (<i>Populus x acuminata</i>)	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Alkali sacaton (<i>Sporobolus airoides</i>)	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Easter Daisy (<i>Townsendia hookeri</i>)	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Hooker's townsendia (<i>Townsendia hookeri</i>)	MIIH*	Hooker's townsendia was observed at one location within the project area, and suitable habitat is present. The site will be fenced temporarily to ensure that the plants are not disturbed during construction or reclamation; however, habitat may be impacted by the project.

*MIIH= May impact individuals or habitat but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species.

Cumulative Effects of the Proposed Action

Cumulative effects result from incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions. Effects of an action may be minor when evaluated in an individual context, but these effects can add to other disturbances and collectively may lead to a measureable environmental change. By evaluating the impacts of the proposed action with the effects of other actions, the relative contribution of the proposed action to a projected cumulative impact can be estimated.

Past disturbance from road construction, livestock grazing, agriculture, oil and gas development, and pipelines in and near the project area have created some cumulative impacts. In regard to this project, the most important is the introduction and spread of invasive plant species, such as crested wheatgrass, smooth brome and sweet clover. Construction of the proposed pipeline is anticipated to add slightly to cumulative impacts on surrounding vegetation and habitat for sensitive species, particularly through the potential increase of invasive plant species. About 75% of the pipeline route is likely to maintain or slightly increase the prominence of invasive species.

The west end of the route that has been the least affected by invasive species would have a high potential to experience increased invasions as a result of seed and root dispersal from construction equipment and as a result of natural weed dispersal into the heavily disturbed vegetation and soils; however, design criteria will help minimize the increase.

Cumulative impacts from construction of the proposed project are anticipated to be small in nature when compared to the overall undeveloped and natural landscape which will still exist within the surrounding area.

Effects of No Action

The no action alternative would have no effect to wildlife or plant T&E or sensitive species as there would be no change from the current condition. There would be no contribution to cumulative effects.

Management Indicator Species

The Grasslands Plan identifies Management Indicator Species (MIS) for the Dakota Prairie Grasslands. MIS are plant or animal species selected because their status is believed to (1) be indicative of the status of a larger functional group of species, (2) be reflective of the status of a key habitat type, or (3) act as an early warning of an anticipated stressor to ecological integrity. The key characteristic of an MIS is that its status and trend provide insights to the integrity of the larger ecological system to which it belongs.

MIS on the McKenzie Ranger District are the black-tailed prairie dog, greater sage grouse and plains sharp-tailed grouse. Black-tailed prairie dogs and greater sage grouse are also Forest Service sensitive species, and therefore were analyzed in the previous section. Sharp-tailed grouse are assessed here.

Direct and Indirect Effects of the Proposed Action

There is suitable habitat for sharp-tailed grouse within and adjacent to the project area, including known six leks, or breeding display grounds, within one mile. Design criteria would not allow construction of the proposed pipeline to occur during the nesting season, which would limit disturbance to nesting grouse. After the project has been constructed and the site has been re-vegetated, continued impacts to sharp-tailed grouse are not anticipated.

Construction of the pipeline may impact habitat by ground disturbance during construction, and also the potential increase in invasive plant species as a result of the ground disturbance. However, the area affected would be small.

Cumulative Effects of the Proposed Action

Cumulative effects result from incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions. Effects of an action may be minor when evaluated in an individual context, but these effects can add to other disturbances and collectively may lead to a measureable environmental change.

By evaluating the impacts of the proposed action with the effects of other actions, the relative contribution of the proposed action to a projected cumulative impact can be estimated.

Construction of the proposed pipeline is anticipated to have a small negative cumulative impact on surrounding vegetation as invasive plant species may increase.

Cumulative impacts stemming from construction of the proposed project are anticipated to be small in nature when compared to the overall undeveloped and natural landscape which will still exist within the surrounding area.

Effects of No Action

No action would have no effect on sage grouse or sharp-tailed grouse or habitat as there would be no change from current condition. There would be no contribution to cumulative effects.

Cultural Resources

No American Indian religious sites or cultural sites have been identified in the area of effect. The Three Affiliated Tribes Cultural Preservation Office and the Standing Rock Sioux Tribe were notified of the project proposal through scoping with no comment received or sites identified to the district office.

A cultural resource survey has been conducted on the project area. There are no historic properties affected inside the project areas.

Neither alternative would affect cultural resources.

Hydrology and Soils

Direct and Indirect Effects of the Proposed Action

The proposed NGL pipeline would occupy gently sloping rolling prairie soils. Project design would limit any effects to hydrology and soils. When crossing streams, directional boring under the streambed would be used. Erosion control would be used on disturbed soils until vegetation could be reestablished.

The project would comply with Executive Order 11988, Floodplains and Executive Order 11990, Wetlands. The project would not cross or occupy any floodplains or wetlands.

Construction of the NGL pipeline would temporarily disturb approximately 60,000 linear feet of soil. This area of soil disturbance is minimal in relation to the area of undisturbed similar soils surrounding the project.

The pipeline construction design will meet Forest Service requirements.

Cumulative Effects of the Proposed Action

Construction of the proposed NGL pipeline is anticipated to have minimal cumulative effect on area soils and watersheds.

Cumulative impacts stemming from construction of the proposed project are anticipated to be small in nature when compared to the overall undeveloped and natural landscape which would still exist within the surrounding area.

Effects of No Action

This alternative would have no effect on soils and watershed as there would be no change from the current condition. There would be no contribution to cumulative effects.

CONSULTATION AND COORDINATION

The Forest Service consulted the following individuals, Federal, State, and local agencies, tribes and non-Forest Service persons to develop this assessment:

Interdisciplinary Team Members:

- Jake Powell, Botanist
- Joe Washington, Botanist
- Alison Schlag, Hydrologist/Soils
- Gary Foli, Wildlife Biologist
- Jeff Ingalls, Wildlife Biologist
- Libby Knotts, Planner
- Jason Dekker, Minerals Area Manager
- Gary Petik, Range Specialist
- Kevin Sullivan, Engineer Tech
- Mervin Floodman, Archeologist

Federal, State, and Local Agencies

- U.S. Fish and Wildlife Service
- Army Corps of Engineers
- ND State Historic Preservation Office
- ND Game and Fish Dept.
- ND Parks and Recreation Dept.
- ND Land Dept.
- McKenzie County Commissioners

Tribes

- Three Affiliated Tribes
- Standing Rock Sioux Tribe

Bear Paw Energy L.L.C.

Garden Creek NGL Pipeline Route Proposal of Approximately 60,000 feet of 10 Inch Steel Natural Gas Liquids Pipeline on NFS lands in Sections 5, 6, & 7, T147N, R103W, Sections 7, 9, & 10, T147N, R104W, Sections 2, 11, & 12, T147N, R105W, Sections 23, 26, 27, 32, 33, & 34, T148N, R103W, Sections 34, & 35, T148N, R105W, 5th PM, McKenzie County, North Dakota.

Legend

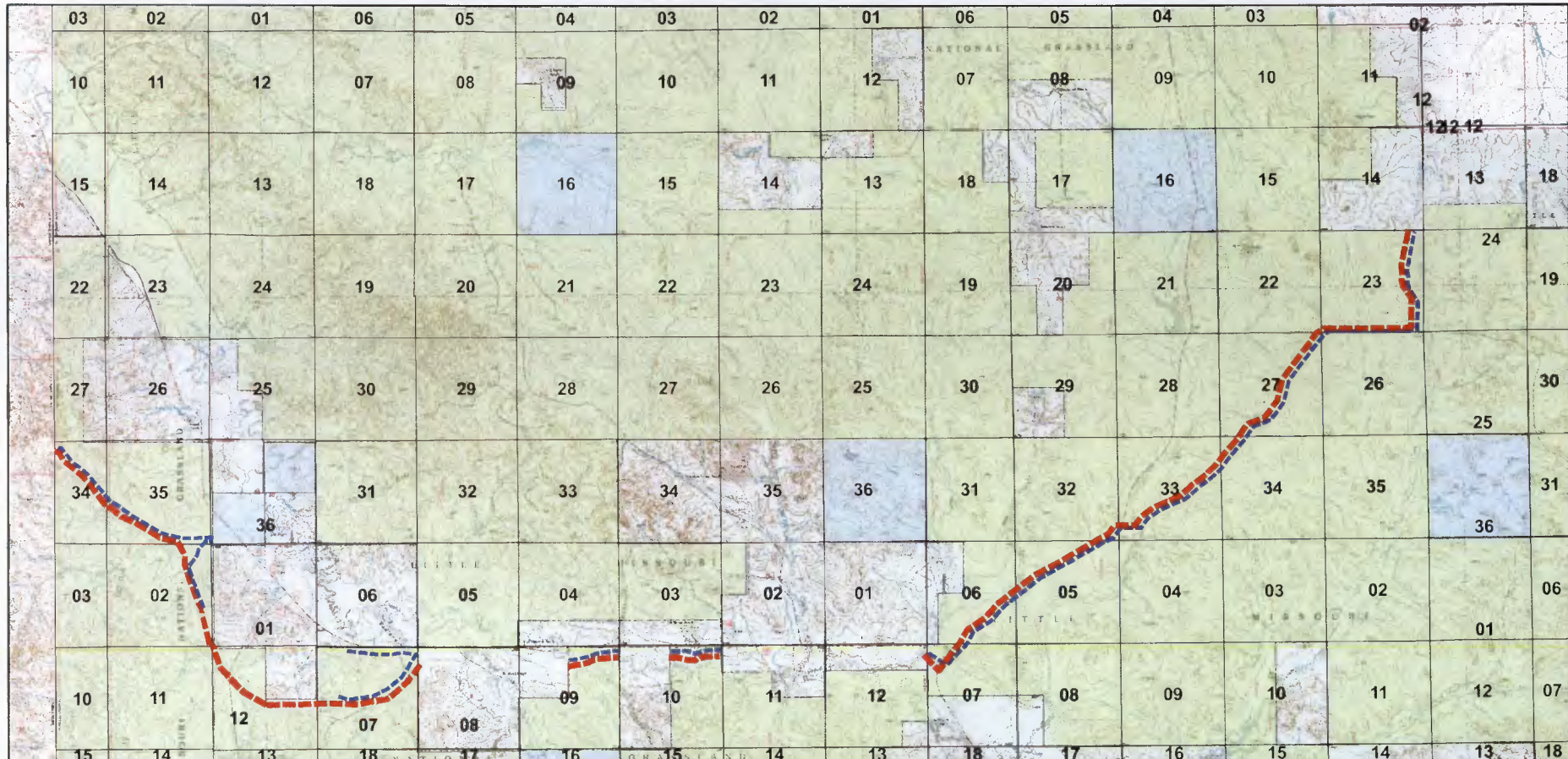
Surface Ownership

- NFS land
- Private
- State

Existing Pipeline on NFS land

Proposed NGL Pipeline Route on NFS land

Map by Kim Grotte
4/26/2011
1:100,000





**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

July 7, 2011

North Dakota
State Historical Board

Dr. Judy Cooper
SWCA Environmental Consultants
116 North 4th Street Suite 200
Bismarck ND 58501

Chester E. Nelson, Jr.
Bismarck - President

Gerold Gertholz
Valley City - Vice President

Richard Kloubec
Fargo - Secretary

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Merlan E. Paaverud, Jr.
Director

ND SHPO REF.: 11-1786 PSC Bear Paw Energy "A Class I and Class III Cultural Resources Inventory of the Bear Paw Energy Natural Gas Liquids Garden Creek Pipeline, Private Lands, McKenzie County, North Dakota"

Dear Ms. Cooper,

We reviewed ND SHPO REF.: 11-1786 PSC Bear Paw Energy "A Class I and Class III Cultural Resources Inventory of the Bear Paw Energy Natural Gas Liquids Garden Creek Pipeline, Private Lands, McKenzie County, North Dakota." We find the SWCA report acceptable. We concur with "No Historic Properties Affected" and "No Significant Sites" determinations, provided the project follows remains as described and mapped in your report, and provided sites 23MZ2201 and 32MZ2204 are avoided by re-routing the pipeline and necked down the corridor to achieve at least 50 feet of avoidance. Also site 32MZ937 is recommended as eligible for listing in the NRHP. Fence the edge of the site and have an archaeologist monitor the area when construction is near.

Thank you for the opportunity to review this project. If you have any questions please contact Susan Quinnell at (701)328-3576 or squinnell@nd.gov

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
And Director, State Historical Society of North Dakota

C: Patrick Fahn, PSC

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July 7, 2011

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Mr. Mervin Floodman
Zone Archaeologist, USFS
McKenzie Ranger District
HCO 2, Box 8
1901 South Main Street
Watford City, ND 58854-1605

ND SHPO REF.: 11-1786 USFS Bear Paw Energy "A Class I and Class III Cultural Resources Inventory of the Bear Paw Energy Natural Gas Liquids Garden Creek Pipeline, U.S. Forest Service Lands, McKenzie County, North Dakota"

Dear Mr. Floodman,

We reviewed ND SHPO REF.: 11-1786 USFS Bear Paw Energy "A Class I and Class III Cultural Resources Inventory of the Bear Paw Energy Natural Gas Liquids Garden Creek Pipeline, U.S. Forest Service Lands, McKenzie County, North Dakota." We find the SWCA report acceptable. We concur with your "No Historic Properties Affected" determination provided the project remains as described and mapped in the associated report by SWCA.

Thank you for the opportunity to review this project. If you have any questions please contact Susan Quinnell at (701)328-3576 or squinnell@nd.gov

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
And Director, State Historical Society of North Dakota



July 12, 2011

North Dakota Pollutant Discharge Elimination System (NDPDES)
General Permit for Stormwater Discharges from Construction Activity
NOTICE OF COVERAGE

Permittee(s)

Owner Contact: Lynn Reed
Bear Paw Energy LLC
100 W 5th St
Tulsa, OK 74103-4240

Operator Contact: Len Williamson
Bear Paw Energy
2700 Lincoln Ave. SE
Sidney MT 59270

Coverage under the 2009 reissued construction general permit (NDR10-0000) is identified as follows:

Permit ID: **NDR103953** Site Name: **Garden Creek NGL Pipeline**

Please remember to update the Stormwater Pollution Prevention (SWPP) plan as appropriate for site conditions. The best management practices (BMPs) and temporary structures must be inspected, maintained and adjusted until the site is stabilized following construction activities. Once the site is stabilized as outlined in the general permit, you may end permit coverage by filing a termination notice. Cities or counties may impose additional requirements and/or specific BMPs for construction affecting their storm drainage system. Please check with the local officials to be sure all local stormwater management considerations are addressed.

Additional Information

The permit conditions, forms and related information may be found on our web site at:

www.ndhealth.gov/wq/Storm/Construction/ConstructionHome.htm

Should you have any questions on the permit, please contact a stormwater staff person listed below.

Dallas Grossman
Division of Water Quality
701.328.5242
dgrossma@nd.gov

c. Ryan Ledin – E3 Environmental, LLC