



United States
Department of
Agriculture

Forest
Service

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Decision Notice and Finding of No Significant Impact

DEMICKS LAKE PIPELINE PROJECT

McKenzie Ranger District, Little Missouri National Grassland, Dakota Prairie
Grasslands
McKenzie County, North Dakota



Summary of Decision

This Decision Notice and Finding of No Significant Impact approves the ONEOK Bakken Pipeline, L.L.C.'s (ONEOK) Demicks Lake Pipeline Project. This approval allows for a Special Use Permit for a right-of-way across the Little Missouri National Grassland (LMNG) for the Demicks Lake Pipeline Project. The project would allow ONEOK to provide take-away capacity for natural gas liquids ("NGLs", a mixture of ethane, propane, butanes, iso-butane mix, pentanes, and natural gasoline) produced at ONEOK Rockies Midstream, L.L.C.'s Demicks Lake Natural Gas Processing Plant to facilities in the Mid-Continent and Gulf Coast for additional processing prior to distribution to various markets. The project would cross approximately 9 miles of National Forest System (NFS) lands and an additional 14.6 miles of private lands within the Administrative Boundary of the LMNG.

Legal Description of the Project			
Township	Range	Sections on LMNG	Sections on Private Lands within the Administrative Boundary
146 North	104 West	N ¼ 2, 3, 11	S ¾ 2, 7-10
146 North	105 West	--	12-15, 22
147 North	103 West	5, 6, N ½ 7	S ½ 7, 18, 19, 30
147 North	104 West	35	12, 13, 24-26, 36
148 North	103 West	21-23, 26-28, 32-34	13, 14

After careful consideration of the potential impacts of the project and possible alternatives to the project as analyzed and described in the 20-inch Demicks Lake Pipeline Project Environmental Assessment (EA), as well as comments received during the combined scoping and comment periods, conducted between September 12, 2018 and October 12, 2018 as the responsible official for this project, I have decided to authorize the proposed action alternative. The selected alternative will respond to the purpose and need for the project by permitting Oneok to install the proposed oil pipeline.

This Decision Notice provides details of the decision, the rationale behind the decision, and the Finding of No Significant Impact that allowed me to choose an EA as the appropriate level of analysis.

PROPOSED ACTION ALTERNATIVE

The proposed action alternative would involve construction and operation of 76.6 miles of underground NGL pipeline and associated aboveground facilities in McKenzie County, North Dakota, and Richland County, Montana. Specifically, the Project would include the construction and operation of:

- Approximately 9 miles of new 20-inch-diameter transmission pipeline across the LMNG, approximately 14.6 miles across privately-owned land within the Administrative Boundary, and an additional 53 miles across land outside of the Administrative Boundary;
- Seven mainline valves, including 2 on LMNG land, 1 on private land within the Administrative Boundary, and 4 on land outside the Administrative Boundary; and
- One pig launcher facility, one pig launcher and receiver facility, and one pig receiver facility.

On LMNG land, the temporary construction right-of-way (ROW) would be 50 feet wide, of which 20 feet would remain as the permanent operation and maintenance ROW. Where the new pipeline is collocated with existing pipelines, the pipeline would generally be installed 20 feet offset from the existing pipelines with the workspace located adjacent to the existing pipeline permanent easements.

Approximately 71.5 acres of land would be affected by construction and operation of the project alternative on LMNG land.

Approximately 31.5 acres of existing temporary access roads and new approaches would be utilized on LMNG lands. The new mainline valves located on USFS lands are adjacent to existing valve facilities and will utilize pre-existing access points. On LMNG lands, no new permanent access roads would be constructed.

RATIONALE FOR THE DECISION

I have made my decision based on the information in the EA, the supporting project file, consideration of issues, review of public comments, and discussions with the interdisciplinary team. I have determined that my decision is consistent with the Dakota Prairie Grasslands (DPG) Land and Resources Management Plan (LRMP) as well as applicable laws, regulations, and agency policies. I have also considered the potential cumulative effects this action with other activities occurring on both public and private lands. My criteria for making a decision on this project was based on how well the management actions analyzed in the EA addressed the purpose and need and considered issues raised in the analysis process, discussed in greater detail later in this section.

The purpose of this project is to respond to the proposal from ONEOK to construct and operate the Demicks Lake Pipeline. There is a need to allow appropriate uses of USFS lands including special uses. The Dakota Prairie Grasslands (DPG) Land and Resource Management Plan (LRMP) has an objective to respond in a timely manner to applications for special use permits (LRMP page 1-8). The DPG is responding to an application for a SUP from Oneok.

The DPG LRMP goals for minerals and energy are to improve the capability of the Nation's forests and grasslands to provide a desired level of uses, values, products, and services (LRMP, p. 1-5). LRMP objectives for minerals and energy are to: 1) Provide opportunities for oil and gas exploration and development with LRMP direction; 2) Ensure reclamation provisions of operating plans are completed to standard; 3) Honor all valid existing mineral rights; and 4) Respond in a timely manner to applications for special use permits, mineral leasing exploration, and development (LRMP, pp.1-6 and 1-8). The purpose of the proposed action alternative is to honor those goals and objectives while protecting federal surface resources.

PUBLIC INVOLVEMENT

To inform the public about the proposal, a Notice of Proposed Action, dated September 10, 2018, was sent to approximately 50 organizations, individuals, and federal, state, and local government agencies, as well as individuals within four tribal governments, known to have an interest in the proposed action. The notice provided information about the proposal and a 30-day comment period. In addition, pursuant to 36 CFR 218, a Legal Notice was published on September 12, 2018 in the Bismarck Tribune informing the public of the 30-day public comment period. Comments were received from the Natural Resources Conservation Service and the U.S. Army Corps of Engineers. The public comment period for the action expired on October 12, 2018.

ALTERNATIVES TO THE PROPOSED ACTION

No-Action Alternative: Under the No Action Alternative, the project would not be constructed, operated, or maintained. NGLs that are produced at ONEOK's Demicks Lake Natural Gas Processing Plant would need to be shipped by an alternate transportation method such as rail or truck. The no action alternative would not meet the purpose and need.

FINDING OF NO SIGNIFICANT IMPACT

In accordance with CFR 1508.13 and direction provided in the Forest Service Handbook (FSH 1909.15, Chapter 40, Section 43.1), I have determined that the management actions of the project alternative of the Demicks Lake Pipeline Project do not constitute a major Federal action, and that the implementation of the proposal will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement (EIS) need not be prepared for this project. I have followed the implementing regulation for NEPA (40 CFR 1508.27) and other criteria for determining the significance of effects. Before making my determination, I carefully reviewed and considered the following information:

The direct, indirect, and cumulative effects of these actions and other activities occurring on NFS land and private land are documented in the EA for the project; and through:

- Interdisciplinary Team (IDT) field review and discussions;
- The analysis documentation in the Project Record;
- Comments received from other agencies and the public; and
- Past experiences with oil and gas infrastructure installation projects on the DPG.

The IDT and I have reviewed the management actions included in the project for significant impacts, including both context and intensity. The results of this review are summarized on the following pages.

The effects of the project alternative are limited in context and mostly temporary. The project's construction area includes approximately 71.5 acres on NFS lands within which the pipeline and associated infrastructure would be constructed. Construction at any single point along the pipeline would last approximately 6 to 12 weeks or longer depending upon the rate of progress, weather, terrain, and other factors. Construction of the entire project would last approximately six months. Construction effects are local in nature and are not likely to significantly affect regional or national resources.

ONEOK would be responsible for the removal of temporary construction facilities, structures or surface materials, reclamation of the approximate original grade contours, replacing topsoil, and seeding with approved seed mixes. Private and public property (fences, gates, driveways, roads, etc.) that were disturbed by construction would be restored to their original conditions, consistent with agreements with individual landowners, counties and/or townships, and/or applicable permit or authorization requirements. ONEOK would ensure the USFS-authorized officer or other designated agents have access to review and inspect vegetation and restoration activities along the ROW on NFS lands.

The people most affected by the project will be the residents on the affected and adjacent lands and area recreationists. Short-term adverse effects would be mitigated through implementation of the Standards and Guidelines in the LRMP for the DPG and the design features (Appendix A) developed specifically for this project.

ONEOK would operate and maintain its facilities in accordance with DOT/PHMSA requirements and standard procedures designed to ensure the integrity and safe operation of the facilities.

The project design features minimize or avoid adverse impacts. Within the context of the landscape as a whole, or at the project level, the ecological consequences are not found to be significant in either the short or long-term.

The following factors were considered to evaluate intensity.

1. *Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.*

Both beneficial and adverse effects have been taken into consideration when making a determination of significance. Specialist reports included in the EA and Project Record contain effects analyses and the findings from these resource-specific reports and the information found in this document form the basis for my decision.

It is my determination, based on review of these analyses and consultation with specialists, that the proposed action alternative, which includes installation of an underground pipeline and associated infrastructure mostly adjacent to existing pipeline infrastructure, along with pipeline facility operation, would not have a significant impact on the environment. Effects would be minor or short-lived, although minor long-term to permanent effects would be noticed along the 20-foot-wide maintained pipeline ROW. None are deemed irreversible or irretrievable and do not set in motion further effects. All potential direct, indirect, and cumulative effects are evaluated in the EA, specialist reports, and biological assessments and evaluations.

2. *The degree to which the proposed action affects public health or safety.*

The project alternative would not have significant effects on public health and safety. The Special Use Permit includes measures specifically designed to protect the public's health and safety during construction, reclamation, and operational phases of the project. ONEOK has developed and will implement several construction and operational plans intended to protect the environment and the public. Other state and federal agencies with enforcement jurisdictional policies are also designed to protect the public. There is nothing out of the ordinary concerning public safety and health in regard to permitting this pipeline and associated facilities, or associated access roads.

3. *Unique characteristics of the geographic area such as proximity to historic resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The project area does not contain, and is not near areas that have been identified as ecologically critical or otherwise unique for the geographic area. Prime farmland, wetlands, and waterbodies would be temporarily affected by construction of the project; however, these effects would be minor and reclaimed and are analyzed in the EA (Chapter 3). Heritage surveys have been completed and adverse impacts to historic properties are not expected.

Based on this information, I conclude that the project alternative would not adversely affect unique characteristics of the geographic area.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Based on the limited context of the project, my review of comments received during the scoping of this project, and the analysis documented in the EA and Project Record, I do not find any highly controversial effects to the human environment.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

Based on my review of comments received during the scoping of this project and the technical analysis documented in the EA and Project Record, I find the possible effects on the human environment that are uncertain or involve unique or unknown risks are minimal or non-existent. The agency has considerable experience in such projects and the consequences of such actions are well established and predictable.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Demicks Lake Pipeline Project represents a site-specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any proposed future project must be evaluated on its own merits and effects.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

Connected, cumulative, and similar actions have been considered and included in the scope of the analysis. The analysis accounts for past, present, and reasonably foreseeable actions of the Forest Service and private landowners within the project area. Based on my review of the analysis and disclosure of effects in the EA, specialist reports, biological assessments, and evaluations, this document and other analyses in the Project Record, I conclude that the Demicks Lake Pipeline Project does not represent potential cumulative adverse impacts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.*

Class III cultural resource surveys have been completed for the Demicks Lake Pipeline Project area; therefore, the potential for impacting undiscovered sites is properly mitigated. In the event such resources are discovered during project implementation, the project will cease immediately, the District or Grasslands Archaeologist will be called, and any historic properties will be evaluated and protected.

The North Dakota State Historic Preservation Officer (SHPO) was consulted on the project. Concurrence for a finding of No Historic Properties Affected was received from the SHPO on March 12, 2019, May 29, 2019, May 30, 2019, July 9, 2019, and August 5, 2019.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.*

The use of specific construction and maintenance timing restrictions, pre-construction surveys, and stop-work directives would limit project effects on threatened and endangered species. As determined in the Biological Assessment for the project and Chapter 3 of the EA, the project would have no effect on the federally listed least tern or pallid sturgeon, and may affect, but is not likely to adversely affect, the gray wolf, northern long-eared bat, piping plover, rufa red knot, whooping crane, or Dakota skipper.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action is consistent with all applicable Federal, state, or local laws or requirements imposed for the protection of the environment. These laws are addressed in the EA. Further detail about LRMP compliance and regulatory framework is located in the project record.

The project alternative is consistent with DPG LRMP direction. I have concluded that the project alternative does not violate any Federal, state, local laws or requirements imposed for the protection of the environment (See also the section on Findings Required by Laws, Regulations, and Policies below).

CONCLUSION

After considering the environmental effects described in the EA and specialist reports, I have determined that the project alternative will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY LAWS, REGULATIONS, AND POLICIES

The Demicks Lake Pipeline Project EA, this Decision Notice, and the project record address the regulatory framework and regulatory consistency by resource area. I have determined that my decision is consistent with the laws, regulations and policies related to this project. The analysis leading to my decision was developed within the frame work of the following laws, regulations, and policies.

National Forest Management Act (NFMA)

Consistency with Forest Plan Standards, Goals, and Objectives

The DPG LRMP of 2002 establishes management direction for the DPG. This management direction is achieved through the establishment of Grasslands-wide goals and objectives, standards and guidelines. The DPG LRMP was developed under the 1982 planning rule (36 CFR §219.17(c)).

The project meets LRMP objectives to: 1) Provide opportunities for oil and gas exploration and development with Plan direction; 2) Ensure reclamation provisions of operating plans are completed to standard; 3) Honor all valid existing mineral rights; and 4) Respond in a timely manner to applications for special use permits, mineral leasing exploration, and development (LRMP, pp.1-6 and 1-8). After reviewing the EA and the project record, I find that my decision is consistent with Forest Plan standards, goals, and objectives.

Sensitive Species

In making my decision, I considered the effects on all sensitive species listed as possibly occurring on the DPG and analyzed the projected effects on all sensitive species which have been identified or have suitable habitat within the project area or may possibly occur in the analysis area (EA, Chapter 3 and Project Record).

The National Environmental Policy Act (NEPA)

National Environmental Policy Act (NEPA) provisions have been followed as required by 40 CFR 1500. The Demicks Lake Pipeline Project Decision Notice complies with the intent and requirements of NEPA.

Clean Water Act and North Dakota State Water Quality Standards

Upon review of the EA and Project Record, I find that activities associated with my decision would comply with state water quality standards. My decision includes project design features to protect the water resource (EA, Chapters 2 and 3 and Appendix A of this Decision Notice) and applicable BMPs to achieve water quality standards.

Clean Air Act

After reviewing the Project Record, I find that the activities to be implemented would be coordinated to meet the requirements of State Implementation Plans and Federal air standards.

Endangered Species Act

Under provisions of this Act, Federal agencies are directed to seek to conserve endangered and threatened species and to ensure that actions are not likely to jeopardize the continued existence of any of these species. The Biological Assessment for project determined that the project would have **no effect or may affect but would not likely adversely affect** threatened or endangered species and applicable environmental protection measures (Appendix A of this Decision Notice) will be implemented.

Migratory Bird Treaty Act

On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of Federal agencies to protect migratory birds. Upon review of the information provided in the EA, the biological evaluation for the Demicks Lake Pipeline Project (Project Record), and the wildlife effects analysis included in the EA and the project file, I find that my decision complies with this Executive Order.

National Historic Preservation Act, American Indian Religious Freedom Act, and Native American Graves Protection and Repatriation Act

Based upon the analysis in the EA (Chapter 3), and material in the Project File, no adverse impact on cultural resources is expected as a result of implementation of the Demicks Lake Pipeline Project. No impacts to historic properties are expected.

The Forest Service has consulted with the Spirit Lake Sioux; Standing Rock Sioux; Three Affiliated Tribes – Mandan, Hidatsa, and Arikara; and Turtle Mountain Band of Chippewa Tribes. No issues were raised by the tribes related to these laws.

Environmental Justice (Executive Order 12898)

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," requires that Federal agencies make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high adverse human health and environmental effects of their programs, policies, and activities on minority populations and low-income populations. My decision does not pose any significant socio-economic risks that disproportionately affect low-income or minority populations in communities where the project is located. The implementation of the Demicks Lake Pipeline Project would not cause a significant change in local employment or revenue sharing with local communities.

PRE-DECISIONAL ADMINISTRATIVE REVIEW (OBJECTION) PROCESS AND IMPLEMENTATION

The Demicks Lake Pipeline Project EA and Decision Notice and Finding of No Significant Impact is subject to the objection process pursuant to 36 CFR 218, subparts A and B. During the combined scoping and comment period, no comments were received on the project from entities that could object under 36 CFR 218. Comments were only received from a federal agency, which may not object to the project per 36 CFR 218.5(e). Therefore no entities had standing to object to this project. This decision is the final administrative determination by the Department of Agriculture.

IMPLEMENTATION

I have satisfied the objection review requirements under 36 CFR 218.12. Therefore, implementation of this Project may begin immediately.

Contact Information

For further information concerning the Demicks Lake Pipeline Project, contact Kim Grotte at the McKenzie Ranger District at 701-842-8509 during normal business hours, or email at kim.grotte@usda.gov.



NANCY VERES
McKenzie District Ranger
Dakota Prairie Grasslands

8-23-19

Date

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Appendix A – Design Features

The following design features have been recommended and incorporated into the project alternative to protect resources. Additional features are included in specific COAs for the project.

1. All mitigation will be compatible with environmental protection measures for the federally Threatened Dakota Skipper.
2. A qualified consultant (preferably the same consultant(s) who conducted the project surveys) will clearly mark any occurrences of sensitive plant that could be inadvertently impacted during any phase of the project so that they may be avoided. This effort may be required multiple times as the project progresses. Report problems locating these occurrences or inadvertent impacts to them to the USFS botanist.
3. Vehicles and equipment used for construction must be cleaned prior to entering the National Grassland to remove all seeds and plant propagules (seeds and vegetative parts that may sprout to prevent the potential spread of noxious weeds and invasive species.
4. Disturbance needs to be kept to a minimum to reduce impacts to suitable sensitive species habitat and native vegetation communities in general, and also to reduce the spread of noxious and invasive species.
5. The site must be reclaimed using a USFS-approved seed mix. As of the date of this letter, Scenario #13 is used, but it may be revised in the future. Vegetation on the site must be monitored to ensure successful establishment.
6. If noxious weeds are found anywhere, they need to be treated, and if necessary, reseeded. Field crews must be trained to correctly recognize noxious weeds to avoid adverse effects to native species.
7. Any discovery of sensitive plants that would be adversely affected by the project need to 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 to avoid negative impacts to such populations.
8. No construction activities will occur within 1 mile (line of sight) of any bald eagle nests and ½ mile (line of sight) of any golden eagle nests from February 1 to July 31.
9. No construction activities will occur from March 1 through June 15 within 1 mile (line of sight) of Sharp-tailed grouse leks.
10. If construction activities occur between February 1 and July 31, a supplemental raptor survey is required – check with the FS District biologist. If any nests are found and located within the applicable minimum distance for timing, construction activities will not occur within these areas until the species' timing limitation ends.
11. Removal and/or alteration of trees 3 inches DBH or greater will be avoided from April 1 through September 30 to the extent practicable. The Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form will be submitted to USFWS in the event that any trees within this size must be removed within that timeframe that could be considered potential summer roosting habitat.

12. If a gray wolf, red knot, or whooping crane are sighted by ONEOK's contractor or EI within one-mile of the construction workspace during construction, or if the USFWS notified ONEOK of a sighting within one mile of the construction workspace, construction activities would cease until the individual(s) have left the area within one mile of the workspace. Any sightings of the above listed species would be immediately reported to the USFWS, USFS, NDGF, and the Montana Department of Fish, Wildlife, and Parks.
13. Specific to the Dakota skipper:
 - a. Construction activities will be suspended during the flight period within 1 kilometer of all potential habitat on USFS lands that did not receive 2 negative occupancy surveys conducted during the 2018 flight period.
 - b. Herbicides will only be applied using spot treatment methods within any suitable habitat polygons and will occur outside of the flight period. All aerial herbicide application will be restricted within 1 mile of suitable habitat.
 - c. Dust abatement measures will be deployed throughout the entirety of the project on USFS lands.
 - d. Anywhere workspace is reduced or avoidance measures are utilized to avoid impacts to suitable habitat, signage and fencing will be erected by ONEOK to ensure avoidance of these areas.
 - e. ONEOK will reseed the entirety of the project on USFS lands using a USFS-approved seed mix.
14. On LMNG lands, no new permanent access roads would be constructed. ONEOK would utilize existing roads for access or create new, temporary approaches from existing roads to connect the roadway to the construction ROW. Approaches would be constructed in a manner to minimize disturbance to LMNG (e.g., timber mats with geotextile fabric placed underneath). Approximately 31.5 acres of existing temporary access roads and new approaches would be located on LMNG lands. Locations of access roads and approaches are shown in Appendix A of the EA.
15. Twelve cultural sites are located within the APE and are unevaluated or eligible for listing on the NRHP. All portions of these twelve sites would be avoided by narrowing the construction area. To avoid impacting intact cultural resources in these sites, all construction activities would be limited to previously disturbed areas including the road surface, the road ditch, and existing pipeline corridors.
16. Cultural monitors will be present during earth moving activities at four cultural resource sites and temporary fencing will be constructed with a 15 meter buffer at the same four cultural resource sites on LMNG lands, 32MZ767, 32MZ1562, 32MZ3221, and 32MZ3267.

Paleontological Resources

1. ONEOK's EI would inspect trenching activities for paleontological resources. Discoveries of paleontological resources would be reported to USFS personnel. Collection of any paleontological materials by Project personnel would be prohibited. See also, ONEOK's Unanticipated Discoveries Plan for Cultural Resources and Human Remains (POD Attachment 9) discussed below.
2. Project-related personnel would be educated as to the sensitive nature of paleontological resources, and a strict policy of prohibiting collection of these resources would be

implemented.

Soils

1. Segregating topsoil from the full ROW in upland areas. At least 12 inches of topsoil would be removed in areas of deep topsoil and every effort would be made to segregate the entire topsoil layer in soils with less than 12 inches of topsoil. Topsoil piles would be segregated from subsoil throughout construction and would be stabilized with sediment barriers, mulch, temporary seeding, tackifiers, and functional equivalents, where necessary.
2. Installing temporary erosion control devices within the trench and workspace immediately after initial disturbance of the soil and maintaining the devices throughout construction until replacement by permanent controls or completion of restoration. Temporary and permanent controls may include slope breakers, trench plugs, sediment barriers, and mulch. Slope breakers would break the slope length and direct runoff from the disturbed ROW to reduce erosion.
3. Implementing measures to reduce wind erosion and control dust such as applying water to work areas, reducing vehicle speeds on unpaved surfaces, covering haul trucks in transit, and using gravel at paved road access points as needed.
4. Managing fuel and other hazardous materials in accordance with applicable regulations designed to prevent inadvertent spills and implementing specific measures to limit and cleanup any spills that occur as well as manage pre-existing soil contamination, if encountered.
5. Conducting trench dewatering in a manner that does not cause erosion and in accordance with state and federal permit requirements, where applicable.
6. Segregating the top 12 inches of topsoil from the area of the trench in wetlands, except where standing water is present or where soils are saturated.
7. Topsoil and subsoil would be tested at regular intervals in agricultural and residential areas. Cultivated fields and compacted or rutted cultivated areas would be tilled with a deep tillage device or chisel plowed to loosen compacted soils. Plow severely compacted agricultural areas with a paraplow or other deep tillage implement. In areas where topsoil has been segregated, plow the subsoil before replacing the segregated topsoil. If subsequent construction and cleanup activities result in further compaction, additional measures would be undertaken to alleviate the soil compaction.
8. Seeding disturbed areas in accordance with written recommendations for seed mixes, rates, and dates obtained from the local soil conservation authority or the request of the landowner or land management agency, as applicable, except in cultivated croplands unless requested by the landowner. Disturbed soils would be seeded within 10 working days of final grading, weather and soil conditions permitting, in the absence of written recommendations from the local soil conservation authorities.

Water Resources, Wetlands, and Floodplains

1. All dewatering discharges would be directed to a well-vegetated upland area through a geotextile filter bag or through a straw bale dewatering structure.

2. Edges of riparian areas, streams, wetlands, or waterbodies would be posted prior to construction to indicate to crews the limits of these areas so that specific BMPs and work practices are adhered to.
3. HDD construction would be used once on LMNG land and in five locations on private lands within the Administrative Boundary, to avoid upland and intermittent drainages. Route adjustments have been used to avoid isolated depressional wetland features and no perennial streams are crossed.
4. No aboveground facilities (valve sites) or ETWS (for HDD entry/exit areas) have been sited within riparian areas, wetlands, floodplains, or other WOTUS. ETWS have been setback from streams, wetlands, or other waterways as outlined in the CMRP. For areas where additional setbacks are deemed necessary to protect the resource, the applicability of the appropriate setback would be determined by the EI in consultation with the USFS on a site-specific basis.
5. Protection measures (including installation of erosion control devices) would be used at wetland/waterbody crossings to minimize sedimentation. The SWPPP (POD Attachment 6) would be implemented to minimize stormwater transport of sediment from disturbed areas to streams, wetlands, and waterbodies.
6. During HDD construction, the volume and pressure of driller's mud would be continuously monitored to detect possible leaks. If an inadvertent return were to occur, the release would be contained and cleaned following procedures in ONEOK's HDD Plan.
7. No refueling or lubricating of equipment would be done within 100 feet of intermittent/ephemeral waterbodies or drainageways. Hazardous materials would be stored and managed according to the SPCC Plan (POD Attachment 7).
8. Application of herbicides or pesticides within the vicinity of wetlands/waterbodies would follow pesticide-use protocols and restrictions according to label directions and as coordinated with county weed boards. Herbicide and/or pesticide use on LMNG lands would be reviewed and approved by USFS prior to use.
9. Water used for hydrostatic testing or other purposes during construction would be obtained by the selected licensed contractor from an approved surface water or water depot. No hydrostatic test water would be obtained on LMNG lands. Discharge of hydrostatic test water would be conducted in accordance with state and/or federal permits.
10. The pipeline would be monitored and maintained to prevent and detect leaks or unusual operations. If a spill or leak were to occur, contamination would be removed by the appropriate containment and cleanup technologies and disposed at an approved location.

Vegetation Resources

1. Disturbance would be minimized to reduce impacts on suitable sensitive species habitat and native vegetation communities in general, and to reduce spread of invasive species.
2. Vegetation would not be cleared within areas that would be crossed via HDD.
3. USFS-approved revegetation seed mixes would be applied Project-wide in non-cropland areas for reclamation, except where private landowners request a different seed mix, during the first appropriate season after redistribution of topsoil. The CMRP (POD Attachment 5) outlines the

details and procedures to be followed for seeding.

4. ONEOK would implement the measures in the Revegetation Plan and Noxious Weed Plan to restore and manage vegetation within the temporary and operational pipeline ROW.

Noxious Weeds

1. Surface disturbance would be minimized to reduce the spread of invasive species. Project construction would avoid disturbance in waterways through the use of HDD construction.
2. ONEOK would implement the measures in its weed management plan to control the spread of noxious and invasive species.
3. Noxious weeds and invasive species would be controlled within the ROW by approved chemical or mechanical means prior to reclamation and at least annually during operations. Where noxious weeds are found on LMNG lands, occurrences will need to be treated prior to construction.

Special Status Species

1. Spoil piles and work spaces would be located outside of Dakota skipper reproductive habitat.
2. To reduce impacts on habitat for grassland-nesting migratory birds and the Dakota skipper, Ottoe skipper, regal fritillary, and tawny crescent, disturbance to native prairie would be reclaimed using an agency-approved seed mix consisting of native grasses and forbs, including forbs used by Dakota skippers and other insects for nectaring, except in circumstances of private property where landowner specifications may differ.
3. Removal and/or alteration of trees 3 DBH or greater will be avoided from April 1 through September 30 to the extent practicable. The Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form will be submitted to USFWS in the event that any trees within this size must be removed within that timeframe that could be considered potential summer roosting habitat.
4. If a gray wolf, red knot, or whooping crane is sighted within 1 mile of the Project area while it is under construction, work will cease within 1 mile of that part of the Project or within line-of-sight of the species(s). The USFWS would be contacted immediately. In coordination with the USFWS, work may resume after the species(s) leave the area.
5. If construction is scheduled during migratory bird breeding season (February 1 to July 15), ONEOK would either: 1) mow and maintain vegetation within the disturbance area prior to and during the breeding season to deter migratory birds from nesting in the Project area until construction is underway; or 2) conduct avian pre-clearing surveys per ONEOK's Migratory Bird Conservation and Compliance Plan. These surveys will typically be completed 2 to 5 days ahead of clearing/construction but no more than 14 days ahead of clearing/construction, where feasible. If evidence of breeding is identified, ONEOK would coordinate with the USFWS and USFS to determine appropriate actions to protect breeding birds.
6. Surface use, including construction or reclamation activities, would be prohibited from March 1 through June 15 within 1 mile (line of sight) of a sharp-tailed grouse display ground (lek).
7. Sensitive plant populations that must be avoided within or very near the ROW would be noted on alignment sheets and clearly marked (stake/fence/flag) prior to construction, reclamation,

and treatments of noxious or invasive plants to ensure they are not disturbed.

8. Discoveries of sensitive or watch plants within the Project area after Project approval would be reported to the USFS. Last-minute alterations of the Project design may be requested to avoid negative impacts on such populations.
9. Insecticide application would be prohibited within the Project area.

Wildlife and Fisheries

1. To reduce the area of direct removal of potential habitat and to avoid habitat fragmentation, Project facilities have been routed/sited in areas of previous disturbance to the extent practicable, following existing roads or utility corridors. Disturbed areas would be restored as outlined in the POD.
2. BMPs The disturbance area would be limited to 50 feet wide on LMNG lands and 75 feet wide outside of LMNG lands, except where ETWS is utilized as shown in Appendix A.
3. Gates, bridges, and escape ramps would be installed as needed along the active areas of open trench to allow for livestock/wildlife crossings and/or to prevent them from becoming entrapped within the trench.
4. During soil-moving construction activities, BMPs and appropriate erosion or stormwater control structures would be used to prevent sediments from entering drainages. Erosion controls would be maintained throughout construction and follow the measures outlined in the storm water pollution prevention plan (SWPPP) developed for the Project (POD Attachment 6).
5. Airborne dust would be controlled on roads during construction using water or magnesium chloride.
6. Magnesium chloride use on LMNG lands would require review and written approval by the USFS.
7. To reduce impacts on habitat for grassland-dependent species, disturbance to native prairie would be reclaimed using an agency-approved native seed mix.
8. The pipeline would be monitored on a 24-hour basis using a Supervisory Control and Data Acquisition (SCADA) system to detect leaks or unusual operations.
9. Aerial and/or ground patrols and cathodic protection tests would be done periodically to monitor on-site conditions and ensure the pipeline is maintained in good condition.
10. ONEOK's Emergency Response Plan (POD Attachment 10) or SPCC Plan (POD Attachment 7) would be followed to respond to emergencies or spills to stop and contain leaks to the extent possible.

Herbicides

1. Herbicide type and application would be done to avoid drift to potential Dakota skipper habitat and to avoid effects to desirable native grasses and forbs according to label directions (i.e., concentrations, timing, weather conditions) and as specified in USFS-approved standards detailed in the CMRP (POD Attachment 5).
2. Broadcast spraying would be prohibited. Application would be site-specific using spot

treatment and targeting of invasive plants/noxious weeds in Dakota skipper habitat to avoid adverse effects to nectar plants, or grasses used by larvae and pupae.

3. Noxious weeds found in disturbance areas would be treated, and if necessary, reseeded, according to the CMRP and in coordination with the USFS, if applicable. Field crews must be trained to correctly recognize noxious weeds to avoid adverse effects to native species.

Land Use and Noise

1. ONEOK would coordinate with the USFS or private landowners to minimize impacts on their lands. Lands would be restored to original use following the construction phase of the Project.
2. Private landowners would be compensated for crop loss per their easement agreement.
3. Construction personnel would be directed to stay within the approved ROW or would follow designated access roads to prevent disturbance outside the ROW and approved work areas. Existing roads would be used for the majority of the Project length to avoid impacts on adjacent lands.
4. If construction disturbs or destroys a natural barrier used for livestock control, the opening would be temporarily closed during construction and permanently closed following construction, as required by the USFS or private landowner.
5. Any range improvements such as fences, gates, cattle guards, and developed water sources that are damaged during construction and are located within the disturbance area or access roads would be repaired to the satisfaction of the USFS or private landowner.
6. Construction would be restricted to the hours from 7:00 a.m. to 7:00 p.m. within 1,000 feet of an occupied residence. Noise levels would comply with the 65 decibels on the A-weighted scale (dBA) Housing and Urban Development standard and noise effects on sensitive receptors would be minimized.

Recreation and Visual Resources

1. Measures would be implemented to minimize the visual effects of construction on high value road, stream, and trail crossings as identified by the USFS.
2. To prevent unauthorized use of the ROW by off-road vehicles and subsequent potential impacts on soil, vegetation, and wildlife resources, access would be blocked at locations specified by the USFS or private landowners.

Transportation

1. All roads, including unpaved roads, would be bored subject to approval of local or federal road authorities.
2. On LMNG lands, no new permanent access roads would be constructed. ONEOK would utilize existing roads for access or create new, temporary approaches from existing roads to connect the roadway to the construction ROW. Approaches would be constructed in a manner to minimize disturbance to LMNG (e.g., timber mats with geotextile fabric placed underneath). Approximately 31.5 acres of existing temporary access roads and new approaches would be located on LMNG lands. Locations of access roads and approaches are shown in Appendix A. Where necessary outside of LMNG lands, ONEOK would improve unsuitable dirt and gravel roads through widening and/or grading, gravelling, installing, or

replacing culverts, or clearing overhanging vegetation or tree limbs. After construction, ONEOK would remove new access roads or approaches and improvements and restore to their preconstruction condition unless the landowner or land-managing agency requests that the improvements be left in place, or the roads would be utilized as operational access to the pipeline ROW or aboveground facilities on private lands.

Public Safety

1. Staging of construction vehicles and materials would be located on lands controlled by ONEOK and/or the Contractor for the Project.
2. ONEOK would be responsible (or have contracts with companies with equipment and capabilities) for maintaining a sufficient supply of spill containment and clean-up equipment, including suitable commercial absorbent material on the work site, with the responsibility to adequately and immediately respond to a spill or leak.
3. Isolation valves would be installed along the pipeline in accordance with federal regulations to isolate pipeline segments during a potential leak to minimize the release.
4. The Project would include a SCADA system that would be tied into ONEOK's existing control center in Tulsa and would be monitored continuously in real-time to detect possible operational incidents before they happen and limit the scope of a release should one occur.
5. Equipment would be maintained on-site by construction crews to contain, capture, and clean up accidental release of harmful chemicals, pollutants, or other materials into the environment.
6. ONEOK would implement a Fire Management Plan (POD Attachment 14, available as part of the public record) that outlines measures to prevent, detect, and suppress fires.

Hazardous Materials and Solid Waste

1. The use of hazardous materials would be carefully controlled. Such materials would be clearly labeled and used only by authorized personnel trained in the transportation, handling, use, and storage of the specific hazardous materials.
2. Non-hazardous and solid waste generated by the Project would be collected in enclosed containers and disposed at permitted and approved landfills or disposal facility. During construction, portable toilets would be located on trailers on the ROW; a sanitation company would periodically haul waste to approved landfills.

Cultural Resources and Tribal Treaty Rights and Interests (related to Cultural Heritage Sites)

1. Cultural resources have been identified in the analyzed area of potential effect (APE) for the Project through the review of available information and ground surveys. Impacts on these resources would be avoided through narrowing the construction ROW, confining construction to existing disturbance along road/utility corridors, temporary fencing, and archaeological monitoring where required.
2. A cultural resource discovery could consist of, but is not limited to:
 - a. Prehistoric features such as stone circles or cairns, storage pit features, postmolds, hearths, occupational surfaces, middens, and anthropogenic soil horizons;
 - b. Prehistoric artifact concentrations such as projectile points, waste flakes/debitage, and clay pottery;
 - c. Historic features such as trails, roads, canals, wells, cisterns, foundations, and trash pits at

- least 50 years in age; and,
 - d. Historic artifact concentrations such as glass bottles, tin cans (e.g., hole-in-top cans) tableware dishware, architectural debris (e.g., bricks, mortar, window glass), hardware (e.g., square nails), and farm implements at least 50 years in age.
3. Evidence of a burial site could consist of, but is not limited to:
 - a. Any human remains including articulated or disarticulated bones, teeth, hair, preserved soft tissue, etc.;
 - b. Burial pit or grave shaft outlines in the soil;
 - c. Headstones or footstones; and,
 - d. Coffin wood fragments and coffin hardware.
 4. Project-related personnel would be educated as to the sensitive nature of cultural resources, and a strict policy of prohibiting collection of these resources would be implemented.
 5. If cultural resources and/or human remains are discovered during Project construction, all work would stop in a 100-foot radius around the find and the procedures outlined in the Unanticipated Discoveries Plan for Cultural Resources and Human Remains (POD Attachment 9) would be followed. If the cultural resource is determined to be a historic property, and cannot be avoided, then appropriate mitigation measures would be developed in consultation with SHPO, USFS, and interested tribes. If human remains are found on federal lands and determined to be Native American, USFS would follow the requirements under the NAGPRA. USFS would provide written notice to ONEOK indicating they can proceed with construction once the cultural materials and/or human remains have been fully evaluated and appropriate treatment of the discovery has been completed.

Appendix B – Map



