



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

McKenzie Ranger District, Dakota Prairie Grasslands

February 3, 2022

South Bend Pipeline

Environmental Assessment, Decision Notice, and Finding of No Significant Impact



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PROJECT INFORMATION

Project Name: South Bend Pipeline

Proponent Name: Bridger Pipeline, LLC

Responsible Official: Bennie South, Grasslands Supervisor

Unit: Dakota Prairie Grasslands

Ranger District: McKenzie Ranger District

County: McKenzie County

State: North Dakota

Anticipated Implementation: Winter 2022

Project Webpage: <https://www.fs.usda.gov/project/?project=59260>

Land and Resource Management Plan Link:

<https://www.fs.usda.gov/detailfull/dpg/landmanagement/?cid=stelprdb5340280&width=full>

General Location: 13.5 miles southwest of Watford City at the nearest point

Legal Description: Various sections within Township (T)145N, Ranges (R) 103-104W; T146N, R102-103W; T147N, R101-102W; and T148N, R100-101W.

Applicable Management Areas: 3.65 Rangelands with Diverse Natural-Appearing Landscapes, 6.1 Rangeland with Broad Resources Emphasis, and 4.22 River and Travel Corridors

Watersheds: Achenbach Hills-Little Missouri River, Bennie Peer Creek, Lower Beaver Creek, and Smith Creek

Purpose and Need:

This Environmental Assessment (EA) addresses Bridger Pipeline, LLC's (Bridger) proposal to construct a new crude oil pipeline on lands administered by the United States Forest Service (USFS). The purpose of the Project is to construct and operate a pipeline that reliably and efficiently transports crude oil produced in western and northwestern North Dakota to the Sandstone Station, near Baker, Montana which eventually connects into existing facilities at the Guernsey, Wyoming market for further marketing and transportation nationally.

Pursuant to the Mineral Lease Act of 1920, as amended and supplemented (30 United States Code 181 et seq.) and prescribed in 43 Code of Federal Regulations 2880 and 3160, there is a need for the United States Forest Service (USFS), McKenzie Ranger District, to consider the South Bend Project and, if approved, issue a Special Use Permit to allow implementation on National Forest Service (NFS) lands. After initial construction, a permit would be issued for a 20-foot right-of-way (ROW) for production and maintenance.

The Project arises out of demand from the energy industry for additional transportation for crude oil and would contribute toward U.S. energy independence and economical energy costs for the public. Currently, pipeline infrastructure in the region is unable to meet the demand for oil exports from North Dakota. The Project would provide needed increased capacity to transport petroleum from western North Dakota where oil production is expected to increase. Additionally, transporting crude oil via pipeline would reduce the need for crude oil transportation by truck. The benefits of reduced truck traffic include reduction in wear and tear on roads, dust pollution, and traffic fatalities.



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Additional documentation can be found in the Project planning record (Project record) located at the USFS McKenzie Ranger District Office in Watford City, North Dakota. These records are available for public review.

Proposed Action:

The Proposed Action would be the installation of a 16-inch diameter, steel, crude oil pipeline that would utilize a 50-foot-wide construction ROW. The construction disturbance area would be approximately 115 acres on NFS lands. After initial construction, a permit would be issued for a 20-foot right-of-way (ROW) for production and maintenance. The Project would enter NFS lands approximately 13.5 miles southwest of Watford City. Nineteen miles of the 147-mile-long pipeline would be located on NFS lands within the Dakota Prairie Grasslands, McKenzie Ranger District.

The Project area is defined as the outer limits (50-feet) of surface disturbance from the construction of the pipeline corridor on NFS lands. To facilitate bores and maneuver around topography, additional workspace may be needed beyond the extent of the construction corridor. This is a common practice, and the area adjacent to the corridor has been surveyed for this purpose.

For details regarding pre-construction, construction, operations, and reclamation, please refer to Appendix A.

Design Elements

The following design elements are incorporated into the Proposed Action to ensure compliance with the National Forest Management Act (NFMA).

Table 1. Land and Resource Management Plan (LRMP) Design Elements

Design Element Label	Design Element Description	Plan Component
Air #1	Dust abatement using freshwater on the roads and ROW would be utilized to minimize impacts to air quality.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Air page 1-9 and USFS Biological Assessment (BA) concurrence letter
Fish, Wildlife, and Rare Plants #1	All disturbed areas would be seeded immediately to the extent practicable following construction, and Best Management Practices (BMPs) would be installed where necessary.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-15.
Fish, Wildlife, and Rare Plants #2	No construction would occur from March 1 to June 15 within 1 mile (line-of-sight) of active grouse leks. Bridger would cease, delay, or modify construction hours within 1-mile line-of-sight of a lek if it is found or observed active prior to construction, depending on USFS guidance.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-14 and USFS Biological Evaluation (BE) concurrence letter.



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Design Element Label	Design Element Description	Plan Component
Fish, Wildlife, and Rare Plants #3	If project activities are scheduled to occur during February 1 to July 31, a raptor nest survey would be completed prior to construction to confirm that the nest is not active. If any raptor nests are determined to be active, no activity would occur within ½ mile of the active nest(s) between February 1 to July 31.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-17 and USFS BE concurrence letter.
Fish, Wildlife, and Rare Plants #4	There would be no construction from April 1 through July 15 within 1 mile (line-of-sight) of LRMP Management Area 3.51 and 3.51a or within 1 mile (line-of-sight) of North Dakota Game and Fish designated critical lambing habitats.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-14, and USFS BE concurrence letter.
Fish, Wildlife, and Rare Plants #5	All equipment maintenance, repairs, and refueling would be performed in upland locations at least 100-feet from all water bodies and wetlands. All equipment would be parked overnight at least 100-feet from a watercourse or wetland. Equipment would not be washed with water draining into wetlands or streams. Spills of fuel and other hazardous materials would be cleaned-up immediately and would be disposed of in accordance with applicable laws and regulations. Each construction and cleanup crew would have on site sufficient tools and materials to stop leaks including supplies of absorbent and barrier materials that would allow for rapid containment and recovery of spilled materials.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Fish, Wildlife, and Rare Plants page 1-16, and USFS BA concurrence letter.
Heritage #1	Where appropriate, per the recommendation of the USFS, a 50-100-foot avoidance buffer, as determined by USFS Heritage Staff, would be used. Buffers would be visually defined by temporary fencing around each site's external boundary and buffer. Archaeological monitoring, when construction activities are within 100-foot of the buffered and fenced boundaries, would be utilized.	LRMP Grassland-Wide Direction, Standards and Guidelines, Administration, Heritage Resources page 1-24 – 1-25
Heritage #2	Where appropriate per the recommendation of the USFS, the Proposed Action would bore underneath site(s) via HDD and maintain a minimum 100-foot	LRMP Grassland-Wide Direction, Standards and Guidelines, Administration, Heritage Resources page 1-24 – 1-25



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Design Element Label	Design Element Description	Plan Component
	avoidance buffer between the site boundaries and all planned surface disturbing activities.	
Heritage #3	In the case of an unanticipated discovery, steps would be taken in accordance with the LRMP, Appendix M.	LRMP Grassland-Wide Direction, Standards and Guidelines, Administration, Heritage Resources page 1-24 and Appendix M Accidental Disturbance of Human Remains.
Noxious Weeds and Invasive Species #1	Vehicles and equipment used for construction would be cleaned prior to entering USFS lands to remove all seeds and plant propagules (seeds and vegetative parts they may sprout) to prevent the potential spread of noxious weeds and invasive species.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Noxious Weeds and Invasive Species page 1-20, and USFS BE concurrence letter.
Noxious Weeds and Invasive Species #2	Noxious weeds may be treated by chemical or mechanical means pre- and post-construction outside of the dates that may impact the Dakota skipper (June 10 to July 25) with the approval of the USFS.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Noxious Weeds and Invasive Species page 1-20, South Bend Pipeline BA, USFWS concurrence letter and USFS BA concurrence letter.
Noxious Weeds and Invasive Species #3	Any North Dakota state-listed or McKenzie County-listed noxious weeds need to be controlled, if found on reclamation sites and in compliance of the 2007 DPG Weed Environmental Impact Statement.	LRMP Grassland-Wide Direction, Standards and Guidelines, Biological Resources, Noxious Weeds and Invasive Species page 1-20, and USFS BE concurrence letter.
Paleontological Resources	The lessee or operator shall immediately bring to the attention of the USFS any vertebrate paleontological resources discovered as a result of surface operation under this lease and shall leave such discoveries intact until directed to proceed by the USFS.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Paleontological Resources page 1-12.
Scenery Management	Block valves would be located near existing disturbance and above-ground infrastructures to avoid impacts on Scenic Integrity Objectives.	LRMP Areas 3.65, 4.22, and 6.1 Scenery Management pages 3-33, 3-27, and 3-44
Soils #1	The SWPPP and Erosion Control Plan in conjunction with reclamation practices would be conducted to reduce erosion until vegetation becomes established.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Soils page 1-10.
Water #1	Wetlands and stream impacts would be avoided via HDD. Upland drainage crossings would be installed as per USFS specifications.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Water pages 1-9 – 1-10



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Design Element Label	Design Element Description	Plan Component
Water #2	Fill and materials would not be placed in any wetlands, waterbodies, or drainages. Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan would be implemented to avoid impacts to waters.	LRMP Grassland-Wide Direction, Standards and Guidelines, Physical Resources, Water pages 1-9 – 1-

The following design elements are incorporated into the Proposed Action to achieve site-specific desired conditions, ensure resource protection, or are necessary for compliance with other Law, Regulation, and Policy:

Table 2. Site-Specific Design Elements

Design Element Label	Design Element Description	Supporting Document
Fish, Wildlife, and Rare Plants #1	No construction activities or ground disturbing reclamation activities would be allowed between June 10 and July 25 during the flight period of adult Dakota skipper.	South Bend Pipeline Biological Assessment (BA), United States Fish and Wildlife Service (USFWS) concurrence letter and USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants#2	All identified Dakota skipper habitat would be temporarily fenced and flagged to avoid impacts to suitable habitat from construction.	South Bend Pipeline BA, USFWS concurrence letter and USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants #3	If a whooping crane is sighted within one mile of the Project area while it is under construction, work shall cease. The USFWS and USFS would be contacted immediately. In coordination with the USFWS, work may resume after the bird(s) leave the area.	South Bend Pipeline BA and USFS concurrence letter.
Fish, Wildlife, and Rare Plants #4	No trees 3-inch diameter breast height or greater would be removed from April 1 through September 30.	South Bend Pipeline BA and USFS concurrence letter.
Fish, Wildlife, and Rare Plants #5	During reclamation activities, USFS-approved revegetation seed mixes would be used.	USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants #6	No herbicide would be sprayed from June 1 to July 31 annually, and only spot spraying of noxious and invasive weeds would be completed. Herbicide type and spot spray application would be completed according to label directions (i.e., concentrations, timing, weather conditions) with the intent to	South Bend Pipeline BA.



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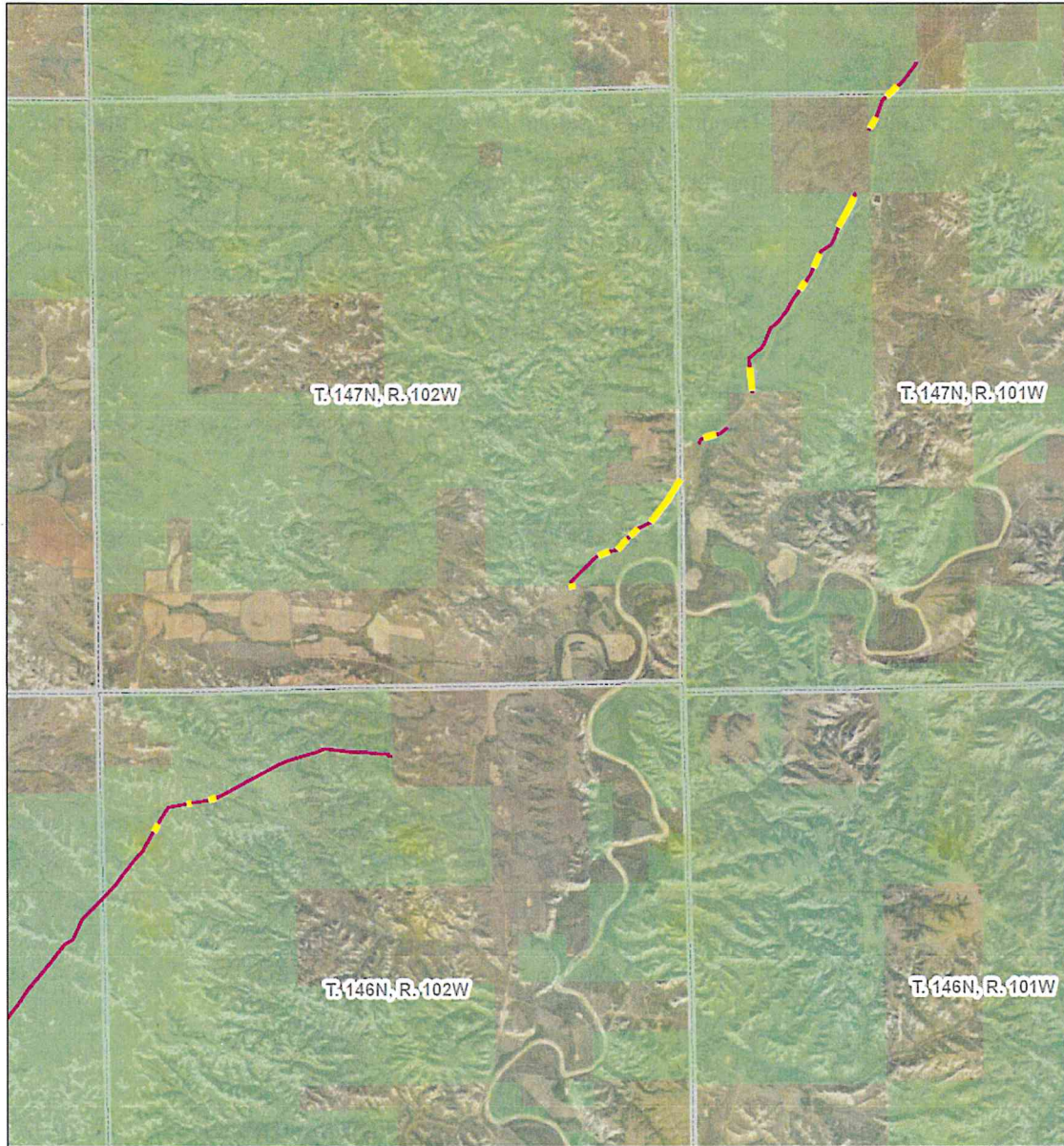
Design Element Label	Design Element Description	Supporting Document
	avoid drift to high quality and potential Dakota skipper habitat.	
Fish, Wildlife, and Rare Plants #7	Airborne dust would be reduced utilizing freshwater during Project construction on all construction locations, including any additional haul roads and access roads whenever needed and/or as determined by the USFS.	South Bend Pipeline BA, USFWS BA concurrence letter, and USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants #8	A USFS approved monitor would remain on-site during the life of construction to ensure compliance with all design features per the Biological Assessment concurrence letters.	South Bend Pipeline BA, USFWS BA concurrence letter, and USFS BA concurrence letter.
Fish, Wildlife, and Rare Plants #9	Minimize soil and vegetation disturbance during construction to the extent possible.	USFS BE concurrence letter.
Fish, Wildlife, and Rare Plants #10	Any discovery of sensitive or watch plants within the proposed project area shall be immediately reported to the McKenzie Ranger District office. Sensitive plant populations discovered after project approval should be protected; therefore, last minute alterations of the project design or access route may be requested in order to avoid negative impacts to such populations.	USFS BE concurrence letter.
Lands and Special Uses #1	Prior to any ground disturbance, in accordance with North Dakota One Call, the contractor would identify all underground utilities to minimize the risk of damaging any buried utility lines.	Bridger's committed standard practice measure to avoid incidents with other resources in project area.
Livestock Management #1	Range features crossed such as fences would be repaired, and water pipelines would be crossed via HDD.	Bridger's committed standard practice measure to protect livestock resources.
Livestock Management #2	Range waterlines would need to be located, marked, and, if crossed, fixed in a timely fashion to ensure an adequate water supply to livestock remains in place.	Bridger's committed standard practice measure to protect livestock resources.
Livestock Management #3	In pastures where livestock are actively grazing, the pipeline's trench and spoil piles would be fenced off with short-term	Bridger's committed standard practice measure to protect livestock resources.



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Design Element Label	Design Element Description	Supporting Document
	barriers from livestock but ensuring access to fresh water sources.	
Livestock Management #4	The timeline of pipeline trench being left open would be minimized and reclaimed as quickly as possible.	Bridger's committed standard practice measure to protect livestock resources.
Livestock Management #5	Bridger would notify and work with the USFS to ensure proper reclamation efforts are conducted such as temporary fencing enclosures to allow new plantings to establish.	Bridger's committed standard practice measure to protect livestock resources.
Noxious and Invasive Species #1	Keep disturbance to a minimum to reduce the impacts to the native vegetation and spreading of invasive species.	USFS BE concurrence letter.
Noxious and Invasive Species #2	Scenario #13 seed mix is recommended for any reclamation.	USFS BE concurrence letter.



<p>South Bend Bore Paths on USFS Lands</p> <ul style="list-style-type: none"> Bore Path USFS South Bend Alignment USFS Lands County Boundary		<p>Page 1 of 2 McKenzie County, North Dakota</p> <p>0 1 2 Kilometers</p> <p>0 1 2 Miles</p>
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<p>South Bend Bore Paths on USFS Lands</p> <ul style="list-style-type: none"> Bore Path USFS South Bend Alignment USFS Lands County Boundary		<p>Page 2 of 2 McKenzie County, North Dakota</p> <p>0 1 2 Kilometers</p> <p>0 1 2 Miles</p>
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Alternatives to the Proposed Action:

Alternatives Considered but Not Analyzed in Detail

Original Route – In July 2019 Bridger submitted an original route to USFS. USFS considered potential impacts to resources as well as avoidance and mitigation measures. USFS, Bridger and Bridger’s contracted environmental engineering firm Keitu Engineers & Consultants, Inc. (Keitu) discussed route changes. As a result, Bridger adjusted the original route to the current Proposed Action.

Avoiding NFS lands - Bridger considered a pipeline route connecting Johnson’s Corner Terminal to Sandstone Station on private and state lands in order to avoid NFS lands. That route was considered infeasible due to cost, increased impact to resources resulting from the need to cross the Little Missouri River and a much larger disturbance footprint. As a result, avoiding NFS lands was not considered further.

ENVIRONMENTAL IMPACTS:

The following sections describe how the project complies with the relevant laws, regulations, policies, and the land management plan, which provide the basis for thresholds for significance. Consistency with relevant laws, regulations, policies, and land management plan standards ensures that the Proposed Action does not exceed thresholds for significance and supporting analysis and rationale for consistency are provided to reach a finding of no significant impact (FONSI). The NEPA: Finding of No Significant Impact (FONSI) section includes further analysis prepared to discuss additional effects and address potential issues raised by the public and resource specialists.

Issues Considered for Analysis

Resources identified for the need of detailed analysis to ensure compliance with Land Management Plan consistency are botany, cultural/heritage, engineering, hydrology, lands and special uses, minerals, range/livestock management, recreation, scenic resources, soils, special management areas, wildlife, and paleontology. These resources are discussed in the National Forest Management Act (NFMA) – Land Management Plan Consistency section, Design Elements section, and in Proposed Action – Appendix A.

Potentially Affected Environment

The proposed pipeline would be constructed within a 50-foot-wide construction ROW traversing approximately 19 miles of NFS lands in McKenzie County, North Dakota. The project area and the surrounding areas are comprised of mixed grass prairie and varies from rolling to badlands terrain. The Project crosses the following watersheds: Achenbach Hills-Little Missouri River, Bennie Peer Creek, Lower Beaver Creek, and Smith Creek.

Table 3. Legal Descriptions of Project on USFS Lands:

Township	Range	Section
148	100	17
148	101	33, 34
147	101	4, 8, 17, 18, 19
147	102	25
146	102	4, 5, 7, 8, 18
146	103	13, 23, 24, 26, 33, 34
145	104	24, 25, 26, 26, 34, 35
145	103	4, 18, 19



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Consideration of No Action:

In a consideration of no action, Bridger would not construct the proposed Project. Not constructing the pipeline would avoid environmental impacts. Not constructing the pipeline would also not address the existing demand to provide infrastructure necessary to transport crude oil for the energy industry, would not support economical energy cost savings for the public and would not contribute to U.S. energy independence. In northwest North Dakota, exploration and production of oil is a major economic activity with crude oil production being the primary mineral resource of interest.

National Forest Management Act (NFMA) – Land Management Plan Consistency

The pertinent specialist has reviewed the proposal including design features and provided supporting analysis and rationale for determinations in the project record. The following are specialist determinations regarding proposal consistency with applicable land management plan direction, standards, and guidelines:

Botany

There are no federally listed threatened, endangered, or proposed plant species or designated critical habitat on the LMNG at this time.

Botany surveys were conducted to inventory species that may occur within the Project area in July through October of 2019, April, May, June, and July of 2020.

The proposed project may impact individuals (undiscovered) or suitable habitat for nine Forest Service Region 1 LMNG sensitive species. This project would not likely contribute to a trend toward federal listing or cause a loss of viability to the populations of Forest Service sensitive species (Reference the South Bend Pipeline BE and the Botany BE Concurrence).

Table 4. Sensitive species impact determinations

Species	Determination*
Alkali Sacaton	MIIH
Alyssum-Leaved Phlox	MIIH
Blue Lips	NI
Dakota Wild Buckwheat	MIIH
Dwarf Mentzelia	NI
Easter Daisy	MIIH
Hooker's Townsendia	MIIH
Lanceleaf Cottonwood	MIIH
Limber Pine	NI
Nodding Buckwheat	MIIH
Sand Lily	MIIH
Smooth Goosefoot	NI
Torrey's Cryptantha	MIIH
NI – no impact; MIIH- may impact individuals or habitat, but would not likely contribute to a trend towards federal listing or loss of viability to the population or species; WIFV - would impact individuals or habitat with a consequence that the action may contribute to a trend towards federal listing or cause a loss of viability to the population or species	

Cultural/Heritage

Beaver Creek Archaeology, Inc. (Beaver Creek) conducted a Class I file search, a Class III intensive cultural resource inventory, and evaluative testing in 2019 through 2021. Cultural resources were



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found within the area of potential effect (APE). The USFS recommended avoidance measures and a finding of *No Historic Properties Affected* for the existing sites to the North Dakota State Historic Preservation Office. This finding was concurred by ND SHPO on June 22, 2021. This finding was re-evaluated and concurred with by ND SHPO in an Addendum on October 27, 2021.

Engineering

Traffic at access points is expected to increase during brief periods at the beginning and end of shifts and at various times during the day when equipment and materials are delivered to the Project area. The project has been designed to avoid sensitive resources by route design and HDD to the extent possible.

Hydrology

Bridger, through its consultants, conducted a desktop survey using aerial photographs, U.S. Geological Survey (USGS) topographic maps, and the USFWS National Wetland Inventory to identify wetlands within the Project area.

Within the Project area there are four named creeks and 22 other wetlands or waterbodies. The Project crosses Bowline Creek, Cedar Creek, Poker Jim Creek, and North Fork Smith Creek. Cedar Creek and Bowline flow directly into the Little Missouri River. The flow path from the Project crossing at Poker Jim Creek would be by way of Bennie Peer Creek to the nearest river, eventually flowing into the Yellowstone River. Likewise, the flow from the crossing at North Fork Creek would travel via Fork Creek to the nearest river and, eventually, enter the Yellowstone River.

The Project route overlies the Little Missouri River and Tobacco Garden surficial aquifers. Data from the North Dakota State Water Commission indicate that there are six existing groundwater wells within one mile of the Project area and 50 groundwater wells within five miles of the Project area. No groundwater wells are located within the Project area. There are no source water or wellhead protection areas within one mile of the Project. Table 5 below compares types of wells spatially from the Project area.

Table 5. Comparison of Well Types Spatially from the Project Area

Existing Groundwater Wells	Distance from Project Area: 1 mile	Distance from Project Area: 5 miles
Domestic	1	20
Stock	2	15
Observation	1	9
Unknown	2	6
Total Wells	6	50

Direct and indirect impacts on surface water quality and hydrology can occur from ground-disturbing activities during construction. Impacts could include increased water runoff from reduced infiltration capacity, sedimentation into waterways from soil disturbance, altered hydrology, and surface water contamination. The Proposed Action would implement site-specific BMPs and mitigation measures described in the Special Use Permit during construction and operation of the Project to minimize or avoid these effects. Construction would not result in the permanent drainage or filling of wetlands or waterbodies.

Direct impacts on wetlands and waters of the United States have been avoided through Project design; the wetlands and stream impacts would be avoided via HDD. Upland drainage crossings would be installed as per USFS specifications.

The North Dakota Department of Environmental Quality (ND DEQ) recommends care be taken to avoid spills of any materials that may have an effect on groundwater quality and that all spills must be immediately reported to the ND DEQ and appropriate remedial actions performed.



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The Project would not cross any Section 10 navigable or any other waters of the United States therefore no 404 permit is anticipated. If it is determined a Section 404 permit is needed, it is the project proponents responsibility to contact the USFS and U.S. Army Corps of Engineering (Corps). No discharge of fill would occur within any wetlands or waterbodies. The Project would follow the Corps Permit guidelines and would self-implement Nationwide Permit 12 for crossing potential waters of the United States. The project would avoid all wetlands and waterbodies during construction.

With the implementation of the design features listed under the Design Elements section, activities as described in Proposed Action – Appendix A, and following recommendations from the ND DEQ, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP.

Lands and Special Uses

Approximately 80 percent of the proposed route parallels an existing Bridger pipeline currently in operation on NFS lands. Bridger designed the route so that it would be located near easy access points such as roads, utilize an existing pipeline ROW to the extent practicable and be near adjacent utilities in previously disturbed areas. Approximately 20 percent of the proposed route does not directly parallel Bridger's existing facilities, primarily due to private landowner negotiations that allowed Bridger to avoid NFS lands as well as avoidance of cultural resources.

Due to the route being positioned parallel and adjacent to existing utilities, there is a risk of unanticipated damage to utility infrastructure during construction. The risk would be mitigated by utilizing the ND One Call system prior to construction.

It is expected there would be no impacts on any lands or special uses as result of the Proposed Action.

With the implementation of the practices as described in the Proposed Action – Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP.

Minerals

There are approximately 65 oil and gas wells currently permitted for drilling within 20 miles of the project area. No oil and gas wells are located within the Project area.

Applicant-committed protective measures are expected to avoid impacts. It is anticipated that there would be no impacts on any mineral resources that may have resulted from the Proposed Action.

With the implementation of the practices as described in the Proposed Action – Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Range/Livestock Management

Temporary minor impacts or insignificant permanent impacts to range resources would occur as a result of the Proposed Action. Pastures 4, 5, 6, and 10 are located within the ROW route.

Keitu and contractors performed a botany survey to determine the species found within the Project area in July-October of 2019, and April-July of 2020. Cattle graze various areas year-round on the LMNG. A majority of the Project area on USFS lands is rangeland that is actively grazed but are not subject to intensive agriculture management such as tilling. The survey records and associated reports that detail rangeland plant species are available in the Project record.



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Construction activity within the Project area may have temporary impacts on livestock. The clearing of vegetation would temporarily reduce cover and foraging habitat for livestock within the ROW. However, livestock would generally move away from the disturbance area.

The proposed project route crosses several Forest Service owned range waterlines ranging in 2-to-6-foot burial. Construction may impact water availability to livestock if water lines are crossed and left unrepaired.

Project construction activities and associated spoil piles may result in short-term barriers restricting the movement of some livestock. Except for short-term interruptions during construction, existing public roads, farm lanes, and livestock crossings would be kept open, providing crossing access.

Three block valves would be installed for the operation of the pipeline. Two would be installed next to roads, the third would be placed adjacent to another existing block valve. The valves would result in less than one total acre of permanent disturbance within the project area.

With the implementation of the design features listed in the Design Elements section and activities as described in Proposed Action – Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Recreation

No developed recreation sites or trails are located within the project area although all areas of the LMNG, including within and adjacent to the project area, are open to the public and are used for recreational activities such as camping, hiking, hunting, and nature-watching. There are no designated state parks or recreation areas, historic trails, scenic by-ways, or designated wilderness areas that would be affected by the Proposed Action.

The recreational enjoyment of nature-watching may be temporarily affected by construction activities, depending on season and location. Recreationists may observe construction and installation of the pipeline. Sights, sounds, and smells from construction and heavy equipment may temporarily affect the recreational qualities in Project area, but the Proposed Action is not anticipated to result in permanent impacts to recreation or special interest areas.

The project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Scenic Resources

The scenic integrity objective is low for the entire project area with the exception of 1.5-miles in Section 25, Township 147N, and Range 102W wherein it is high. No above-ground structures would be located in Section 25, Township 147N, Range 102W. There would be three block valves installed above-ground in the low scenic objective areas. Two of the three block valves would be placed directly adjacent to graveled NFS roads and one would be placed adjacent to an existing block valve for a currently operating paralleling pipeline. All three would be located within previously disturbed surface area. No other portions of the project would be above-ground.

There may be short-term visual impacts during construction such as observing construction equipment and disturbance within the pipeline ROW. With reclamation, impacts are expected to be short-term in nature with the exception of the three block valve placements located within low scenic integrity objective areas.

With the implementation of the design features listed in the Design Elements section and activities described in the Proposed Action - Appendix A, the project is anticipated to be consistent with the



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guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Soils

Lambert-Vanda, high precipitation-Rhoades, barren complex is the most common soil complex in the Project area, comprising of approximately 8.6 percent of the total area. These soil types are alluvial fan in nature and typically found in well drained terrain typical of arid and semi-arid regions.

Table 5. Soil Types in Construction Corridor

Map Unit Symbol	Map Unit Name	% of Area
E3013F	Brandenburg-Cabba-Dogtooth complex, 15 to 70 percent slopes	4.4
E3025F	Cherry-Cabba-Brandenburg complex, 9 to 35 percent slopes	1.3
E3027E	Lambert-Brandenburg complex, 2 to 25 percent slopes	3.4
E3101F	Badland-Cabba complex, 9 to 70 percent slopes	0.9
E3107F	Cabba-Badlands complex, 6 to 70 percent slopes	1.9
E3185F	Lambert-Badland-Cabba complex, 6 to 45 percent slopes	3.3
E3197F	Badland, 9 to 150 percent slopes	0.3
E3247C	Lambert-Vanda, high precipitation-Rhoades, barren complex 0 to 9 percent slopes	8.6
E4121A	Havrelon loam, 0 to 2 percent slopes, occasionally flooded	0.4
E4137A	Korchea loam, 0 to 2 percent slopes, occasionally flooded	0.3
L0454B	Maltese-Gerda complex, 0 to 6 percent slopes	0.6
L1355C	Rhame-Chinook fine sandy loams, 9 to 15 percent	0.6
L1355D	Rhame-Chinook fine sandy loams, 9 to 15 percent slopes	3.0
L1425F	Rhame-Fleak complex, 9 to 50 percent slopes	6.3
L1639B	Chinook-Rhame fine sandy loams, 3 to 6 percent slopes	1.6
L2313D	Boxwell-Scairt-Maltese complex, 6 to 15 percent slopes	0.6
L2803B	Boxwell-Kremlin loams, 3 to 6 percent slopes	0.4
L2807C	Boxwell-Kremlin loams, 6 to 9 percent slopes	0.7
L2807D	Boxwell-Kremlin loams, 9 to 15 percent slopes	2.0
L3007F	Kirby-Badland-Patent complex, 9 to 70 percent slopes	2.8
L3013F	Kirby-Scaint complex, 9 to 70 percent slopes	0.7
L3015D	Gerda-Kirby complex, 2 to 15 percent slopes	1.6
L3104F	Kirby-Arikara-Badland complex, 9 to 70 percent slopes	0.7
L3105E	Badland-Patent complex, 6 to 25 percent slopes	1.7
L3107	Cabbart-Badland complex, 6 to 70 percent slopes	1.4
L3161F	Lonna-Cabbart silt loams, 6 to 35 percent slopes	1.4
L3185F	Patent-Badland-Cabbart complex, 6 to 50 percent slopes	1.1
L3203B	Lonna silt loam, 0 to 6 percent slopes	0.8
L3251B	Kremlin-Ethridge-Gerda complex, 0 to 6 percent slopes	2.0



South Bend Pipeline



Map Unit Symbol	Map Unit Name	% of Area
L4133A	Glendive-Havre-Fluvaquents complex, channeled, 0 to 2 percent	1.5
L4567F	Tinsley-Chanta complex, 6 to 35 percent slopes	3.0
2020 USDA Web Soil Survey		

The Proposed Action would disturb 115 acres within the ROW during construction. The USFS Hydrology Resource Specialist review provided the following comment: "Where the pipeline is trenched soils would need to be protected from excessive erosion until vegetation becomes reestablished." Bridger would implement protective measures by implementing the Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan until vegetation cover becomes at least 70percent of preconstruction vegetation or similar or reach consistent ground coverage similar to surrounding undisturbed vegetation.

Wind erosion may be a hazard on most of the soils in the Project area. Certain soils have a relatively high content of lime. They are susceptible to wind erosion in the spring if they have been bare throughout the winter. Because of freezing and thawing, soil structure can break down, resulting in aggregates that are susceptible to movement. This phenomenon can also cause fine textured soils to have a severe wind erosion hazard. Nearly all soils can be damaged by wind erosion if they are not protected by residue.

Potential temporary effects on soil resources include the loss of soil productivity due to erosion, soil mixing, or soil compaction. Soil disturbances associated with clearing, grading and trenching expose soils to water and wind and increase the potential for erosion. Analysis of USGS Web Soil Survey data indicates that soils in the Project area are susceptible to erosion by wind. Soil erosion by water is also common along the Project area.

Soil productivity could potentially be affected if topsoil is mixed with subsoil during construction. Heavy equipment used to construct the Project may cause soil compaction along the ROW. Trench excavation and backfilling could lead to a mixing of topsoil and subsoil and may introduce rocks to the soil surface from deeper soil horizons.

Using BMPs and standard soil protection practices, impacts to soils in the Project area would be minor and limited to short-term periods during soil-moving activities. Sediment would be prevented from reaching drainages and surface water by implementation of the SWPPP and Erosion Control Plan. No permanent impacts to soils are expected due to the Proposed Action.

There would be minimal soil disturbance outside of the construction workspace, occurring only if additional space is required for boring and equipment maneuvering. Permanent impacts on soils would be avoided through the implementation of BMPs during construction, restoration, and post-construction revegetation management. Additionally, sound construction practices such as separating subsoil from topsoil, removing only what is required, and working in dry weather conditions. would be utilized to preserve soil quality. A more complete description of BMPs and recognized construction methods would be in the SWPPP filed prior to construction. A description of construction practices utilized to minimize soil degradation and preserve soil quality can be found in Appendix A – Details of Proposed Action.

With the implementation of the design features listed in the Design Elements section and the Proposed Action - Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.



South Bend Pipeline



Special Management Areas

The ROW is routed through Management Area 3.65 Rangelands with Diverse Natural-Appearing Landscapes, MA 6.1 Rangeland with Broad Resource Emphasis, and MA 4.22 River and Travel Corridors.

There are no designated wilderness, roadless, wild & scenic river corridors, recommended wilderness, research natural areas, national scenic & historic trails, or National Recreation areas are located within the Project.

Rangelands with Diverse Natural-Appearing Landscapes is a management area that emphasizes maintaining or restoring a diversity of desired plants and animals and ecological processes and functions. Desired conditions for this type of landscape has relatively few livestock developments, riparian areas and streams moving towards properly functioning conditions, and utilizing prescribed fire as a management tool. The LRMP has set Standards and Guidelines including mineral and energy resources, utilities, and special uses for this landscape.

Rangeland with Broad Resource Emphasis is primarily a rangeland ecosystem managed to meet a variety of ecological conditions and human needs. Desired conditions for this type of landscape would display low to high levels of livestock grazing developments, oil and gas facilities, and roads. LRMP has set Standards and Guidelines including mineral and energy resources, utilities, and special uses for this landscape.

River and Travel Corridors are managed to protect or preserve the scenic values and recreation uses along the Little Missouri River Corridor. The Little Missouri River Corridor is defined as national grasslands contained within a ¼ mile zone on each side of the river. The management area is managed for high scenic integrity.

The Proposed Action follows the guidelines for the Rangelands with Diverse Natural-Appearing Landscapes by locating the route along road corridors or within other areas already disturbed.

Approximately 1,000 feet of the pipeline would occur within the River and Travel Corridors. The route was chosen because of the close distance to Bridger's existing pipeline and access secured on adjacent private lands through landowner negotiations. No above-ground structures would be placed within the River and Travel Corridor management area.

Temporary impacts on these landscapes would occur in most areas within the construction footprint, the vast majority of which would return to pre-construction land cover upon completion of construction.

The construction footprint would be cleared to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the proposed Project. Clearing of herbaceous vegetation during construction is anticipated to result in short-term impacts.

The Project utilizes existing transportation corridors and parallels existing utilities as described as a guideline in the LRMP to the extent allowed.

With the implementation of the design features listed in the Design Elements section and as described in the Proposed Action – Appendix A, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.



South Bend Pipeline



Wildlife

The July 2021 South Bend Pipeline Biological Assessment for the Project indicated the following determinations:

Table 6. Threatened, Endangered, Proposed or Candidate Species and Critical Habitat Effect Determinations

Species/Habitat	Status	Proposed or Designated Critical Habitat Present?	Determination
Pallid Sturgeon	Endangered	No	NE
Whooping Crane	Endangered	No	NE
Interior Least Tern	Endangered	No	NLAA
Dakota Skipper	Threatened	No	NLAA
Northern Long-eared Bat	Threatened	No	NLAA
Piping Plover	Threatened	No	NLAA
Red Knot	Threatened	No	NLAA

NE – no effect; NLAA – may affect, not likely to adversely affect; LAA – may affect, likely to adversely affect; No Jeopardy - not likely to jeopardize the continued existence or adversely modify critical habitat

The August 2021 South Bend Pipeline Biological Evaluation for the Proposed Action indicated the following determinations:

Table 7. Wildlife Sensitive Species Impact Determinations

Species	Determination*
Baird's Sparrow	MIIH
Bald Eagle	NI
Burrowing Owl	MIIH
Loggerhead Shrike	MIIH
Long-Billed Curlew	MIIH
Sharp-tailed Grouse	MIIH
Sprague's Pipit	MIIH
Black-Tailed Prairie Dog	MIIH
Bighorn Sheep	NI
Northern Redbelly Dace	NI
Ottoo Skipper	MIIH
Regal Fritillary	MIIH
Tawny Crescent	MIIH
Monarch	MIIH

NI – no impact; MIIH- may impact individuals or habitat, but would not likely contribute to a trend towards federal listing or loss of viability to the population or species; WIFV - would impact individuals or habitat with a consequence that the action may contribute to a trend towards federal listing or cause a loss of viability to the population or species



South Bend Pipeline



The USFWS recommended in the US Fish and Wildlife Service Informal Consultation dated August 5, 2021:

"no construction activities take place along the pipeline ROW during the Dakota skipper flight period of June 10-July 25. As noted in the Biological Assessment the Project would utilize directional drilling in all suitable DASK habitats identified and depicted on the maps associated with the biological assessment. The USFS further recommends that suitable DASK habitats are delineated and marked on the ground and all DASK habitats would be avoided by vehicles, construction equipment or other habitat altering equipment traveling along the ROW. A construction monitor shall be onsite during the construction process to ensure no suitable DASK habitat is altered. Migrating dust shall be controlled via freshwater during all phases of pipeline construction to avoid inundating any skipper habitat. Lastly, the USFS recommends no pesticides or insecticides are sprayed or utilized within suitable DASK habitat areas. The Northern Long Eared Bat is covered under the Forest Service's January 5, 2016 Programmatic Biological Opinion. However, the USFS requires all trees larger than 3 dbh be removed between November 1 and March 31."

The Proposed Action has been designed to comply with the USFWS recommendations from the Section 7 Consultation and USFS requirements as provided in the permit stipulations.

With the implementation of the design features listed in the Design Elements section, the project would be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Other Resources Considered

Paleontology

USFS Paleontology Resource Specialist reviewed the Proposed Action and commented "There are some class 5 Fossil Yield Potential (known sites) within/near the proposed route." Further review showed two Class 5 Fossil Yield sites are near but not within the project area.

The proposed activities near the Fossil Yield sites would be routed to areas where there has been past surface disturbance. With all activities outside the Fossil Yield Potential Sites, no impacts are anticipated from the Proposed Action.

With the implementation of the design features listed in the Design Elements section, the project is anticipated to be consistent with the guidelines, standards, goals and objectives of the Grassland-wide Direction as outlined in the DPG LRMP Plan.

Supporting Project Documentation

Table 8. Applicable project files documentation to support analysis available at:
<https://www.fs.usda.gov/project/?project=59260>

Supporting Documentation
South Bend Pipeline Biological Assessment (Keitu, May 2021)
South Bend Pipeline Biological Evaluation (Keitu, August 2021)
Botany Biological Evaluation Concurrence (Dahl, J., June 25, 2021)
Forest Service Wildlife Biological Evaluation Concurrence (Bickerdyke, S., August 5, 2021)
Forest Service Wildlife Biological Assessment Concurrence (Bickerdyke, S., May 18, 2021)
US Fish and Wildlife Service Informal Consultation (Becker, D., August 5, 2021)
State Historic Preservation Office Concurrence (Peterson, W., June 16, 2021)



South Bend Pipeline



Supporting Documentation

- Forest Service Heritage Concurrence (Kruse, A., September 24, 2021)
 - State Historic Preservation Office 21-5470 Addendum Letter (Peterson, W., October 27, 2021)
 - North Dakota Department of Environmental Quality (Glatt, D., December 28, 2020)
 - USDA-NRCS North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management
-

Other Law, Regulation, and Policy Consistency

National Historic Preservation Act – Section 106 Review

The pertinent specialist has reviewed the proposal and made the following determination regarding Section 106 compliance:

No historic properties affected - 36 CFR 800.4(d)(1). Section 106 Review has been completed for the project area and no National Register eligible cultural sites were found.

Supporting Project Documentation

Table 9. Applicable project files and documentation to support analysis are available at: <https://www.fs.usda.gov/project/?project=59260>.

Documentation Type

- State Historic Preservation Office Concurrence (Peterson, W., June 16, 2021)
 - Forest Service Heritage Concurrence (Kruse, A., September 24, 2021)
 - State Historic Preservation Office 21-5470 Addendum Letter (Peterson, W., October 27, 2021)
-

Consultation with Federally Recognized Tribes

Consultation with federally recognized tribes was conducted as follows:

USFS sent letters to the Spirit Lake Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara, and the Turtle Mountain Band of Chippewa on December 14, 2020, informing them of the project and inviting input, concerns, or issues. No responses have been received to date.

Supporting Project Documentation

Table 10. Applicable project files and documentation to support analysis are available at: <https://www.fs.usda.gov/project/?project=59260>.

Documentation Type

- Tribal Letters
-

Clean Air Act

The pertinent specialist has reviewed the proposal and made the following determinations regarding the Clean Air Act:

No measurable impacts on, or changes in air quality are expected during the actual construction and operation of the Proposed Action. Minor impacts to air quality would primarily occur during construction and be temporary and localized. The contribution of the Project to greenhouse gas emissions during construction from vehicles and equipment would be considered a minor indirect impact to climate change.



South Bend Pipeline



During construction, emissions from fuel-burning internal combustion engines would temporarily increase the levels of some of the criteria pollutants, including carbon monoxide, nitrogen dioxide, ozone, particulate matter, and non-criteria pollutants such as volatile organic compounds. Construction is likely to take 6 to 8 months to complete the pipeline. To reduce the emission of criteria pollutants, fuel-burning equipment running times would be kept to a minimum and engines would be properly maintained. This temporary increase in emissions is not expected to impact air quality or visibility in the region long-term.

Water trucks would be used to wet roads and ROW, during construction, in order to minimize particulate matter air impacts that could occur from dust.

There would be no permanent cumulative impacts associated with the Project, and the expected reduction in the number of oil tanker truck miles driven could result in a net decrease in air quality impacts.

Supporting Project Documentation

Table 1. Applicable project files and documentation to support analysis are available at: <https://www.fs.usda.gov/project/?project=59260>.

Documentation Type
North Dakota Department of Environmental Quality (Glatt, D., December 28, 2020)

Clean Water Act

The pertinent specialist has reviewed the proposal and made the following determination:

Direct impacts have been addressed through Project design.

Bridger would implement a SWPPP* and Erosion Control Plan* as required by the State of North Dakota. The implementation of the SWPPP and Erosion Control Plan would ensure construction and operation practices would not cause any irreversible or unwarranted erosion or sediment wash from the ROW onto wetlands, waterbodies, and drainages. The SWPPP and Erosion Control Plan would detail control structures such as waterbars, straw wattles, silt fences, and revegetation specifications to be installed during ground-disturbing activities to allow infiltration, stabilize soils, minimize runoff, and dissipate runoff energy.

Ground disturbance associated with the pipeline construction is generally limited to approximately 6 to 10 feet below the existing ground surface with a minimum of 4 feet from the top of the pipe to the top of the cover. The depth to the groundwater table averages greater than 40 feet in depth within the Project area. The underground depth of pipe is well above the local groundwater table elevation except in very limited areas where bored beneath standing water.

Each construction and cleanup crew would have sufficient tools and materials on-site to stop leaks including supplies of absorbent and barrier materials that would allow for rapid containment and recovery of spilled materials. These measures would help prevent incidental release of fuel and other hazardous materials from human error or leaks from machinery being released into wetlands.

The vehicles and equipment would be refueled on-site using portable fuel transport vehicles. Provisions for spill containments and response would be provided near the fueling areas. Bridger and/or their contractor must implement site-specific protective measures and containment procedures described in the SWPPP. Contractors would be required to provide trained personnel, appropriate equipment, and materials to contain and clean up releases of fuel, lubricating oil, or hydraulic fluid that result from equipment failure or other circumstances.



South Bend Pipeline



The Project would be designed, constructed, maintained, and inspected to the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration regulations utilizing industry standards and company policies. The system would be controlled and monitored by trained control room personnel. Additionally, the system would be equipped with a monitoring and alarm system that continuously monitors the flow and pressure of the system and readily signifies anything outside normal operating conditions.

The pipeline does not reach the depth of any aquifers and encounters with a groundwater table are not expected. With mitigation measures to prevent and/or quickly clean-up of any spills, implementation of SWPPP, and using HDD in wetlands, no impacts are anticipated.

Following practices as described in the Design Elements section of the Proposed Action – Appendix A, the Project would be in compliance with the Clean Water Act.

* The SWPPP and Erosion Control Plan would be in place prior to construction and would be available upon request at the McKenzie Ranger District Office, 1905 South Main Street Watford City, North Dakota 58854

Pertinent Executive Orders

The responsible official and/or applicable specialist(s) have determined the proposal is in compliance with the following Executive Orders (EO), which were deemed pertinent based on the nature of the proposal:

EO 11988, Floodplain Management – requires determination of action occurring in a floodplain, using HUD (Housing and Urban Development) floodplain map or more detailed map if available.

Floodplains refer to the 100-year floodplain, as defined by the Federal Emergency Management Agency (FEMA), and shown on Flood Insurance Rate Maps* (FIRM) or Flood Hazard Boundary Maps* for all communities participating in the National Flood Insurance Program. According to the FEMA FIRM, the Project area is located within Zone X (Areas determined to be outside 500-year floodplain) in McKenzie County.

The Project has been designed in accordance with accepted floodplain management practices therefore, no impacts on floodplain elevations or velocities are anticipated. Following construction, disturbed areas would be restored to pre-construction grades and contours, as practical.

There would be no impacts to floodplains from the Proposed Action.

* Floodplain maps, numbers 38053C1675D, 38053C1850D, 38053C1875D, 38053C1650D, 38053C1450D, and 38053C1475D are available online at: <https://msc.fema.gov/portal/home>.

EO 11990, Protection of Wetlands – avoid actions within wetlands unless there are no practical alternatives, and the action includes all practicable means to minimize harm to wetlands.

Within the Project area there are four named creeks and 22 other wetland or waterbodies. The Project crosses Bowline Creek, Cedar Creek, Poker Jim Creek, and North Fork Smith Creek. Cedar Creek and Bowline flow directly into the Little Missouri River. Flow path from the Project crossing at Poker Jim Creek to the nearest river would be by way of Bennie Peer Creek eventually flowing into the Yellowstone River. Flow path from the Project crossing at North Fork Creek to the nearest river would be by way Fork Creek eventually flowing into the Yellowstone River.

Direct impacts on wetlands and waters of the United States have been avoided through the Project design. Upland drainage crossings would be installed as per USFS Uniform Specifications. Bridger would implement a SWPPP and Erosion Control Plan as required by the State of North Dakota. The implementation of the SWPPP and Erosion Control plan would ensure construction and operation



South Bend Pipeline



practices would not cause any irreversible or unwarranted erosion or sediment wash-off of their ROW onto wetlands, waterbodies, and significant wildlife habitats. The SWPPP and Erosion Control Plan would detail control structures such as waterbars, straw wattles, silt fences, and revegetation specifications to be installed during ground-disturbing activities to allow infiltration, stabilize soils, minimize runoff, and dissipate runoff energy.

Through following recommendations, the Project is in compliance with EO 11990.

EO 12898, Environmental Justice – identify and address disproportionately high and adverse effects on minority and low-income populations.

The proposed project would not impact minority and low-income populations. Please refer to Environmental Justice Analysis memorandum dated August 12, 2021 located in the USFS Project file.

EO 13007, Indian Sacred Sites – avoid adversely affecting the physical integrity of these sites.

The Project area was reviewed through Class I and Class III archaeological studies with site testing. The Proposed Action would follow the avoidance recommendations made by Beaver Creek Archaeology with concurrence with the USFS archaeologist and ND SHPO.

Through archaeological studies, coordination with federal and state agencies, and following recommendations, the Project is in compliance with EO 13007.

EO 13112, Invasive Species – prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

The proposed Project would generate temporary effects on portions of the terrain through landscape modifications, thus providing a possibility of an introduction of noxious weeds and invasive species. Noxious weeds can out-compete desirable forbs and grasses in pastures, fields, and native grasslands, reducing biodiversity. There were eight noxious or exotic species found in the survey corridor.

Monitoring and treatment of noxious weeds and/or invasive species would be conducted on an annual basis to ensure a high degree of control and maximize treatment effectiveness. The Proposed Action would annually monitor the ROW to detect and mitigate weeds as a general operating and maintenance practice throughout the life of the proposed project easement. Each parcel along the route would be assessed and managed on a case-by-case basis as the type of weeds encountered would vary. During construction and post construction phases Bridger would inspect and monitor any weeds encountered and implement preventative measures to mitigate the spread of noxious weeds.

Through following USFS recommendations, implementing practices from the Design Elements section, and the Proposed Action – Appendix A, the Project is in compliance with EO 13112.

EO 13175, Consultation and Coordination with Indian Tribal Governments - agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.

USFS sent letters to the Spirit Lake Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara, and the Turtle Mountain Band of Chippewa on December 14, 2020, informing them of the project and inviting input, concerns, or issues. No responses have been received to date.

EO 13186, Migratory Birds – identify actions that may have a measurable negative effect on migratory bird populations.



South Bend Pipeline



Construction and operation of the pipeline could impact migratory bird species; however, impacts would be minimized by reduced speed limits, traffic control, utilizing biologists on-site and timing restrictions. In addition, some species would relocate to adjacent habitat, while others would be temporarily displaced during construction operation. No migratory birds or resident wildlife species in the area would be impacted in such a way that would cause their populations to be listed or adversely affected.

Through following USFS recommendations, USFWS recommendations, and implementing practices from the Design Elements section, the Project is in compliance with EO 13186.

EO 13443, Facilitation of Hunting Heritage and Wildlife Conservation – expand and enhance hunting opportunities.

Temporary impacts would include construction during hunting seasons from construction activity and temporary wildlife displacement along the ROW. Impacts to wildlife and hunting opportunities under the Proposed Action would have minimal temporary impacts and no significant permanent impacts would occur.

Supporting Project Documentation

Table 2. Applicable project files documentation to support analysis available at: <https://www.fs.usda.gov/project/?project=59260>

Documentation Type
South Bend Pipeline Biological Assessment (Keitu, May 2021)
South Bend Pipeline Biological Evaluation (Keitu, August 2021)
Botany Biological Evaluation Concurrence (Dahl, J., June 25, 2021)
Forest Service Wildlife Biological Evaluation Concurrence (Bickerdyke, S., August 5, 2021)
Forest Service Wildlife Biological Assessment Concurrence (Bickerdyke, S., May 18, 2021)
State Historic Preservation Office Concurrence (Peterson, W., June 16, 2021)
Forest Service Heritage Concurrence (Kruse, A., September 24, 2021)
US Fish and Wildlife Service Informal Consultation (Becker, D., August 5, 2021)
State Historic Preservation Office Concurrence for Evaluative Testing (Peterson, W., June 22, 2021)
North Dakota Department of Environmental Quality (Glatt, D., December 28, 2020)
North Dakota Geological Survey (Anderson, F., January 11, 2021)
Environmental Justice Analysis for McKenzie Ranger District (Graf, L., August 12, 2021)
Scoping Letters (Graf, L., December 14, 2020)

Additional Effects Analysis

Solid Waste

The ND DEQ stated all solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. The Project may produce small amounts of solid waste during construction therefore analysis is warranted.



South Bend Pipeline



Affected Area

A small amount of waste materials would be produced during the life of construction. These materials typically consist of industrial covers or wrapping for pipeline supplies and trash that employees bring onsite such as bottles, cans and food related garbage.

Impacts and Mitigation

The Project would require its construction contractors to clean up and properly dispose of any trash deposited during ROW preparation and by construction crews on a daily basis. Waste and scrap produced during construction is always removed and properly disposed of in accordance with applicable regulations prior to the completion of construction. A monitor onsite would additionally inspect that waste management practices are complied with.

Geology

The North Dakota Geological Survey reviewed and provided comment on the Proposed Action. Typically, landslide deposit features are common in areas of high topographic relief, such as along the slopes of existing rivers and creeks or in areas of badlands topography. They also stated that those types of areas should be avoided whenever possible. Since the ROWs corridor does pass through areas where landslide deposit features are common, an analysis is warranted.

Affected Environment

The 2002 USGS Landslide Dataset as depicted on the 2009 NatHazMap.com Risk Map was reviewed. The assessment was supplemented by the ND Geologic Survey's on-line database which maps areas throughout the state in which identify as "Landslide deposits." This database was recently updated, including information from 2020. These maps can be used to identify areas vulnerable to slope failure; but they do not represent high risk areas for future landslides. They depict where LIDAR and aerial survey data indicates landslides in the past has already occurred.

A desktop review based on geographic information system mapping, Natural Resource Conservation Service soil map data, and topographic information identified two areas on NFS lands within 150 feet of the Project. See Table 13.

Two areas of note (Areas D & E) are located within the Project area and cannot be definitively eliminated based on generalized data. These areas were referred for an additional assessment which was conducted by Tetra Tech, Inc. in July 2020.

Table 3. Landslide Prone Areas

Area	Latitude & Longitude	Crossed by Project Route	Initial Determination
D	47.339739°, -103.901176°	Yes	Further Assessment Required
E	47.336974°, -103.905431°	Yes	Further Assessment Required

Impacts and Mitigation

The pipeline intersects two slopes on either side of a stream bed. The estimated slope angles were calculated as 9.3° for both areas. This angle is well below the angle of repose for a slope made-up entirely of dry sand and indicates slope stability. But, because the pipeline is to intersect this slope, possible sliding or slumping could occur as a result of soil disturbance, therefore a physical assessment of these sites was recommended.



South Bend Pipeline



Tetra Tech evaluated Area D & E and found, "The slope was ranked as a high potential for slope movement due to its steepness, observed gullies, and possible tension crack near the crest of the slope. The risk for potential impacts to the proposed South Bend pipeline at this location is also high due to the steepness of the slope and proximity to the observed slope features."

Areas D and E would be crossed via HDD. The depth and design of HDD would avoid impacts from any potential slope movement such as sliding or slumping.

Construction would occur by crossing Areas D and E utilizing HDD due to terrain and water crossings; the depth and design of HDD would help avoid impacts from any potential slope movement such as sliding or slumping.

Additional surveys would be conducted for Areas D and E by a qualified professional prior to construction. Potential geologic hazards along the construction ROW include seismic hazards, landslides, subsidence, and flooding. The majority of the Project area is located within relatively stable terrain. The Project has been designed to reduce risk and avoid impacts from landslides.

Table 4. Applicable project files documentation to support analysis available at:

<https://www.fs.usda.gov/project/?project=59260>

Documentation Type
North Dakota Department of Environmental Quality (Glatt, D., December 28, 2020)
North Dakota Geological Survey (Anderson, F., January 11, 2021)

Agencies, Organizations, and People Consulted

The responsible official contacted or consulted with those listed below during the preparation of the EA in compliance with requirements to involve the public, relevant agencies, organizations, and governments. Two comments were received for the project. Please refer to Appendix B – Scoping Comments Summary.

Agencies

- North Dakota Geological Survey
- North Dakota Forest Service
- North Dakota Industrial Commission, Oil and Gas Division
- North Dakota State University Extension Service
- North Dakota Department of Trust Lands
- North Dakota Game and Fish
- North Dakota Parks and Recreation
- Lewis & Clark National Historic Trail
- Theodore Roosevelt National Park
- US Army Corps of Engineers
- US Fish and Wildlife Service

Organizations/Businesses

- Andeavor
- Badlands Conservation Alliance
- Continental Resources, Inc.
- McKenzie County Grazing Association
- Medora Grazing Association
- Society of Rangeland Management, North Dakota Chapter
- North Dakota Wildlife Federation
- Sierra Club/Teddy Roosevelt Group
- Minot Daily News



South Bend Pipeline



Whiting Oil and Gas Corporation
Wild Sheep Foundation

Native American Tribes

Spirit Lake Sioux Tribe
Standing Rock Sioux Tribe
Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara
Turtle Mountain Band of Chippewa

Elected Officials McKenzie County Commissioners

Individuals

14 private individuals with interest in NFS lands were contacted regarding the proposed project

Supporting Project Documentation

Table 55. Applicable project files documentation to support analysis available at:

<https://www.fs.usda.gov/project/?project=59260>.

Documentation Type
Project Scoping Letter



South Bend Pipeline Project



DECISION NOTICE

South Bend Pipeline Project

U.S. Forest Service

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

Decision and Rationale

I have decided to authorize activities described in the Proposed Action.

The *South Bend Pipeline Environmental Assessment (EA)* documents the environmental analysis and conclusions upon which this decision is based. Based upon my review of the EA, I have decided to approve the issuance of a Special Use Permit to Bridger Pipeline, LLC (Bridger) for a 50-foot-wide temporary construction right-of-way (ROW) and 20-foot permanent ROW for production and maintenance of a crude oil pipeline system and related facilities as described in the Proposed Action in

Appendix A.

The pipeline would be constructed on the Little Missouri National Grasslands (LMNG), which are part of the Dakota Prairie Grasslands (DPG) managed by the U.S. Forest Service (USFS) in McKenzie County, North Dakota. The construction disturbance area would be approximately 115 acres on NFS lands, located within Townships 145 – 148, Ranges 100-104.

The purpose of the Project is to construct and operate a pipeline that reliably and efficiently transports crude oil produced in western and northwestern North Dakota to the Sandstone Station, near Baker, Montana which eventually connects into existing facilities at the Guernsey, Wyoming for further marketing and transportation nationally.

The DPG Land and Resource Management Plan has an objective to respond in a timely manner to applications for special use permits (LRMP pages 1-8). The DPG is responding to an application from Bridger Pipeline, LLC.

In making the decision to authorize a special use permit for the construction of the crude oil pipeline, I reviewed the environmental conditions and the impacts for the Proposed Action. I considered comments received from interested parties and how the Proposed Action: 1) met the purpose and need, 2) responded to the issue, and 3) addressed public comments.

The Proposed Action best meets the purpose and need of responding to a special use application and ensuring the protection of resources.

In the course of making my decision, I considered the LRMP and information provided by the USFS specialists. My decision includes evaluation of the following, included herein:

- The Finding of No Significant Impact Compliance with applicable laws and regulations.
- The EA documents the environmental analysis and conclusions upon which this decision is based.

Design features and requirements were developed based on standard operating procedures, DPG LRMP Standards and Guidelines, and other procedural direction to eliminate or mitigate potential impacts during project implementation. My decision includes the specific design features listed in **Tables 1 and 2** of the EA.



Summary of Public Involvement

A list of Agencies, Organizations and Persons Consulted regarding this proposal is provided in the analysis. A list of the comments received and a response to comments is available in Appendix B of the EA.

Findings

The decision notice incorporates all previous information in the EA and Finding of No Significant Impact, as well as information included in the project record. Findings required by other laws, regulations, and policy applicable to the proposal can be found in the "Other Law, Regulation, and Policy Consistency" section of the EA.

I find no significant effects; therefore, an environmental impact statement would not be prepared.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The Finding of No Significant Impact documents the reasons why an action, not otherwise categorically excluded, would not have a significant effect on the human environment and for which an environmental impact statement therefore would not be prepared. The Finding of No Significant Impact discussion considers all information included in the environmental assessment, including the Potentially Affected Environment, as well as documentation in the project record. Pertinent specialists have reviewed the proposal and based on their input, the responsible official made the following determinations with regards to the potentially affected environment and degree of effects considered for a Finding of No Significant Impact.

Potentially Affected Environment

The proposed pipeline would be within a 50-foot-wide ROW traversing approximately 19 miles of NFS lands in McKenzie County, North Dakota. The project area and the surrounding areas are comprised of mixed grass prairie and varies from rolling to badlands terrain. The Project crosses the following watersheds: Achenbach Hills-Little Missouri River, Bennie Peer Creek, Lower Beaver Creek, and Smith Creek.

Table 6. Legal Descriptions of the Proposed Action on USFS Lands:

Table with 3 columns: Township, Range, and Section. It lists specific land parcels affected by the project, such as Township 148, Range 100, Section 17.

Degree of Effect

- 1. Both short- and long-term effects.

In the Environmental Impact section of the EA, resource technical reports and Biological Evaluations/Assessments determined that the selected alternative would not involve any highly uncertain or unknown risks.

- 2. Both beneficial and adverse effects.



South Bend Pipeline Project



Beneficial and adverse impacts of this decision are addressed in the Environmental Impact section of the EA. No significant impacts were identified. My finding of no significant environmental effects is not biased by the beneficial effects of the action. No adverse effects could be considered significant even if considered separately from beneficial effects. The impacts identified in the EA are within the range of those identified by the LRMP.

3. Effects on public health and safety.

The selected alternative would not have significant effects on public health and safety. The Special Use Permit and attached Exhibits are specifically designed to protect the public's health and safety during the construction of this project and operation of the pipeline once constructed. The regulatory framework of the project is described in the Purpose and Need section of the EA. There is nothing out of the ordinary concerning public safety and health in regard to this project.

4. Effects that would violate Federal, State, or local law protecting the environment.

The action would not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (National Forest Management Act (NFMA) – Land Management Plan Consistency; Other Law, Regulation and Policy Consistency). The action is consistent with the DPG LRMP.

Implementation

Implementation of this decision may begin upon receipt of the approved Special Use Permit and following a pre-work meeting with the Forest Service.

Administrative Review and Objections

This decision is subject to the objection process pursuant to 36 CFR 218, subparts A and B which ended on January 27, 2022. No objections were received during that time and, therefore, this decision is not subject to additional administrative review

Responsible Official

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 **LUCAS GRAF FOR**

BENNIE H. SOUTH

Grasslands Supervisor