

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
Oneok Rockies Midstream, L.L.C.
Sorenson Federal 5-15H Natural Gas Gathering Pipeline

**Sections 5 and 6, T153N, R96W, and Sections 12, 13, and 14, T153N, R97W, 5th Principle
Meridian, McKenzie County, North Dakota**

**USDA FOREST SERVICE
DAKOTA PRAIRIE GRASSLANDS
MCKENZIE RANGER DISTRICT**

Responsible Official: Jay A. Frederick, District Ranger
McKenzie Ranger District
1901 South Main Street
Watford City, ND 58854

For Further Information Contact: Kim Grotte, Project Leader
McKenzie Ranger District
1901 South Main Street
Watford City, ND 58854
(701) 842-2394, Extension 12
kgrotte@fs.fed.us

NOTES TO REVIEWERS

Equal Employment Opportunity Act - EEO Statement

“The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual’s income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDAs TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202)720-6382 (TDD). USDA is an equal opportunity provider and employer.”

Data Accuracy - The Forest Service uses the most current and complete data available. GIS data and product accuracy may vary. They may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using GIS products for purposes other than those for which they were created may yield inaccurate or misleading results. The Forest Service reserves the right to correct, update, modify, or replace GIS products without notification. For more information, contact: Dakota Prairie Grasslands, 240 W. Century Ave, Bismarck, ND 58503; (701) 250-4443.

Summary

As the responsible official for the Oneok Rockies Midstream, L.L.C. Sorenson Federal 5-15H Natural Gas Gathering Pipeline Project Environmental Assessment, I have decided to implement the Proposed Action. This document provides the rationale for my decision, summarizes findings in the Environmental Assessment, explains why an Environmental Impact Statement was not prepared, and provides information on how to appeal my decision.

The Decision and Rationale

BACKGROUND

The McKenzie Ranger District received an application from Oneok Rockies Midstream, L.L.C. (Oneok) for a Special Use Permit to construct a 14-inch poly natural gas gathering pipeline. The pipeline is needed to transport natural gas production from the Sorenson Federal 5-15H oil and gas well to their existing natural gas gathering pipeline system. The proposed project is located on National Forest System Lands (NFS) in Sections 5 and 6, T153N, R96W; Sections 13, and 14, T153N, R97W; all within the 5th Principal Meridian, McKenzie County, North Dakota.

PURPOSE AND NEED

The Dakota Prairie Grasslands (DPG) Land and Resource Management Plan (hereafter referred to as the Grasslands Plan) has identified natural gas pipeline construction and operations as a valid use. It is within the scope of the Forest Service public service to grant special use permits for activities that cannot be reasonably met on private lands and are in the public's interest (Grassland Plan, pp. 1-26). Therein lies the purpose for this proposed action.

THE SELECTED ALTERNATIVE

As the Responsible Official for this project, I have decided to approve the Proposed Action for the project across NFS lands.

The Proposed Action is to issue a special use permit to Oneok to occupy National Forest System lands in order to construct and use a 14-inch natural gas gathering pipeline. The proposed pipeline on National Forest System (NFS) lands will be approximately 21,000 feet long with a 50-foot temporary construction right-of-way. Following construction, the right-of-way will be reduced to a 20-foot right-of-way for operation and maintenance. The pipeline will be buried in a single trench with a minimum of 4 feet of soil cover. The disturbed area will be reclaimed immediately following construction.

See the attached map of the proposed action.

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

Design Criteria and Monitoring

- The project is designed to follow existing roads as much as possible.
- If the project is delayed until 2013, and occurs between February 1 and August 15, 2013 a supplemental raptor survey should be conducted to determine any additional nests, due to nesting habitat within one mile of the pipeline.
- No work will be done during periods of wet soil conditions.
- No construction activities will be allowed during the sharp-tailed grouse lekking season (March 1-June 15) on segments of the project within 1 mile of an active sharp-tailed grouse display grounds, if the project is delayed until 2013.
- Disturbed areas will be seeded with a native grass species mix as included with the Special Use Permit.

- Monitoring will include periodic inspections during various phases of the project to ensure compliance with this decision.
- Stake and flag four sensitive plant populations (populations and their locations outlined in Appendix C of the BA/BE) before construction and reclamation to ensure plants are not disturbed.
- Keep construction and reclamation activities as close to the fence and/or road as possible in the vicinity of two inventoried wetlands (in sections 12 and 13; see maps in BA/BE) to avoid impacts to the wetlands.
- Disturbance should be kept to a minimum to reduce impacts to suitable sensitive species habitat and native vegetation communities in general, and also to reduce spread of invasive species.
- Treat leafy spurge in the construction corridor with appropriate herbicide at least two weeks prior to construction, if scheduled during the growing season. Keep soil from infested areas separate from non-infested areas during construction and reclamation.
- Vehicles and equipment used for construction will be cleaned prior to entering the National Grassland to remove all seeds and plant propagules (seeds and vegetative parts that may sprout) in order to prevent the potential spread of noxious weeds and invasive species.
- Any discovery of sensitive or watch plants within the project area should 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 in order to avoid negative impacts to such populations.

- The six known archaeological sites need to be temporarily fenced and avoided during project construction and reclamation. These sites will need to be monitored during construction by a professional archaeologist.

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

RATIONALE FOR MY DECISION

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 of the project, Grasslands Plan goals and objectives, management area direction and the standards and guidelines for the project area.

My decision to select the Proposed Action was based on the following:

- The project is consistent with the Grasslands Plan objectives for special uses.
- Field surveys and specialist reports identified that the proposed action would have no impact or would minimally impact wildlife, archeological or botanical resources.
- Public scoping and comment did not reveal any concerns about the project that could not be mitigated.

Public Involvement

The proposal was provided to the public, other agencies and tribes for comment during scoping from March 12, 2012 to April 20, 2012. Input was used in the EA. Legal notice of a 30-day comment period for the EA was published in the Bismarck Tribune on October 6, 2012. No comments were received.

Summary of the Environmental Analysis

The environmental assessment (EA) for this project, titled Oneok Rockies Midstream, L.L.C. Sorenson Federal 5-15H Natural Gas Gathering Pipeline Special Use Application, documents the analysis of the proposed action and a no action alternative. The EA is incorporated by reference into this Decision Notice and Finding of No Significant Impact. A brief summary of the EA is presented here.

Grasslands Plan Direction

The EA and this Decision tier to the 2001 Northern Great Plains Final Environmental Impact Statement for the Dakota Prairie Grasslands Land and Resource Management Plan (Grasslands Plan) and its associated Record of Decision, signed July 31, 2002.

The Dakota Prairie Grasslands-wide goal for special uses is to improve the capability of the Nation's forests and grasslands to provide a desired level of uses, values, products, and services (Grasslands Plan, p. 1-5).

The objectives for minerals and energy resources and special uses are to: 1) Provide opportunities for oil and gas exploration and development consistent with Plan direction; 2) Ensure reclamation provisions of operating plans are completed to standard; and 3) Ensure operations are meeting requirements and are in compliance with the terms of their permits; 4) Respond in a timely manner to applications for special use permits, mineral leasing exploration and development (Grasslands Plan, pp. 1-6 and 1-8).

Standards & Guidelines for Special Uses include: 1) Place all new pipelines underground; 2) Route new pipelines in a manner as to minimize visual impacts and conform to approved corridors, and when these facilities leave corridors, they should

be subordinate to the landscape; 3) Approve only special-use applications that cannot reasonably be met on private lands unless it is clearly in the public interest; 4) Minimize disturbance by co-locating roads, pipelines, gathering lines, and power lines for energy resource development (Grasslands Plan, pp. 1-12 and 1-26).

Grasslands-wide Standards and Guidelines for infrastructure are also referenced in the Grasslands Plan (pp. 1-26 and 1-27).

The proposal lies within Management Area (MA) 6.1 – Rangeland With Broad Resource Emphasis.

This MA is primarily a rangeland ecosystem managed to meet a variety of ecological conditions and human needs. Ecological conditions will be maintained while emphasizing selected biological structure and composition that consider the range of natural variability. These lands often display high levels of development, commodity uses, and activity; density of facilities; and evidence of vegetative manipulation. Users expect to see other people and evidence of human activities. Facilities supporting the various resource uses are common. Motorized transportation is common on designated roads and two-tracks. Oil and gas leasing and development are allowed. (Grasslands Plan, p. 3-43).

Issues

Public and internal processes were used to determine which issues concerning the proposed action would be addressed in the environmental analysis. No significant issues were identified; however, resources such as soil; water; threatened, endangered and sensitive species; and cultural resources were addressed in the EA to inform the public and decision maker.

Alternative Development

The alternatives considered in detail were the Proposed Action, previously described,

and No Action. Under the No Action alternative, the Oneok Rockies Midstream, L.L.C.

Special Use Permit application would not be approved. Oneok would not be allowed to construct and operate the natural gas gathering pipeline across NFS lands.

Effects

Cultural resources; soil and water; threatened, endangered and sensitive wildlife and plant species; raptors; and management indicator species were all analyzed by resource specialists. Direct and indirect effects from the proposed action would all be very small to nonexistent;

therefore, the project would not contribute to cumulative impacts to resources. Design criteria and mitigation ensure that the project has little to no impact on resources. The project meets both Grasslands-wide and Management Area direction.

The No Action alternative would have no impacts to any resources, but would not meet the purpose and need of the project.

Comparison of Alternatives

Table 1 summarizes the ability of the two alternatives to meet the purpose and need for the project, and summarizes their impact to resources.

Table 1: Summary comparison of alternatives

<i>Comparison</i>	Proposed Action	No Action
Responds to the purpose and need.	Meets the need for Oneok Rockies Midstream, L.L.C. to have access across NFS lands for their pipeline.	Does not respond to the purpose and need.
Impact to NFS resources.	Has no or very little impact to resources.	Has no impact to resources.

Finding of No Significant Impact

From the results of the site-specific analysis documented in the EA, I find that the Proposed Action is not a major Federal action and will not significantly affect the quality of the human environment, either individually or cumulatively with other activities in the general area. Therefore, an Environmental Impact Statement is not needed. This finding is based on the following factors set forth in 40 CFR 1508.27.

CONTEXT

The setting of this project is in a localized area with implications only for the immediate area. The EA discusses the resources that will be affected by this project

and displays the environmental consequences on those resources.

INTENSITY

1. Impacts that may be both beneficial and adverse: Both beneficial and adverse effects have been taken into consideration when making this determination of significance. The action does not rely on beneficial effects to balance potentially significant adverse environmental effects. Impacts associated with the project are discussed in the EA. These impacts are within the range of those identified by the Grasslands Plan.

2. The degree to which the proposed action affects public health or safety: Proposed activities would not significantly affect public health and safety. Enforcement of air and water quality infractions is within the North Dakota Department of Health's jurisdiction.

There is nothing out of the ordinary concerning public safety and health in regard to permitting this natural gas pipeline.

3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farms, wetlands, wild and scenic rivers, or ecologically critical areas: The geographic area does contain unique cultural or historic resources. There are no parklands, prime farmlands wild and scenic rivers or ecologically critical areas within the affected area.

4. The degree to which the possible effects on the quality of the human environment are likely to be highly controversial: Based on the involvement of Forest Service resource specialists and members of the public, I do not expect the effects of the selected alternative to be highly controversial in a scientific context.

5. The degree to which the possible effects on the human environment are uncertain or involve unique or unknown risks: Scoping did not identify highly uncertain, unique or unknown risks. The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The process for natural gas transportation through pipelines is highly regulated by the Forest Service and North Dakota State agencies to protect the human environment. We have developed hundreds of miles of natural gas pipeline on the McKenzie Ranger District and I find nothing unique to this proposal that poses a significant risk to human environment.

6. The degree to which the action may establish a precedent for future actions with significant effects or presents a decision in principle about future consideration: This project is not setting a precedent for future actions with significant effects. Natural gas pipelines on the

McKenzie Ranger District, Little Missouri National Grasslands are not without precedence and are consistent with Forest Service policy. As stated above, we have developed hundreds of miles of natural gas pipelines on the District, consistent with Forest Service direction.

The Proposed Action 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 individual insignificant but cumulative significant impacts: The EA discloses the direct, indirect, and cumulative effects of the proposed action. Based on the information presented in the EA, there is no indication that this proposal will result in a cumulatively significant impact to the environment.

8. The degree to which the proposed actions may adversely affect districts, sites, highway structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources:

Archeological surveys were completed for the project. The result of the survey was that no historic properties would be affected with the proposed pipeline route as long as the stipulations within the above design criteria are followed. The project was cleared to proceed by the Forest Service Archeologist with this design criteria mitigation, so there will be no direct, indirect or cumulative impacts to cultural or historic resources.

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 of 1973: There are

no known resident Threatened or Endangered (T&E) animal or plant species or critical habitat in this segment of the Little Missouri National Grassland. Therefore, this project would have no effect on T&E species.

10. Whether the proposed action threatens a violation of Federal, State, or local law or requirements proposed for the protection of the environment: This action meets Federal, State, and local laws and requirements imposed for the protection of the environment; and meets disclosure requirements of the National Environmental Policy Act.

Findings Required by Laws and Regulations

The Proposed Action is consistent with applicable laws, regulations, policy and direction including the Dakota Prairie Grasslands Plan, the Historic Preservation Act, the Endangered Species Act, the Clean Water Act, the Clean Air Act, the Migratory Bird Treaty Act, Environmental Justice, and applicable Mineral Laws, Regulations, & Orders.

Appeal Opportunities and Implementation

The 30-day comment period for this project ended on November 5, 2012. Since no comments were received during the comment period, this decision is not subject to appeal (36 CFR 215.12 (e)(1)).

This decision is subject to appeal by the special use permit applicant, Oneok Rockies Midstream L.L.C, pursuant to 36 CFR 251, Subpart C.

Implementation of this project, as per 36 CFR 215.9, may occur immediately upon publication of the Notice of Decision in the Bismarck Tribune.

For further information on this decision, contact Kim Grotte, Pipeline Specialist with McKenzie Ranger District, at 701-842-2394 ext 12.

JAY A. FREDERICK
District Ranger

Date