



Department of  
Agriculture

Forest  
Service

September 2012



# Environmental Assessment

## Oneok Rockies Midstream, L.L.C. Sorenson 15-5H Natural Gas Gathering Pipeline Special Use Application

### Project Location:

T.153N., R96W., Sections 5 & 6, and

T.153N., R.97W., Sections 12, 13, & 14,

All within the 5<sup>th</sup> PM, McKenzie County, North Dakota

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## **INTRODUCTION**

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

## **Background**

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The Forest Service has received a proposal from Oneok Rockies Midstream, L.L.C. (Oneok) requesting use of National Forest System (NFS) land for the purpose of constructing a natural gas gathering pipeline. The pipeline is called the Sorenson Federal 15-5H Natural Gas Gathering Pipeline. The pipeline's total length is approximately 21,000 feet on National Forest System land. See the attached map of the proposal on National Forest System land.

## **Purpose and Need for Action**

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This pipeline is needed to transport natural gas production from the Sorenson Federal 15-5H well site to their existing natural gas gathering pipeline system. It is within the scope of Forest Service public service to grant special use permits for activities that cannot be met on private lands and are in the public's interest (Grassland Plan pp.1-26). The total footage on NFS land for this proposal would be approximately 21,000 feet of 14-inch pipeline. The proposed action would be constructed with the size and ability to transport production from current and future development.

## **Land and Resource Management Plan Direction**

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

### *Grassland-wide Direction:*

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

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

Place all new pipelines underground. (Guideline)

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

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

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

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

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

## **Proposed Action**

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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 would be approximately 21,000 feet long with a 50-foot temporary construction right-of-way. Following construction, the right-of-way would be reduced to a 20-foot right-of-way for operation and maintenance. About 90% of the route would closely parallel Forest System Road #869 and North Dakota State #1806. The pipeline would be buried in a single trench with a minimum of 4 feet of soil cover. The disturbed area would be reclaimed immediately following construction. An integrity management program would be implemented for the project.

See the attached map of the proposed action.

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

### Design Criteria and Monitoring

- The project is designed to follow existing roads as much as possible.
- If the project is planned to occur between February 1 and August 15 of 2013 or any subsequent year, a supplemental raptor survey would be conducted to determine any new raptor activity. Raptor surveys cannot commence until after April 10 to ensure all potential raptor species are included.
- There is an active Bald Eagle nest on private land within a mile of the eastern most linear mile of this proposed pipeline. If project is delayed, there should be no pipeline construction from February 1 to July 31 on the eastern most quarter mile segment, on NFS lands in Section 5, T.153N., R.96W. (Grassland Plan Chapter 1-17 and The Bald and Golden Eagle Protection Act).
- No work would be done during periods of wet soil conditions.
- No construction activities would be allowed during the sharp-tailed grouse lekking season (March 1-June 15) on the segments of the project within 1 mile of the three active sharp-tailed grouse display grounds.
- Stake and flag the four sensitive plant populations requiring avoidance measures 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) 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.
- Use a Forest Service approved native seed mix for reclamation; monitor to ensure establishment.
- If noxious species are found on reclaimed sites, treat those specific areas and reseed if necessary.
- Vehicles and equipment used for construction should 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 may be requested in order to avoid negative impacts to such populations.
- In Section 6, T153N, R96W, construction work, travel and any ground disturbance shall be confined to the road and the road ditch only to protect known archaeological sites. **These sites will need to be temporarily fenced and monitored by a professional archaeologist during construction and reclamation.**
- Monitoring would include periodic inspections during various phases of the project to ensure compliance with this decision.
- In addition, the Standard Special Use Permit Terms and Conditions would be in effect.

## **Decision Framework**

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

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

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

## Public Involvement

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The proposal was provided to the public, other agencies and tribes for comment during scoping from March 21, 2012 to April 20, 2012. There was one response to the scoping effort. The response was from an agency voicing a concern for protecting plant and animal species of concern and to reclaim impacted areas with native species.

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

## Issues

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### Determining Issues

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

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

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

### *Issues*

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

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

## ALTERNATIVES, INCLUDING THE PROPOSED ACTION

The following regulations were considered in developing alternatives for this proposal:

An EA must include the following:

Proposed action and alternative(s). The EA shall briefly describe the proposed action and alternative(s) that meet the need for action. No specific number of alternatives is required or prescribed. (36 CFR 220.7(b)(2))

When there are no unresolved conflicts concerning alternative uses of available resources (NEPA, section 102(2)(E)), the EA need only analyze the proposed action and proceed without consideration of additional alternatives. (36 CFR 220.7(b)(2)(i))

The EA may document consideration of a no-action alternative through the effects analysis by contrasting the impacts of the proposed action and any alternative(s) with the current condition and expected future condition if the proposed action were not implemented. (36 CFR 220.7(b)(2)(ii))

Because there were no significant issues identified with the proposal, no other action alternatives were developed. The effects of not implementing the project (no-action) are providing as described above – by contrasting the impacts of the proposed action with the current condition and expected future condition if the proposal were not implemented.

## **Alternative 1 – Proposed Action**

This alternative is described above on pages 5 and 6.

## **Summary of Effects**

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This section provides a summary of the effects of implementing the proposed action compared to not implementing it. Information in Table 1 is focused on activities and effects where different levels of effects or outputs can be distinguished quantitatively or qualitatively among alternatives.

Table 1: Summary of effects.

	<b>Proposed Action</b>	<b>No Action</b>
Meets Purpose and Need to provide a pipeline route across National Forest System land.	Provides an efficient means of transportation for the natural gas production from the Sorenson Federal 15-5H well site.	Does not allow a means of pipeline transportation of the natural gas production from the Sorenson Federal 5-15H well site.
Effects to T&E Species	No effects.	No effects.
Effects to Sensitive Species	Small impacts to individuals or habitats of some sensitive species; no impacts on populations or species.	No impacts.
Effects to MIS	No effects.	No effects.
Effects to Cultural Resources	No effects.	No effects.

	<b>Proposed Action</b>	<b>No Action</b>
Effects to Hydrology and Soils	Approximately 21,000 feet of temporary soil disturbance.	No effects.

## **ENVIRONMENTAL CONSEQUENCES**

This section summarizes the environments of the affected project area and the potential changes to those environments due to implementation of the alternatives.

### **Project Area Overview**

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

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

Most of the proposed pipeline route (about 90% of the route) follows or parallels existing road corridors. Vegetation in the area that would be disturbed varies from native to invasive species dominance. Much of the project area on NFS lands was plowed and farmed prior to federal ownership, and then was seeded with crested wheatgrass. Crested wheatgrass is prevalent in these areas, although native species do occur. Other areas are dominated by native species, but non-native species are common.

### **Threatened, Endangered and Sensitive Species and Habitats**

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

The complete biological evaluations are located in the project file.

### **Direct and Indirect Effects of the Proposed Action**

#### *Wildlife*

#### Threatened and Endangered Species

There are no resident threatened or endangered (T&E) wildlife species, designated critical habitat, nor are there any species proposed for Federal listing or proposed critical habitat on the McKenzie Ranger District or Little Missouri National Grassland. The U.S. Fish and Wildlife Service lists 5 endangered wildlife species for McKenzie County, North Dakota – the black-footed ferret, gray wolf, interior least tern, pallid sturgeon, and whooping crane. There is one threatened species – the piping plover – and there is also existing designated critical habitat within the county for the piping plover.

A biological evaluation was conducted for the six T&E species listed for McKenzie County. The Forest Service wildlife biologist determined that there would be no effect to these species. Table 2 summarizes the reasons for the determinations.

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

Species Common Name	Determination	Summary of Rationale
Black-footed ferret	No Effect	This species is considered extirpated in North Dakota. There is a specific management area on the Dakota Prairie Grasslands for potential ferret reintroduction, but it is not located in or near this project area. The project area does not contain prairie dogs, which ferrets rely on for habitat.
Gray wolf	No Effect	The gray wolf is not common in North Dakota, but individual wolves do occasionally pass through the state. It is unlikely that gray wolves would inhabit the project area as it does not contain preferred habitat or suitable prey to sustain a population, and is far from other known wolf populations.
Interior least tern	No Effect	This species is found along the Missouri River and Yellowstone Rivier during the summer nesting season. Suitable shoreline habiat for breeding and nesting terns does not occur within the project area.
Whooping Crane	No Effect	There is no suitable habitat within the project area. However, suitable habitat is within the analysis area. Whooping Crane may fly over, temporarily feed, or loaf in the area, but will quickly relocate.
Piping plover	No Effect	Preferred habitat for the piping plover includes riverine sandbars, gravel beaches, alkali areas of wetlands and flat, sandy beaches with little vegetation. In North Dakota, breeding and nesting sites can be found along the Missouri River and critical habitat has been identified there. Suitable habitat for the piping plover does not occur within the project area.

### Sensitive Species

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

Table 3: Summary of determinations for sensitive wildlife species.

Species Common Name	Determination	Summary of Rationale
Bald Eagle	MIIH*	One active nest is located within ½ mile of the project area. Timing stipulations will be implemented for construction efforts to protect nesting.
Bairds sparrow	MIIH*	Ground disturbance associated with the project may impact individuals or associated habitat.
Long-billed Curlew	MIIH*	Long-billed curlew sightings were reported within ½ mile of the project in 1997 and 2005. No recent sightings have been recorded.
Loggerhead Shrike	MIIH*	There is suitable habitat in the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Sprague's Pipit	MIIH*	Flight songs were heard during the field survey. Ground disturbance associated with the project may impact individuals or associated habitat.
Dakota Skipper	MIIH*	There is suitable habitat in the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Ottoo Skipper	MIIH*	There is suitable habitat in the project area and one historical sighting near the project area in 2002. Ground disturbance associated with the project may impact individuals or associated habitat.
Tawny Crescent Butterfly	MIIH*	There is suitable habitat in the project area. Ground disturbance associated with the project may impact individuals or associated habitat.
Argos Skipper	MIIH*	There is suitable habitat in the project area. Ground disturbance associated with the project may impact individuals or associated habitat.

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

***Plants***

Threatened and Endangered Species

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

Sensitive Species

There are 14 Forest Service sensitive plant species identified for the Little Missouri National Grassland. Seven populations of sensitive plant species, all either Hooker's townsendia (*Townsendia hookeri*) or Easter daisy (*Townsendia exscapa*), were observed during the floristic survey. They will be protected from disturbance during construction and reclamation. Because of a variety of habitats along the proposed pipeline route, there is suitable habitat for 11 of the 14 listed sensitive plant species and undiscovered plants and habitats could be impacted. These impacts include the direct impact of ground disturbance during construction, and also the potential increase in invasive plant species as a result of the ground disturbance; however, it is anticipated that potential impacts will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species. Table 4 summarizes the effects determinations for sensitive plant species.

Table 4: Summary of determinations for sensitive plant species.

Plant Name	Determination	Rationale for Effect Determination
Smooth goosefoot ( <i>Chenopodium subglabrum</i> )	MIIH*	Suitable habitat may be present in some parts of the project area. The area was searched and no plants were found.
Torrey's cryptantha ( <i>Cryptantha torreyana</i> )	MIIH*	Suitable habitat may be present in some parts of the project area. The area was thoroughly searched and no plants were found.
Nodding wild buckwheat ( <i>Eriogonum cernuum</i> )	MIIH*	Suitable habitat may be present in some parts of the project area. The area was thoroughly searched and no plants were found.
Dakota buckwheat ( <i>Eriogonum visherii</i> )	No Impact	Suitable habitat does not occur in the project area. The area was searched and no plants were found.
Blue-eyed Mary ( <i>Collinsia parviflora</i> )	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Sand lily ( <i>Leucocrinum montanum</i> )	MIIH*	The project area has some habitat for sand lily. The area was searched and no plants were found.
Missouri pincushion cactus ( <i>Escobaria missouriensis</i> )	MIIH*	Suitable habitat may be present in some parts of the project area. The area was thoroughly searched and no plants were found.
Dwarf mentzelia ( <i>Mentzelia pumila</i> )	MIIH*	Habitat suitable for dwarf mentzelia does occur in the project area. The area was searched and no plants were found.
Alyssum-leaved phlox ( <i>Phlox alyssifolia</i> )	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Limber pine ( <i>Pinus flexilis</i> )	No Impact	Habitat does not occur in the project area. The area was searched and no plants were found.
Lance-leaf cottonwood ( <i>Populus x acuminata</i> )	MIIH*	Suitable habitat does occur in the project area. The area was searched and no plants were found.
Alkali sacaton ( <i>Sporobolus airoides</i> )	No Impact	Suitable habitat does not occur in the project area. The area was searched and no plants were found.
Easter Daisy ( <i>Townsendia hookeri</i> ) or Hooker's townsendia ( <i>Townsendia hookeri</i> )	MIIH*	Seven <i>Townsendia</i> populations were observed in the project area, and suitable habitat is present. The four populations that could be impacted by the project will be staked and flagged to ensure that the plants are not disturbed during construction or reclamation; however, habitat may be impacted by the project.

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

## **Cumulative Effects of the Proposed Action**

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

Past disturbance from road construction, livestock grazing, agriculture, oil and gas development, and pipelines in and near the project area have created some cumulative impacts. In regard to this project, the most important is the introduction and spread of invasive plant species, such as crested wheatgrass, smooth brome and sweet clover. The area is currently dominated by these species in many areas, and they occur with native species over most of the project area. Construction of the proposed pipeline is anticipated to add slightly to cumulative impacts on surrounding vegetation and habitat for sensitive species, particularly through the potential increase of invasive plant species; however, because the proposed route is already quite impacted, the project will likely add very little to cumulative impacts.

## **Management Indicator Species**

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

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

## **Direct and Indirect Effects of the Proposed Action**

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

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

## **Cumulative Effects of the Proposed Action**

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

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

## **Cultural Resources**

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

A cultural resource survey has been conducted on the project area. There are six historic properties affected inside the project areas. These sites will be temporarily fenced off and monitored during project construction efforts by a representative from Beaver Creek Archaeology.

## **Hydrology and Soils**

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### **Direct and Indirect Effects of the Proposed Action**

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

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

Construction of the pipeline would temporarily disturb approximately 21,000 linear feet, 90% of which occurs within existing disturbance of roads. Actual ground disturbance will be further minimized by using the existing road as travel ways. Therefore, soil disturbance is minimal in relation to the area of undisturbed similar soils surrounding the project.

The pipeline construction design will meet Forest Service requirements.

### **Cumulative Effects of the Proposed Action**

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

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

## **CONSULTATION AND COORDINATION**

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

### Interdisciplinary Team Members:

- Libby Knotts, Botanist and Planning
- Gary Foli, Wildlife Biologist
- Larry Melvin, Paleontology
- Debbie Riely, Special Uses
- Gary Petik, Range Specialist
- Steve Volesky, Engineer
- Kevin Sullivan, Engineer Tech
- Mervin Floodman, Archeologist

### Federal, State, and Local Agencies

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

### Tribes

- Three Affiliated Tribes
- Standing Rock Sioux Tribe