

## FINDING OF NO SIGNIFICANT IMPACT

### DAKOTA ACCESS, LLC

### DAKOTA ACCESS PIPELINE PROJECT

### MOUNTRAIL AND WILLIAMS COUNTIES, NORTH DAKOTA AND CAMPBELL, MCPHERSON, EDMUNDS, FAULK, SPINK, KINGSBURY, MINER, LAKE, AND MINNEHAHA COUNTIES, SOUTH DAKOTA

**Introduction:** In accordance with section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. § 4321) and the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. § 668dd-668ee), the environmental assessment (EA) has been prepared to obtain a Special Use Permit (SUP) for the construction of the Dakota Access, LLC (Dakota Access) Dakota Access Pipeline Project (Project). The Project would cross privately owned lands encumbered by wetland and grassland easements managed by the U.S. Fish and Wildlife Service (USFWS). Specifically, the proposed Project crosses wetland and grassland easement features under USFWS jurisdiction within the Lostwood wetland management district (WMD) in North Dakota and the Sand Lake and Madison WMDs in South Dakota.

**Project Summary:** The overall proposed Project is an approximate 1,150-mile-long, 12-inch to 30-inch diameter pipeline that would connect the rapidly expanding Bakken and Three Forks production areas in North Dakota to existing crude infrastructure in Illinois. The Project originates in the northwest portion of North Dakota and traverses southeast through South Dakota, Iowa, and Illinois and terminates at the existing Patoka, Illinois hub. The pipeline is proposed to transport approximately 450,000 barrels of oil per day (bopd) initially, with an anticipated capacity 570,000 bopd or more. Once the crude arrives at the existing tank farms in Patoka, shippers would be able to access and distribute their crude to multiple markets, including Midwest and Gulf Coast markets via existing and proposed pipeline infrastructure.

**Alternatives:** Two different transportation (trucking and rail) alternatives were screened out from detailed consideration due to safety, reliability, and infrastructure concerns, all of which would create a greater impact for the purpose of the Project.

Dakota Access utilized a sophisticated and proprietary Geographic Information System (GIS) based routing program to determine the baseline pipeline route based on multiple publicly available and purchased datasets. Datasets utilized during the Project GIS routing analysis included engineering (e.g., existing pipelines, railroads, karst, and power lines, etc.), environmental (e.g., critical habitat, fault lines, state parks, national forests, brownfields, national registry of historic places, etc.), and land (e.g., dams, airports, cemeteries, schools, mining, and military installations, etc.).

Each of these datasets were weighted based on the risk (e.g., low, moderate, or high; however on a scale of 0 to 1000) associated with crossing or following certain features. In general, the preferred route for the pipeline would follow features identified as low risk, avoid or minimize crossing features identified as moderate risk, and exclude features identified as high risk.

The baseline centerline route (Route Alternative 1) was the output of the GIS routing analysis. The baseline route crossed 131 USFWS easements (seven easements within North Dakota and 124 easements within South Dakota). Dakota Access and the lead USFWS WMD (Sand Lake WMD) had an intensive route review in October 2014 of the baseline route and easements crossed to determine avoidance and minimization. During this review, the USFWS made recommendations on avoiding and minimizing impacts to the easements crossed by the Project. Grassland easements were prioritized for avoidance.

Extensive coordination and review identified areas where Dakota Access could make route modifications to avoid and minimize potential impacts to USFWS easements (Appendix A).

**Preferred Alternative:** Implementation of the preferred alternative (Route Alternative 2) would require crossing six easements in North Dakota consisting of five wetland easements and one grassland easement all located within the Lostwood WMD. Additionally, 112 easements would be crossed in South Dakota consisting of three grassland easements and 109 wetland easements in Sand Lake and Madison WMDs. Dakota Access was unable to reroute completely around four (one in North Dakota and three in South Dakota) grassland easements due to constructability limitations, USFWS recommended avoidance of the grassland easements, therefore Dakota Access adjusted the proposed construction techniques at the grassland easements (i.e. bore or HDD). Therefore all surface impacts to grassland easements are avoided by the preferred route. The preferred route most closely meets the objectives of the Project, while minimizing potential impacts to the environment and USFWS easements

**Summary of Environmental Impact:** To avoid impacts to grassland easements Dakota Access adjusted the Project alignment to avoid crossing all grassland easements, except for three within South Dakota and one within North Dakota. The three South Dakota grassland easements are located in Campbell, Spink and Minnehaha counties; due to USFWS concerns regarding impacts to grassland easements and based on the proximity of these easements to roads or other features being crossed by a trenchless method (i.e. bore), respective bores were extended as needed to incorporate the easement and thus avoid surface impacts. The North Dakota grassland easement located in Mountrail County could not be avoided by bore; therefore, Dakota Access modified construction methods by utilizing HDD to cross the easement. Due to the size of this easement, transporting equipment across the easement to facilitate construction of the Project is required. To minimize potential impacts to the grassland easement, Dakota Access will install air bridge matting to be utilized as the designated travel lane for construction equipment. The air bridge travel lane will be located on an existing two-track road, approximately 250 feet north of the centerline. The use of air bridge matting will avoid potential soil compaction and ruts from equipment transport. Therefore, no adverse surface impacts to this grassland easement will result from the Project. All surface impacts to grassland easements in North Dakota and South Dakota have been avoided by route modifications or construction methods.

To reduce impacts to wetland easements Dakota Access minimized crossing wetland easements to the extent practicable. The preferred route will cross five wetland easements in North Dakota resulting in approximately 2.5 acres of temporary impacts. In South Dakota, the preferred route crosses 109 wetland easements with approximately 69.3 acres of temporary impacts. Total temporary impacts to wetland basins within USFWS easements in North Dakota and South Dakota is 71.8 acres. The total temporary impacts to the wetland basins (71.8 acres) would be less than 0.6 percent of the entire North Dakota and South Dakota Project footprint.

**Mitigation Measures:** All impacts to the environment would be temporary and not significant as a result of avoiding, minimizing and mitigation any potential impacts. Dakota Access has avoided surface impacts to grassland easements through construction design (i.e. bore and/or HDD), Dakota Access has designed the Project to avoid permanent fill in wetlands. Aboveground facilities have been sited outside of USFWS grassland easements and protected basins within wetland easements, resulting in no permanent impacts to these USFWS protected areas. Temporary impacts to wetlands will be limited to the construction phase. Where impacts were unavoidable, Dakota Access will implement best management practices (BMPs) to ensure that the wetland is restored post-construction in accordance with regulations and permits.

In order to mitigate the spread of any noxious weeds, Dakota Access will likely implement BMPs and weed control practices during construction and operation. Mitigation measures may include: treating known noxious weed infestations prior to ground disturbance, immediately reseeding following construction, and using weed-free seed in reclamation activities and erosion control materials.

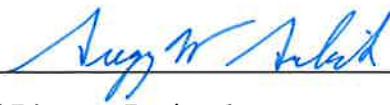
See Section 7.0 in the EA for more details on best management practices and mitigation measures undertaken for this Project.

**Coordination and Public Review:** The notice of availability of the EA for public comment was published in twelve newspapers within North Dakota and South Dakota on December 18, 2015. Notices of availability were included in Public Notice section of the Bismarck Tribune, Williston Herald, Miner County Pioneer, The New Era, The Desmet News, The Argus Leader, The Salem Special, Huron Plainsman, Madison Daily Leader, Roscoe Hosmer Independent, Prairie Pioneer and McPherson County Herald.

The draft EA was available for viewing at the USFWS Sand Lake NWR and Madison Wetland Management District website homepages, in addition to hard copies being available at the following five libraries within North Dakota and South Dakota: Bismarck Veterans Memorial Public Library, Williston Community Liberty, Alexander Mitchell Public Library, Madison Public Library, and Sioux Falls Main Library.

All applicable comments received were addressed in the EA, and no significant comments remain unresolved. For more information on regarding comments received during the public review process, please see Section 10.2 of the EA.

**Conclusion:** After evaluating the anticipated environmental effects of the preferred alternative, it is my determination that allowing construction of the proposed Dakota Access Pipeline Project on privately owned lands encumbered by wetland and grassland easements under the management of the USFWS would not constitute a major federal action that would significantly affect the quality of the crossed wetland and grassland easements, I have determined that preparation of an Environmental Impact Statement is not required.

  
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**Acting** Regional Director, Region 6  
U.S. Fish and Wildlife Service

  
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Date