

Decision Record for Categorical Exclusion

Dunn and Golden Valley Counties – Assignments of Bear Paw Energy, LLC’s seven (7) separate Natural Gas Pipeline Rights-of-Way (NDM 44368, NDM 56188, NDM 72957, NDM 99184, NDM 100716, NDM 101480, and NDM 102379) to ONEOK Rockies Midstream, L.L.C.
DOI-BLM-MT-C030-2016-0054-CX

Decision: I have made the decision to assign Bear Paw Energy, LLC’s seven (7) Natural Gas Pipeline Rights-of-Way, named above, to ONEOK Rockies Midstream, L.L.C., to recognize their legal name change that occurred on September 21, 2011. No additional rights are conveyed with these assignments. Each respective right-of-way term remains unchanged. These assignments would not result in any additional disturbance or impacts on Federal surface. The terms, conditions, and stipulations in the original right-of-way grant, as amended, if applicable, remain in effect.

Rational for Decision: The proposed action meets the criteria for a categorical exclusion under 516 DM 11.9E (9), and none of the exceptions in 516 DM 2 apply. Further the action is in conformance with the North Dakota RMP/EIS, which was approved on April 22, 1988 and amended on September 21, 2015.

I considered the proposed action and associated stipulations which will be included in the ROW and which are attached below. There is no potential for significant impacts. Use of this CX is appropriate and I have decided to implement this action.

Signature

Authorizing Official: _____

(Signature)

Date: _____

12/16/15

Name: Loren C. Wickstrom

Title: Field Manager

Administrative Review or Appeal Opportunities

A BLM decision to issue a ROW may be appealed under regulations in 43CFR 2801.10 in accordance with part 4 of 43 CFR. A BLM decision affecting a ROW application carries the “full force and effect” of the decision. Under full force and effect the decision can be implemented immediately even if the decision is appealed to the IBLA. An affected party has the opportunity to file a petition for a stay with an appeal to the IBLA. The decision to issue a ROW in full force and effect requires information on petitions for stay to be included with the decision notification. The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and information on BLM Form 1842-1. If an appeal is taken, the notice of appeal must be filed in the North Dakota Field Office at 99 23rd Avenue Suite A, Dickinson, North Dakota 58601 within 30 days from receipt of the decision issuing the decision. The appellant has the burden of showing that the decision appealed from is in error.

If a petition (request) is filed pursuant to regulation 43 CFR 2801.10 for a stay (suspension) of the effectiveness of the decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the North Dakota Field Office. If a stay is requested, the requester has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Contact Person

For additional information concerning this CX review and decision, contact:

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