



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

FEB 13 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{ACTING} Regional Director, Great Plains Region

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The addendum authorizes land use for the right-of-way expansion and reroute to the East Van Hook Gathering System on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the EA Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)
Derek Enderud, BLM, Bureau of Land Management (with attachment)
Ryan Krapp, Carlson McCain (with attachment)
Jonathon Shelman, Corps of Engineers
Jeff Hunt, Fort Berthold Agency

Finding of No Significant Impact

Dakota-3 E&P Company, LLC

*Addendum to Environmental Assessment(s) to Authorize
Right-of-Way Expansion and Reroute to the
East Van Hook Gathering System*

*Fort Berthold Indian Reservation
Mountrail County, North Dakota*

The U.S. Bureau of Indian Affairs (BIA) has received a proposal to reroute portions of and also expand the right-of-way to eastern portions of the Van Hook Gathering System (VHGS). This portion of the project is described as the East Van Hook Gathering System (East VHGS). The expanded 130-foot ROW will include gas, oil, water gathering and water distribution pipelines, as well as underground fiber optic and electrical utilities on the Sanish Peninsula of the Fort Berthold Indian Reservation (FBIR). Developments have been proposed across land held in trust by the United States in Mountrail County, North Dakota. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

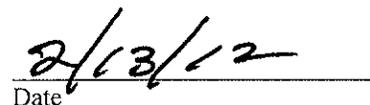
The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing EA, as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed actions and the No Action alternative.
3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.).
4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed projects will improve the socio-economic condition of the affected Indian community.


Regional Director

ACTING


Date

ENVIRONMENTAL ASSESSMENT
Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



Dakota-3 E&P Company, LLC

Addendum to Environmental Assessment(s) to Authorize
Right-of-Way Expansion and Reroute to the
East Van Hook Gathering System

Fort Berthold Indian Reservation

February 2012

For information contact:
Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources Management
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Appendices

Appendix A - Right-of-Way Construction Typical

1.0 Purpose and Need of Action

Dakota-3 E&P Company, LLC (D-3), a subsidiary of Williams, is proposing to reroute portions of and also expand the right-of-way to eastern portions of the Van Hook Gathering System (VHGS). This portion of the project is described as the East Van Hook Gathering System (East VHGS). The expanded 130-foot ROW will include gas, oil, water gathering and water distribution pipelines, as well as underground fiber optic and electrical utilities on the Sanish Peninsula of the Fort Berthold Indian Reservation (FBIR). Developments have been proposed across land held in trust by the United States in Mountrail County, North Dakota. The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments. The economic development of available resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers substantial economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nations and to individual tribal members.

The impacts of the VHGS have been evaluated in multiple environmental assessments (EA's). The VHGS will be organized and addressed as three core areas: Central, East, and West (Figure 1). This document will amend the following EA's of the East VHGS area:

- 1) EA: Zenergy Operating Company, LLC, North Segment #6-5H to FBIR #13-24H Gathering Line, Van Hook Gathering System;
- 2) EA: Dakota-3 E&P Company, LLC, D-3 Owl Comes Out #7-1H, #7-2H & #7-3H and D-3 Stink Gun #7-1H, #7-2H, #7-3H & #7-4H

2.0 Authorities

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

3.0 Legal Land Descriptions of Proposed Action

The VHGS East traverses Fee and Tribal allotted lands located on the Sanish Peninsula of the FBIR in Mountrail and McLean counties of North Dakota. Tribal allotted lands affected by the proposed action are located in Sections 6 & 7, Township 150 North, Range 91 West and Sections 12 & 13, Township 150 North, Range 92 West.

4.0 Scope of Work for Proposed Action

The East VHGS, the North Segment 6-5H to FBIR 13-24H Gathering Line and the Owl Comes Out and Stink Guns well lateral connections, originally included approximately 2.4 miles of 8-inch polyethylene natural gas pipeline and 0.8 miles of 3-inch polyethylene natural gas lateral pipelines within a 100-foot right-of-way (ROW) for a total potential surface disturbance of up to 38.8 acres.

It was determined that additional ROW was needed to construct and maintain the East VHGS. Therefore an expanded ROW of 130 feet, with minor reroute(s) were re-evaluated on Tribal allotted lands in the East VHGS area for the purposes of this document (Figure 2). The length of the East VHGS ROW across Tribal allotted lands is now proposed to be approximately 18,420-feet (3.8 miles) for a total of 42.3 acres.

The proposed scope of work now includes installation of an oil gathering pipeline, produced water and fresh water pipelines, and a natural gas pipeline within the 130 foot ROW. Utilities, including electrical and fiber optic, will also be installed underground within the ROW. Freshwater is proposed to be delivered by connection to the Tribal rural water system as it is crossed at multiple locations along the VHGS route. Connections to existing gathering systems and well laterals will be made where the ROW's intersect with no additional disturbance outside of the evaluated area(s).

The ROW follows the previously approved ROW except in two areas. The first reroute was made to avoid a previously unidentified cultural resource site in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12. The route will now be directionally drilled under roadway (BIA 602) in Section 7 and connect to the lateral before heading west to an intermittent drainage. The drainage banks are steep and will be directionally drilled. Bore pits will be located on top of and setback from the bank slope to reduce potential erosion. The second reroute is a mitigation effort for a better drainage crossing alignment in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7 to reduce potential impact to drainage.

One additional lateral line from the west side of the Owl Comes Out well pad site will connect to the North Segment 6-5H to FBIR 13-24H Gathering Line approximately 2,992-feet (0.57 miles) to the west across a cultivated agricultural field.

5.0 Resource Surveys

The proposed route expansion and reroutes were "soft" staked and reviewed for consideration of topography, natural drainages, erosion control, flora, fauna, habitat, historical and cultural resources, and other surface impacts. Site-specific mitigation measures were discussed and incorporated into the final project design to minimize impacts to evaluated resources, as discussed below. D-3 retained Carlson McCain for the natural resource evaluation and environmental assessment preparation with SWCA Environmental Consultants (SWCA) conducting the cultural resource inventory, consisting of an archaeological Class I literature search and a Class III intensive cultural resources inventories.

5.1 Cultural Resource Surveys

SWCA conducted a Class I and Class III cultural resource inventory on behalf of D-3 E&P for a reroute to the proposed North Segment #6-5H gathering pipeline (Lechert, 2011d). The North Segment #6-5H gathering pipeline was previously surveyed by SWCA in 2010, and is discussed in A Class I and Class III Cultural Resource Inventory of the North Segment #6-5H

Gathering Pipeline, Fort Berthold Indian Reservation, McLean and Mountrail Counties, North Dakota (Schleicher and Reinhart. 2011).

Cultural resource inventories of the various segments of this pipeline system were conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. For the North Segment 6-5H portion of this project approximately 94.4 acres were inventoried between October 4 and November 15, 2010 (Lechert 2011), with an additional 2.32 acres being surveyed on August 17, 2011 (Schleicher 2011). For the Owl Comes Out/Stink Gun portion of the project approximately 73.9 acres were inventoried between August 29 and October 28, 2011 (Schleicher and Reinhart 2012). All told, ten archaeological sites were located, eight of which may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register, and two historic sites that are considered not eligible. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of no historic properties affected for this undertaking, as the potentially eligible sites will be avoided. This determination was communicated successively to the THPO on July 25, 2011, January 9, 2012 and January 10, 2012; however in no case did the THPO respond within the allotted 30 day comment period.

5.2 Natural Resource Surveys

Carlson-McCain conducted the natural resource evaluation of an approximate 300-foot-wide survey corridor along the approximate 3.8 mile route. On-site field surveys were performed August 29th and again on September 12th, 2011. Additional on-site field surveys were performed along the expanded ROW and reroutes along the North Segment 6-5H to FBIR 13-24H Gathering Line on October 6th and November 11th, 2011.

All original natural resource considerations, mitigation and commitments outlined in original EA were discussed at the on-site(s) and will be adhered to. Specific mitigation requirements such as pre-determined ROW access points, directional drilling and 24-hr open cut locations, and all standard BMP's such as installing silt fences and erosion fabric, mats or logs on slopes; construction of diversion ditches and/or water bars on steep slopes; and seeding, planting, and mulching and mixing during interim reclamation of ROW will be carried out.

As in the original EA isolated wetlands will be avoided. Perennial and intermittent streams were delineated and identified to be directionally drilled and ephemeral drains were either directed to be directionally drilled or limited to a 24-hr open-cut construction practice.

A ground survey for cliff, tree, and ground raptor nests was conducted within ½-mile of the proposed project ROW during the on-site reviews. No raptors or raptor nests were observed during the on-site review. The ROW was also surveyed for migratory bird species. The timing of the surveys was not within the typical nesting window and therefore may not be an accurate account of nesting species in the project area. Surface disturbance and installation of the multiple pipelines and buried utilities is anticipated to be done all at once. If portions of the

pipeline are to be constructed during the spring nesting season (February 1 - July 15) ground and/or aerial surveys for migratory birds (including raptors) and nests will be conducted within five days of construction. No additional T&E species effects were found during the expansion assessments that were not originally addressed in EA's. No additional impacts to natural resources will be incurred with the expansion and reroutes.

The additional pipeline construction may have a net reduced effect on migratory bird and raptor incidental take due to reduced truck traffic in the project area over the life of the oil field.

6.0 System Design

Pipelines and underground utilities will be installed within the expanded 130-foot ROW. ROW construction typicals are provided in Appendix A. The natural gas pipelines are polyethylene, 8 inches in diameter for trunk lines and 3 inches in diameter for well lateral connections. The proposed oil pipelines will be constructed of 8-10- inch diameter welded steel for trunk lines and 6-8 -inch diameter for well lateral connections. Produced water pipelines will consist of 4-8 inches in diameter polyethylene pipe. Fresh water delivery pipelines will also be polyethylene pipe, 4-6 inches in diameter.

Electrical and fiber optic utilities are planned to be installed underground at the time of pipeline installation. If utilities are not able to be installed at that time they may be buried at a later date by utilizing the spider-plow method. Spider-plowing has minimal impact to the ground surface and will be within the previously disturbed surface.

7.0 Construction Procedures

Construction procedures were detailed in the original EA's. Additional information not originally included within or any change of procedures is outlined below. The pipelines will be designed, assembled, and installed in accordance with U.S. Department of Transportation (DOT) regulations (DOT Title 49 CFR Parts 195 and 192) and other standards as applicable.

Natural gas and oil pipelines will be installed in one trench with produced water and fresh water pipelines installed in a separate trench. Trenches will be approximately 2.5 feet wide and will be placed 10-15 feet apart. All pipelines are installed at a minimum depth of six feet except as needed at road and stream crossings or as needed for safety considerations. Electrical and fiber optic utilities will be installed underground at the same time or at a later date by utilizing the spider-plow method. The access roads to the Stink Gun and Owl Comes Out pad sites, pipelines and utilities will be installed within the same 130 foot permanent ROW as depicted in Appendix A.

Pipeline materials will be staged at storage areas located on Fee lands to the west and the north of the project area, at existing oil/gas well sites and/or trucked directly to the construction ROW. County, state, private, BIA roads and field approaches used to access the ROW during

construction will be maintained in the same or better condition as existed prior to construction. The access roads and field approaches to the pipeline ROW depicted in Figure 5 were surveyed and cleared for use in previous EAs and at the on-site visits. No new roads will be constructed specifically for the installation of these pipelines. Off-road driving, other than within the ROW, will be strictly prohibited. Signs may be installed on approved access roads and will be used to identify roads where access is prohibited. Excessive rutting or other surface disturbing activities will be avoided or immediately repaired.

Directional drilling and 24-hr open cut drainage crossings were determined at on-site investigations and are identified in Table 1 and displayed in Figure 6. Locations of directional drilling pits were discussed at the on-sites in relation to topography and required setbacks. The setbacks and open cuts will be displayed in the construction design plats. Open cut trenches will be completed (closed) within a 24 hour period. BMP's will be employed to ensure minimal disturbance at all stream/drainage crossings.

Table 1. Directional Drill and 24hr Open-cut Locations

Location	Feature	Crossing Method
SW ¼, SW ¼, Section 6	Ephemeral drainage	24-hr Open Cut
NW ¼, NW¼, Section 7	Intermittent drainage	Directional Drill (~ 225')
NW ¼, SE¼, Section 7	BIA 602 gravel road	Directional Drill
NE ¼, SE ¼, Section 12	Intermittent drainage	Directional Drill (~ 150')
NW ¼, SE ¼, Section 12	Ephemeral drainage	24-hr Open Cut

8.0 Interim Reclamation

Reclamation will be continuous throughout the gathering systems lifespan. Reclamation is required within six months after the initial construction, after any maintenance work or addition of auxiliary infrastructure, and before final abandonment of the decommissioned system. Successful reclamation will remain the obligation and responsibility of the system operator.

Trenches will be backfilled immediately after pipe and utility installation and testing, waiting only if soils are overly wet or frozen. Appropriate temporary and long-term measures will be applied to disturbed areas to minimize and control erosion. Field practices will conform with prescribed Best Management Practices (BMP's) and may include:

- 1) installing silt fences and erosion fabric, mats or logs;
- 2) construction of ditches and/or water bars;
- 3) seeding, planting, mulching and creation of buffer strips; and
- 4) additional measures identified at onsite meetings by BIA and during construction to minimize erosion and soil loss.

When ditching is implemented with a trenching machine, the topsoil will first be stripped and stored on the far side of the spoil side of the right-of-way. Trenching will occur and the finer subsoil will be stored closest to the open ditch. Pipeline installation and subsoil backfilling will be performed as soon as possible dependent on weather conditions.

If construction occurs during winter months, this topsoil will likely contain chunks of frozen soil. If the topsoil is excessively frozen the topsoil will not be re-spread and appropriate BMP's along the entirety of the ROW will be implemented to reduce the potential for erosion as a result of spring snow melt. Topsoil redistribution and final grading will be done in the spring following complete frost thaw and required drying of the right-of-way. In areas where the spring thaw may cause surface water flowing along the ROW, surface breakers along with temporary surface matting may be implemented to further minimize erosion potential on slopes.

Re-contouring and reclamation of disturbed areas will be accomplished within 6-months after construction is completed, and no later than by the next appropriate planting season (fall or spring). After subsoil is scarified to alleviate compaction, the stockpiled topsoil will be redistributed over the ROW. Weather conditions will determine final reclamation timing.

The ROW on non-tilled land will be re-seeded with certified, weed-free seed mixtures established by BIA. Native species will be used to the extent possible and seeding and planting will comply with BIA directions to ensure successful reclamation.

The ROW will be monitored to identify areas of excessive erosion, subsidence, or invasion of noxious weeds. Periodic monitoring will be performed and repeated reclamation efforts will be undertaken in problem areas until BIA has certified the ROW as successfully reclaimed. Successful reclamation is defined by the BIA to include the following observable factors:

- 1) reproduction of seeded and re-established species;
- 2) natural invasion of plants from undisturbed adjacent communities; and
- 3) control or exclusion of noxious weeds.

The BIA has developed a weed management plan to facilitate the treatment of known and likely noxious/invasive weed species. If seeding is not successful within two growing seasons, BIA may require extra efforts to stabilize the site, such as matting the entire affected area, or using a mix of rapidly growing forbs and annual grasses, followed by reseeded with grasses, forbs, and shrubs with rapidly expanding, deep root systems.

9.0 Final Reclamation

Decommissioning of the pipeline will result in mandatory final reclamation of the ROW. All above-ground facilities would be removed. All disturbed areas would be reclaimed, reflecting the BIA's view of oil and gas exploration and production as temporary intrusions on the landscape. Due to economic costs and additional environmental disturbance associated with excavation and removal, pipelines will be purged with water to remove hydrocarbons, and then

abandoned in place. Long term monitoring will be required to ensure successful reclamation and implementation of any necessary remedial efforts.

10.0 Operations and Maintenance

Maintenance of pipelines and underground utilities will be confined to the 130-foot permanent ROW. Annual surveys of the pipeline system will be conducted to assure the pipeline integrity and cathodic protection system is functioning adequately. In the event of corrosion detection or a leak, replacement of system sections may be required. Loss of products or waste products may require excavation of contaminated soils and other remedial projects. Applicable regulations and practices, including immediately notifying BIA, will be implemented aggressively to minimize waste of resources and environmental damage.

11.0 Spill Response Plan

D-3 has developed an Emergency Spill Contingency Plan (Plan) for the VHGS. The spill preventative measures and monitoring protocols, notification procedures, spill detection and on-scene spill mitigation procedures, response activities, contacts, training and drill procedures, and response plan review and update procedures, as referenced in the Plan, apply to the proposed pipelines, so long as D-3 remains the operator. A copy of the Plan has been filed with the BIA and D-3 has legally committed to adhering to the procedures and requirements as defined by federal law (Title 49 Code of Federal Regulations [CFR] 194).

12.0 Pipeline Marking Procedures

D-3 will adhere to the requirements of 49 CFR 192.707 with regard to the marking of buried pipelines. Specifically, D-3 would place pipeline markers within 1,000 feet of one another, at all public road crossings, railroad crossings, creek crossings, fence crossings, and at all points of major direction change.

13.0 Quality Control/Quality Assurance Measures

D-3 would purchase steel pipe that is rated as API 5L X-42/52 and would inspect all pipe while at the mill to ensure quality. D-3 would ensure that external epoxy coating is applied to a minimum thickness of 14 millimeters. During construction, all welds are visually inspected for quality and completeness by qualified professionals. Once welds have passed visual inspection, 20 percent of the wells will be subjected to Non-Destructive Testing. After passing these tests, the weld areas are covered for corrosion protection. After the weld areas have been covered, the external coating of the pipe is inspected using a jeepmeter to detect holes and cracks. The pipe is lowered into the trench and buried. Prior to being put into service, the steel pipe is pressurized with air and tested to approximately 115% of the maximum design pressure of 720 pounds per square inch gauge (psig). A cathodic protection system will be installed on the steel pipe to protect against corrosion of the pipe.

The natural gas and produced water pipelines will be constructed with high density polyethylene pipe resin 4710. The polyethylene material is not subject to corrosion from

reaction with the water so no external or internal coating is required for water service. The produced water pipe is designed to sustain a maximum pressure of 255 psig and will bear pressure tested to approximately 115% of 255 psig prior to being approved for service. The natural gas pipe is designed to sustain a maximum pressure of 255 psig and will be air pressure tested to approximately 115% of 255 psig prior to being approved for service.

Annual surveys of the pipeline system will be conducted to assure the pipeline integrity and cathodic protection system is still functioning adequately.

14.0 Valve Locations

Above ground isolation valves will be constructed on each well pad site and at intervals of approximately 1-1.5 miles on new oil, gas and produced water pipelines (Figure 7). This will allow for sections to be isolated to minimize potential for large spills and also for repair or service of the lines. The valve locations are determined by permanent ROW accessibility and ability to quickly access the locations.

15.0 Applicable National Environmental Policy Act (NEPA) Document(s)

Environmental Assessment: Zenergy Operating Company, LLC, *North Segment #6-5H to FBIR #13-24H Gathering Line, Van Hook Gathering System*. Submitted August, 2011. Finding of No Significant Impact: Zenergy Operating Company, LLC, *North Segment #6-5H to FBIR #13-24H Gathering Line, Van Hook Gathering System*. Issued August 25, 2011.

Environmental Assessment: Dakota-3 E&P Company, LLC, *D-3 Owl Comes Out #7-1H, #7-2H & #7-3H and D-3 Stink Gun #7-1H, #7-2H, #7-3H & #7-4H*. Submitted September, 2011. Finding of No Significant Impact: Dakota-3 E&P Company, LLC, *D-3 Owl Comes Out #7-1H, #7-2H & #7-3H and D-3 Stink Gun #7-1H, #7-2H, #7-3H & #7-4H*. Issued September 26, 2011.

16.0 Other Relevant Documentation

Lechert, Stephanie. (2011c). *A Class I and Class III Cultural Resource Inventory of the North Segment #6-5H Gathering Pipeline, Fort Berthold Indian Reservation, McLean and Mountrail Counties, North Dakota*. Submitted to the Bureau of Indian Affairs-Great Plains Regional Office by SWCA Environmental Consultants, Bismarck, North Dakota.

Schleicher, Jolene and Damien Reinhart. 2011. *An Addendum to the Class I and Class III Cultural Resource Inventory of the North Segment #6-5H Gathering Pipeline, Fort Berthold Indian Reservation, McLean and Mountrail Counties, North Dakota*. Submitted to the Bureau of Indian Affairs-Great Plains Regional Office by SWCA Environmental Consultants, Bismarck, North Dakota.

Lechert, Stephanie. (2011a) *A Class I and Class III Cultural Resource Inventory of the Dakota-3 Owl Comes Out #7-1H, #7-2H and #7-3H Well Pad and Access Road on the Fort Berthold Indian Reservation, McLean County, North Dakota*. SWCA Environmental Consultants for Zenergy Operating Company, LLC, Tulsa, OK.

Lechert, Stephanie. (2011b) *A Class I and Class III Cultural Resource Inventory of the Dakota-3 Stink Gun #7-1H, #7-2H, #7-3H and #7-4H Mega Well Pad and Access Road on the Fort Berthold Indian Reservation, McLean County, North Dakota*. SWCA Environmental Consultants for Zenergy Operating Company, LLC, Tulsa, OK.

Schleicher, Jolene and Damien Reinhart. 2011. *A Class I and Class III Cultural Resources Inventory of the Stink Gun and Owl Comes Out Gathering Pipelines, Fort Berthold Indian Reservation, Mountrail and McLean Counties, North Dakota*. SWCA Environmental Consultants, Bismarck, North Dakota.

17.0 NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document(s), *Environmental Assessment: Zenergy Operating Company, LLC, North Segment #6-5H to FBIR #13-24H Gathering Line, Van Hook Gathering System.. Environmental Assessment: Dakota-3 E&P Company, LLC, D-3 Owl Comes Out #7-1H, #7-2H & #7-3H and D-3 Stink Gun #7-1H, #7-2H, #7-3H & #7-4H*, which adequately describes the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria:

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA document, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA document. The analysis is still valid in light of new studies or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.

Figure 1. Van Hook Gathering System (VHGS) - Overview



Figure 2. East VHGS Surface Ownership Map

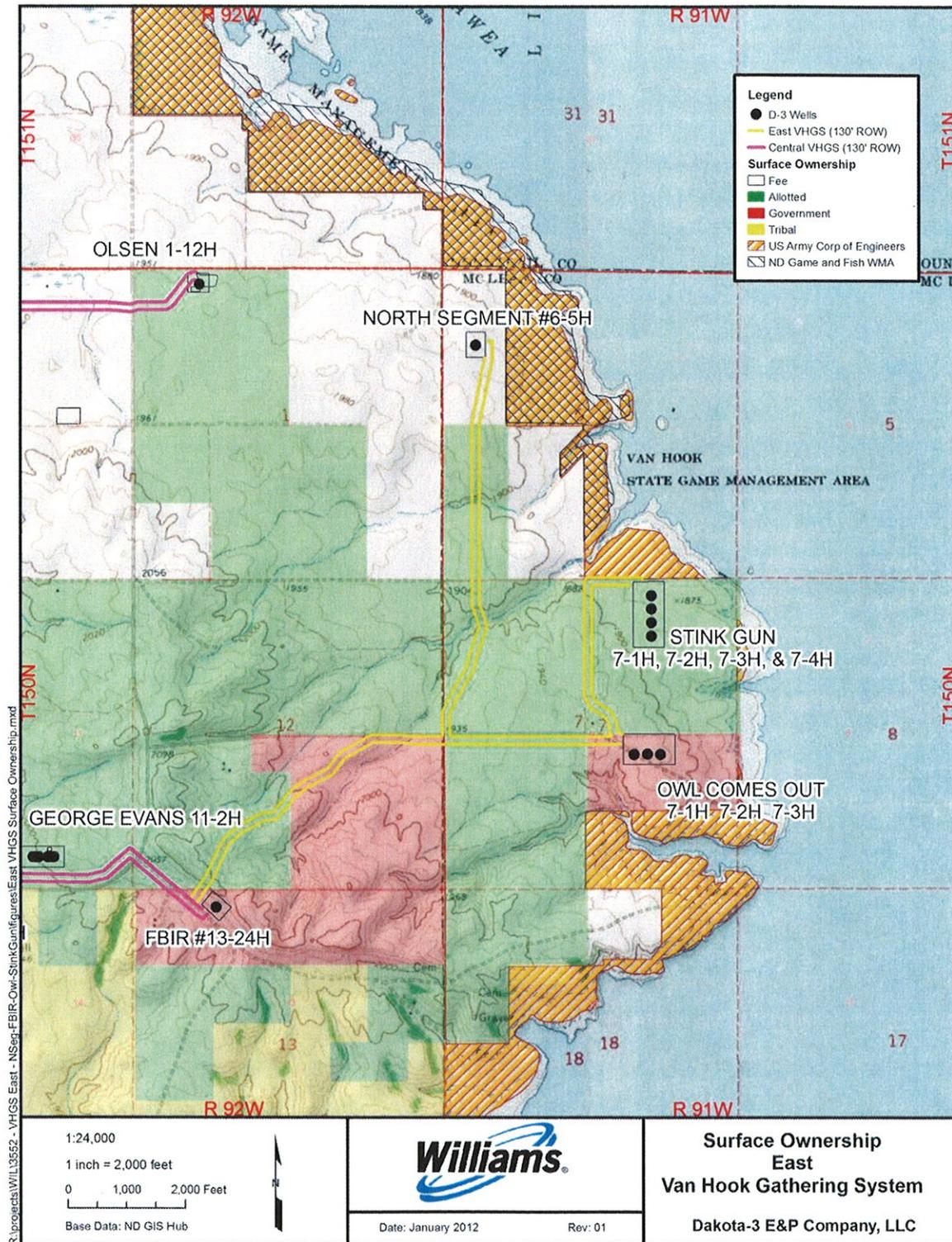


Figure 3. Photograph of intermittent stream crossing along BIA 602.
Photo taken looking west along the directional drill location towards the Owl Comes Out well pad



Figure 4. Photograph of Stink Gun ROW.
Photo taken looking north from intersection of BIA 602.

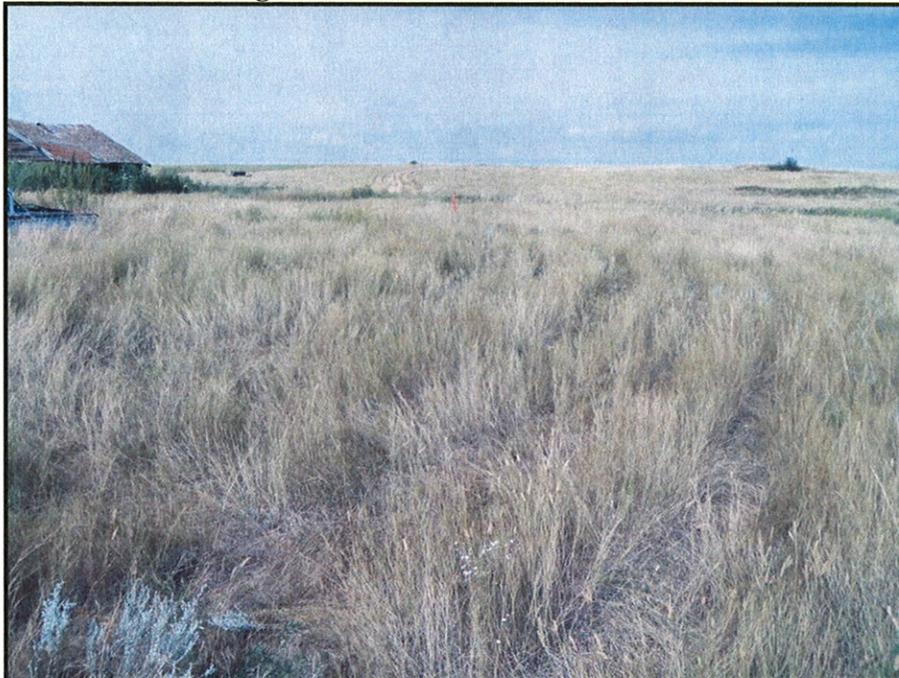


Figure 5. East VHGS -Access Roads

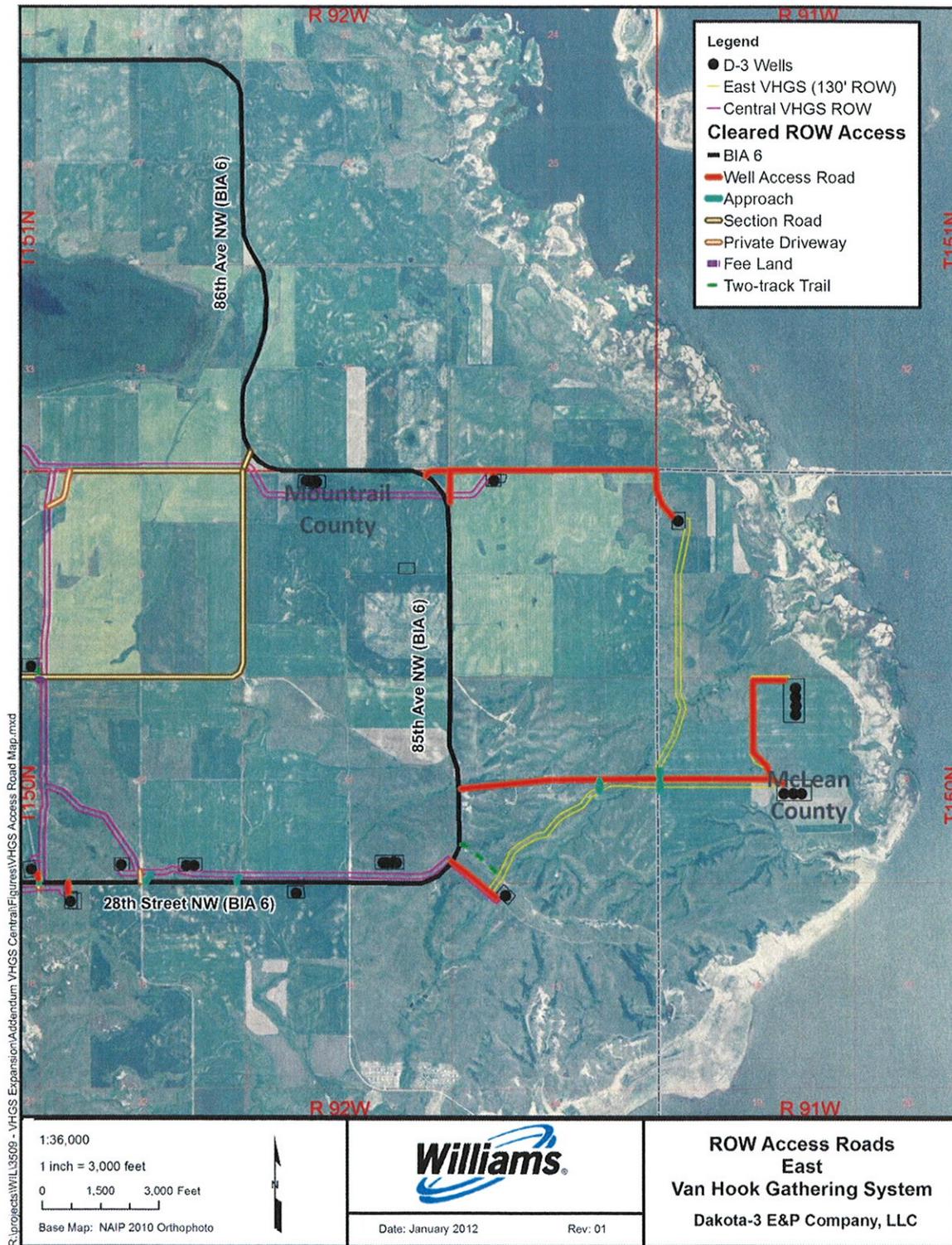


Figure 6. East VHGS – Directional Drill and 24-hr Open-Cut Locations

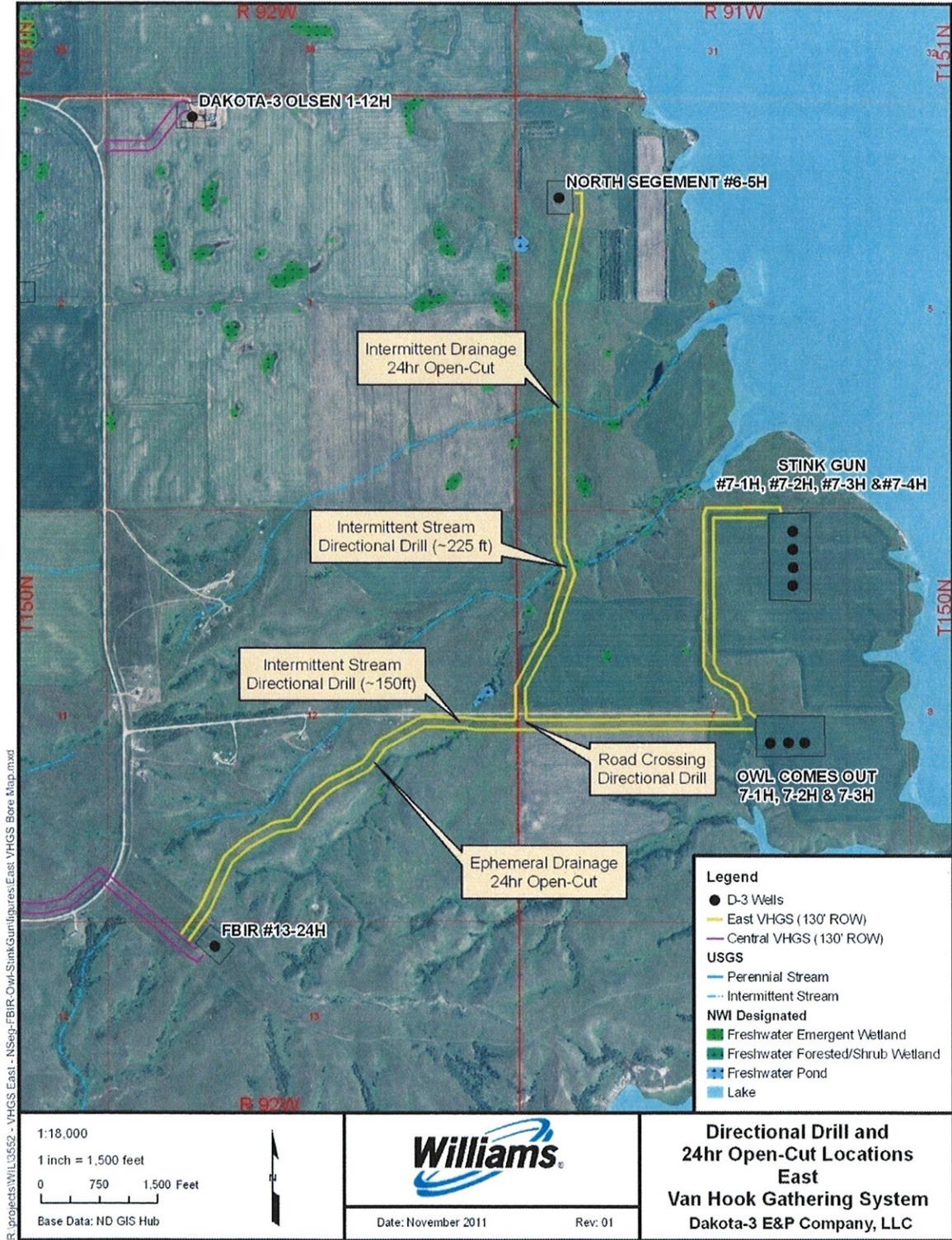
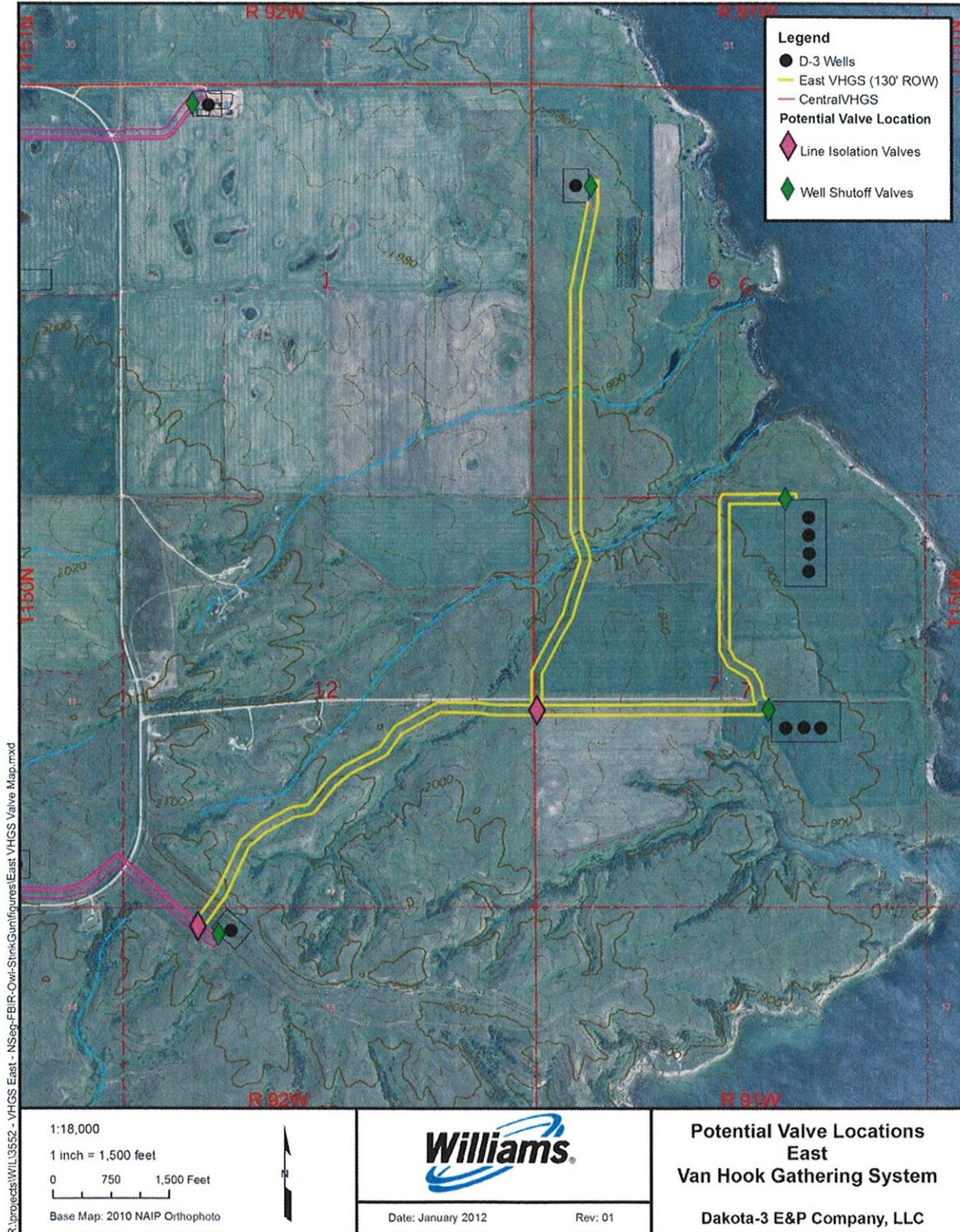


Figure 7. East VHGS -Potential Valve Locations





United States Department of the Interior

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Elgin Crows Breast, THPO
Mandan, Hidatsa and Arikara Nation
404 Frontage Road
New Town, North Dakota 58763

Dear Mr. Crows Breast:

We have considered the potential effects on cultural resources of a gathering pipeline in McLean and Mountrail Counties, North Dakota. Approximately 94.4 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. Seven archaeological sites (32MN886, 32MN887, 32MN888, 32MN889, 32MN890, 32MN891, 32MN892) were located which may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.4) for inclusion on the National Register of Historic Places. No properties were located that appear to qualify for protection under the American Indian Religious Freedom Act (42 USC 1996).

As the surface management agency, and as provided for in 36 CFR 800.5, we have therefore reached a determination of **no historic properties affected** for this undertaking, as the pipeline will be rerouted to avoid the archaeological sites. Catalogued as **BJA Case Number AAO-1948/FB/11**, the proposed undertaking, location, and project dimensions are described in the following report:

Lechert, Stephanie
(2011) A Class I and Class III Cultural Resources Inventory of the North Segment #6-5H Gathering Pipeline, Fort Berthold Indian Reservation, McLean and Mountrail Counties, North Dakota. SWCA Environmental Consultants for Dakota-3 E & P Company, LLC, Denver.

If your office concurs with this determination, consultation will be completed under the National Historic Preservation Act and its implementing regulations. We will adhere to the Standard Conditions of Compliance.

If you have any questions, please contact Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

Sincerely,

Regional Director

Enclosure

cc: Chairman, Three Affiliated Tribes
Superintendent, Fort Berthold Agency



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

JAN 09 2012

Elgin Crows Breast, THPO
Mandan, Hidatsa and Arikara Nation
404 Frontage Road
New Town, North Dakota 58763

Dear Mr. Crows Breast:

We have considered the potential effects on cultural resources of four oil well pads and a gathering line reroute in Dunn, McKenzie, McLean and Mountrail Counties, North Dakota. Approximately 326.91 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the areas depicted in the enclosed reports. One previously recorded archaeological site (32MZ2017) was revisited and three archaeological sites (32MZ2274, 32DU1676, 32DU1677) were located which may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.4) for inclusion on the National Register of Historic Places. No properties were located that appear to qualify for protection under the American Indian Religious Freedom Act (42 USC 1996).

As the surface management agency, and as provided for in 36 CFR 800.5, we have reached a determination of **no historic properties affected** for these undertakings, as the archaeological sites will be fenced out and avoided. Catalogued as **BIA Case Number AAO-2024/FB/12**, the proposed undertakings, locations, and project dimensions are described in the following reports:

Herson, Chandler S., and Damien S. Reinhart

(2011) A Class I and Class III Cultural Resource Inventory of the Corn Stalk #20H Well Pad and Utility Corridor, Fort Berthold Indian Reservation, McKenzie County, North Dakota. SWCA Environmental Consultants for Dakota-3 E & P Company, LLC, Denver.

Herson, Chandler S., Damien Reinhart and Andrew Lantz

(2011) A Class I and Class III Cultural Resource Inventory of the Brunsell #16-9H Well Pad Expansion and Gathering Pipeline, Fort Berthold Indian Reservation, Mountrail County, North Dakota. SWCA Environmental Consultants for Dakota-3 E & P Company, LLC, Denver.

Reinhart, Damien

(2011) A Class I and Class III Cultural Resource Inventory of the Tri-Unit Production Pad, Utility Corridor and Gathering Pipeline, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for Dakota-3 E&P Company, LLC, Denver.

Schleicher, Jolene

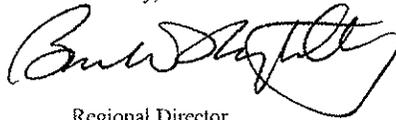
(2011) An Addendum to the Class I and Class III Cultural Resource Inventory of the North Segment #6-5H Gathering Pipeline, Fort Berthold Indian Reservation, McLean and Mountrail Counties, North Dakota. SWCA Environmental Consultants for Dakota-3 E&P Company, LLC, Denver.

Sherman, Martin H., and Damien S. Reinhart
(2011) A Class I and Class III Cultural Resource Inventory of the Edward Goodbird #9-9H Well Pad
and Utility Corridor, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA
Environmental Consultants for Dakota-3 E & P Company, LLC, Denver.

If your office concurs with this determination, consultation will be completed under the National Historic
Preservation Act and its implementing regulations. We will adhere to the Standard Conditions of
Compliance.

If you have any questions, please contact Dr. Carson N. Murdy, Regional Archaeologist,
at (605) 226-7656.

Sincerely,



Regional Director

Enclosures

cc: Chairman, Three Affiliated Tribes
Superintendent, Fort Berthold Agency



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

JAN 10 2012

Elgin Crows Breast, THPO
Mandan, Hidatsa and Arikara Nation
404 Frontage Road
New Town, North Dakota 58763

Dear Mr. Crows Breast:

We have considered the potential effects on cultural resources of gathering lines in Mountrail and McLean Counties, North Dakota. Approximately 73.9 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. One archaeological site (32ML1243) was located but which does not appear to possess the quality of integrity and meet at least one of the criteria (36 CFR 60.4) for inclusion on the National Register of Historic Places. No properties were located that appear to qualify for protection under the American Indian Religious Freedom Act (42 USC 1996).

As the surface management agency, and as provided for in 36 CFR 800.5, we have therefore reached a determination of **no historic properties affected** for this undertaking. Catalogued as **BIA Case Number AAO-2054/FB/12**, the proposed undertaking, location, and project dimensions are described in the following report:

Schleicher, Jolene, and Damien Reinhart
(2012) A Class I and Class III Cultural Resources Inventory of the Stink Gun and Owl Comes Out Gathering Pipelines, Fort Berthold Indian Reservation, Mountrail and McLean Counties, North Dakota. SWCA Environmental Consultants for Dakota-3 E&P Company, LLC, Denver.

If your office concurs with this determination, consultation will be completed under the National Historic Preservation Act and its implementing regulations. We will adhere to the Standard Conditions of Compliance.

If you have any questions, please contact Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

Sincerely,

ACTING Regional Director

Enclosure

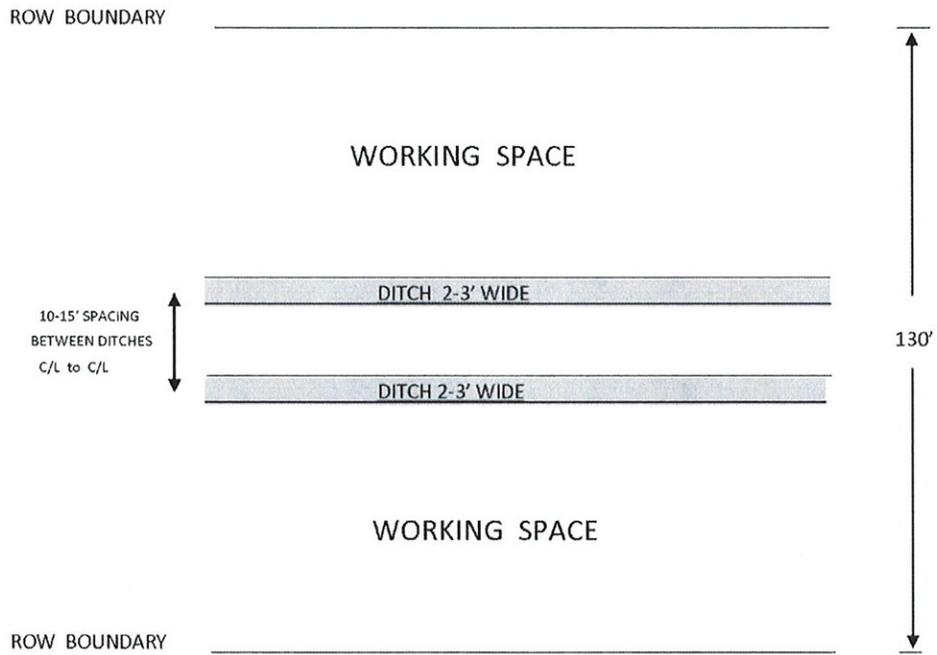
cc: Chairman, Three Affiliated Tribes
Superintendent, Fort Berthold Agency

APPENDIX A

VHGS Right-of-Way Construction Typical

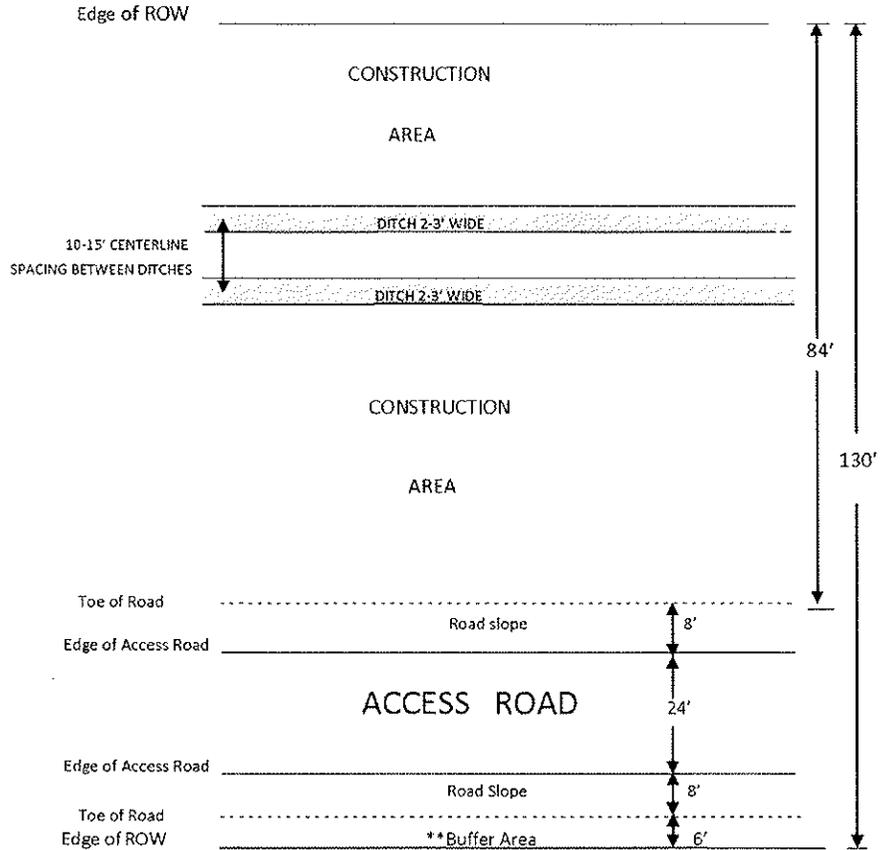
RIGHT-OF-WAY TYPICAL

PROPOSED VAN HOOK GATHERING
NO ACCESS ROAD
NO EXISTING PIPELINE



RIGHT-OF-WAY TYPICAL

PROPOSED VAN HOOK GATHERING WITH ACCESS ROAD



NOTE: Placement of pipelines within the construction area is contingent upon line sizes and product.
This layout assumes minimal width elevation change; when cuts are greater, additional road slope area will be required.

**Buffer area allows for erosion control measures, plowed snow accumulation, and possible electrical installation.

This Typical is not drawn to scale.

Notice of Availability and Appeal Rights

Dakota-3 E&P: Addendum to Environmental Assessment(s) to Authorize
Right-of-Way Expansion and Reroute to the
East Van Hook Gathering System

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Authorize Land Use for the Right-of-Way Expansion and Reroute on the East Van Hook Gathering System on the Fort Berthold Reservation as shown on the attached map. Construction by Dakota-3 E&P Resources is expected to begin in 2012.

An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until March 13, 2012, by contacting:

United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 N. Quincy Street, Suite 300, Arlington, Va 22203.

Procedural details are available from the BIA Fort Berthold Agency at 701-627-4707.

Project locations.



R:\projects\WIL3509 - VHGS Expansion\Addendum_VHGS_Central\Figures\VHGS_Overview_Map.mxd