



United States Department of the Interior

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



IN REPLY REFER TO:
DESCRM
MC-208

OCT 01 2010

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: 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, for the proposed Addendum to the Saddle Butte Pipeline Environmental Assessment to authorize land use for additional Right-of-Way on the Fort Berthold Reservation, an Environmental Assessment (EA) has been completed and a Finding of No Significant Impact (FONSI) has been issued.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the EA, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the FONSI (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: Marcus Levings, Chairman, Three Affiliated Tribes (with attachment)
Perry "No Tears" Brady, THPO (with attachment)
Roy Swalling, BLM, Dickenson, ND (with attachment)
John Shelman, US Army Corps of Engineers
Jeff Hunt, Virtual One Stop Shop
Jeffrey Towner, Field Supervisor, U.S. Fish and Wildlife Service

ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

**Great Plains Regional Office
Aberdeen, South Dakota**



Saddle Butte Pipeline, LLC

**Addendum to:
Saddle Butte Pipeline, LLC August 2010 Environmental Assessment
for Approval of Saddle Butte Trunk Lines**

Fort Berthold Indian Reservation

September 2010

For information contact:
Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources
115 4th Avenue SE
Aberdeen, South Dakota 57401
605-226-7656

Finding of No Significant Impact

Saddle Butte Pipeline, LLC (SBP)

Addendum to: Saddle Butte, LLC August 2010 Environmental Assessment for Approval of Saddle Butte Trunk Lines

Fort Berthold Indian Reservation

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to authorize the expansion of a right-of-way corridor from 60 feet to 100 feet for construction of approximately 28 miles of natural gas and oil pipelines in Dunn and McKenzie Counties, North Dakota, on the Fort Berthold Reservation. Associated federal actions by BIA include determinations of effect regarding environmental resources for developments on Tribal lands.

The potential of the proposed action to impact the human environment is analyzed in the attached addendum to an existing Environmental Assessment (EA), as required by the National Environmental Policy Act (NEPA). 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 action 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.) (MBTA), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).
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

10/1/10
Date

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1. Purpose and Need for the Proposed Action

Saddle Butte Pipeline, LLC (SBP) proposes to construct approximately 28 miles of natural gas and oil pipelines within a 100-foot corridor in Dunn and McKenzie Counties, North Dakota, on the Fort Berthold Indian Reservation. These pipelines are proposed to connect the existing Red Tipped Arrow pipeline¹ and the Burr-Voigt Connection pipeline² and provide infrastructure to collect oil and gas from approximately 30 to 250 well sites operated by local producers. ***Please refer to Exhibit 1, Project Location Map.***

The proposed pipelines would be located on tribal lands. All construction activities would take place along a pipeline alignment that has achieved a Finding of No Significant Impact (FONSI) approval under the National Environmental Policy Act (NEPA) of 1969, as amended.

2. Authorities

Activities associated with oil and gas exploration and development are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 USC [United States Code] 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. Legal Land Description of Proposed Action

The proposed natural gas and oil pipelines would be located in Dunn and McKenzie Counties, North Dakota, in the following location:

- T147N, R93W, Sections 6 and 7
- T148N, R93W, Section 31 and 32
- T148N, R94W, Sections 2, 7, 8, 11, 13, 14, 16, 17, 24, and 25
- T148N, R95W, Sections 1 and 12
- T149N, R93W, Sections 18, 19, 30, and 31
- T149N, R94W, Sections 1, 12, 13, 31–33
- T149N, R95W, Sections 25 and 36
- T150N, R94W, Sections 26, 27, and 33–36

Please refer to Exhibit 1, Project Location Map.

¹ *Red Tipped Arrow 33-11H Well Site to Bear Paw Energy Connection Environmental Assessment/Finding of No Significant Impact* (January 2010)

² *Burr-Voigt Connection Environmental Assessment/Finding of No Significant Impact* (September 2009)

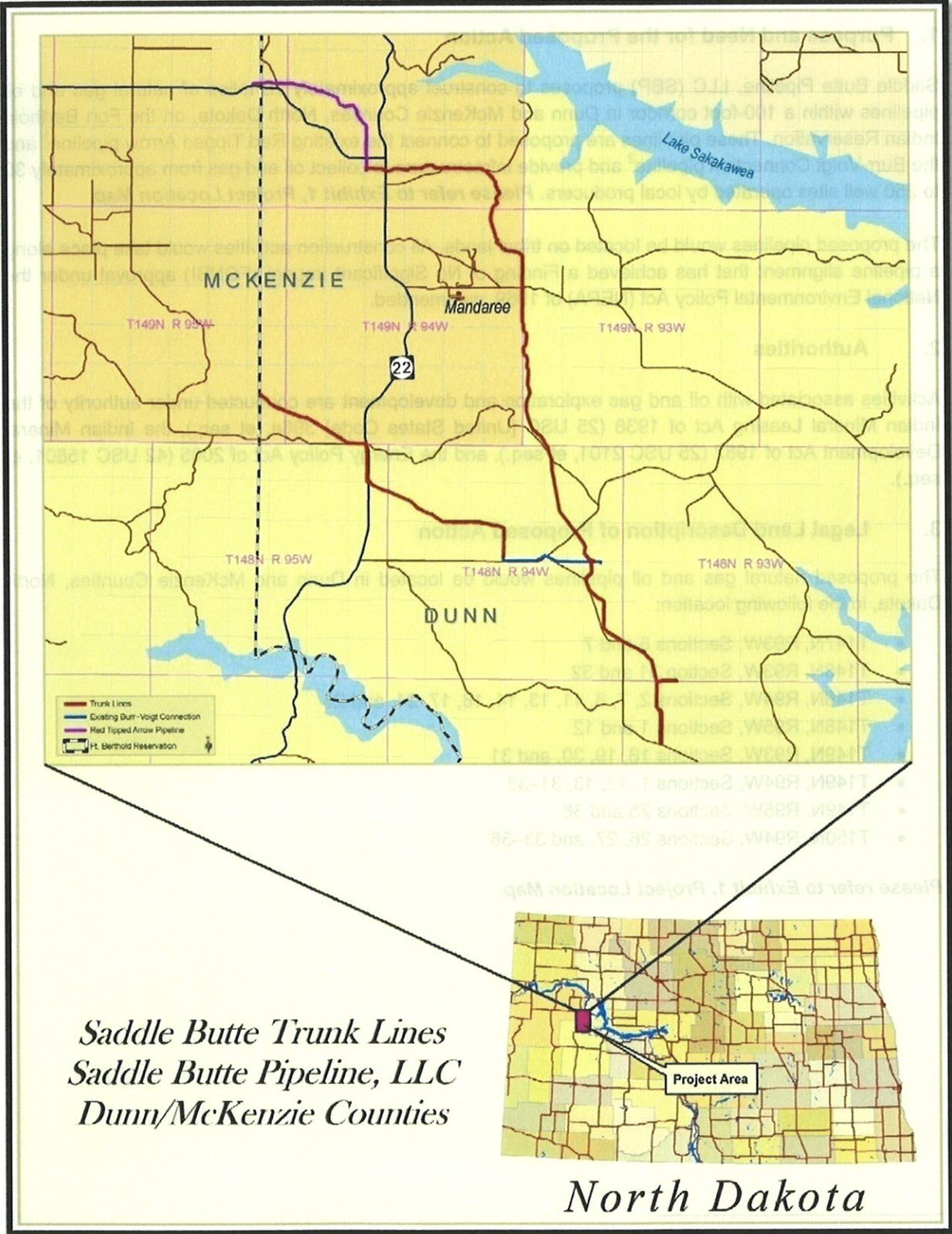


Exhibit 1: Project Location Map

4. Scope of Work for Proposed Action

Twenty eight miles of natural gas and oil pipelines were approved in a FONSI for the Saddle Butte Trunk Lines Project on September 9, 2010. Since that time, the right-of-way (ROW) required for the pipelines has been expanded. The Environmental Assessment (EA)/FONSI stated that the one 12-inch nominal diameter or smaller natural gas pipeline, one 10-inch diameter or smaller crude oil pipeline, and one 4-inch nominal diameter or smaller gas line pipeline would be constructed within a 60-foot corridor. Due to construction requirements for directional drilling and other construction activities, the project corridor has been expanded to 100-feet wide. Construction of the gas and oil lines are expected to take 8 weeks or less and would be confined within a 100-foot wide ROW, including 50 feet of temporary easements, adjacent to the proposed line as shown in **Exhibit 1, Project Location Map on page 2.**

Installation of the pipelines may require clearing and grading of 30 to 100-foot wide sections at locations within the ROW along the entire pipeline corridor. Every effort would be made to minimize surface disturbance during the construction process. Topsoil would be separated and stockpiled along either side of any disturbed cross section to be used for prompt reseeding and reclamation of the disturbed area. Continued use of pasture and livestock grazing areas would be maintained during construction via use of temporary fencing or cattle guards when crossing land with livestock present and temporary crossings, as needed. Trenches would be excavated to a depth sufficient to maintain a minimum of 48 inches of ground coverage over the pipeline. Coverage would be increased to 72 inches of burial depth at roadway crossings and at any driveway crossings. **Typical ROW cross section is as shown in Exhibit 2.** It is understood that other utilities, including phone and water pipelines, are also present in the immediate area.

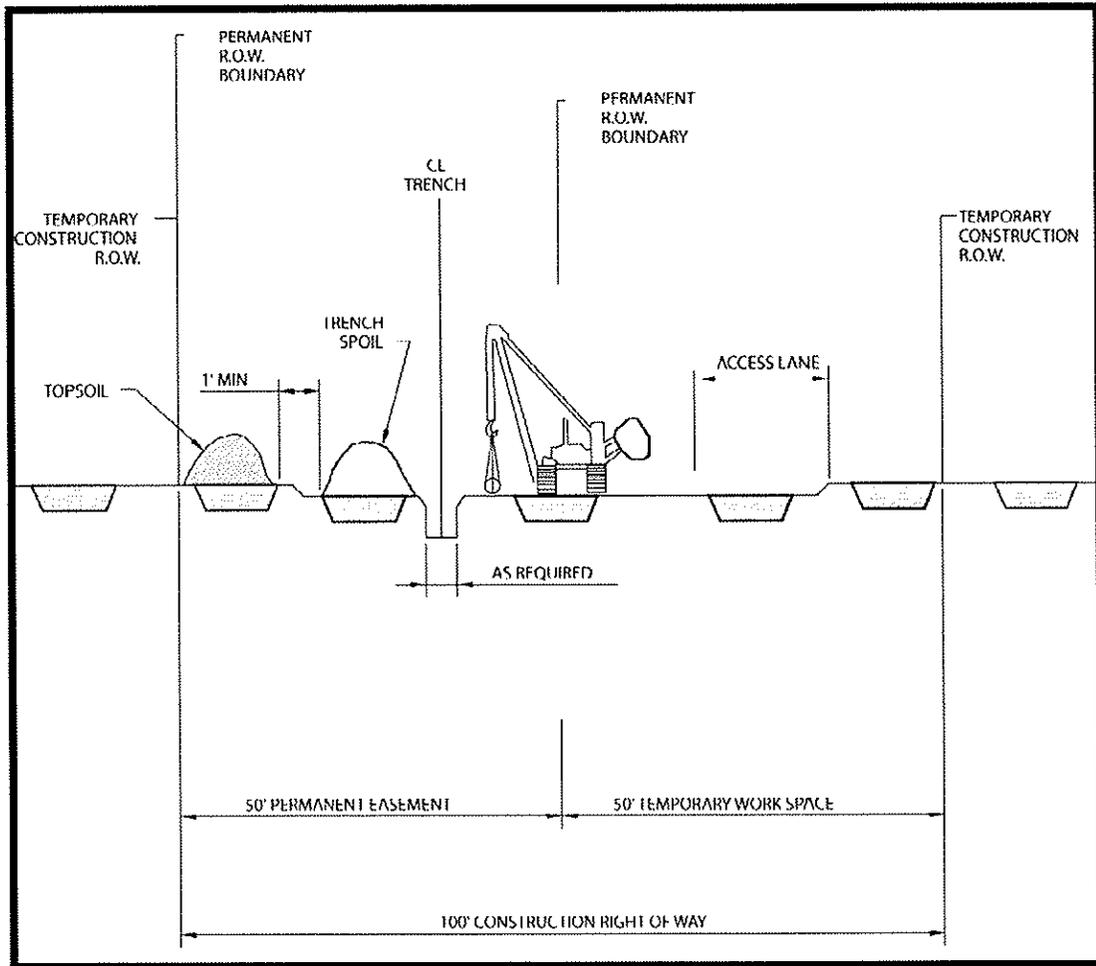


Exhibit 2: Typical ROW Cross Section

5. Applicable National Environmental Policy Act (NEPA) Documents

Environmental Assessment: *Saddle Butte Pipeline, LLC August 2010 Environmental Assessment for Approval of Saddle Butte Trunk Lines.*

- FONSI issued September 9, 2010

6. Assessment of Environmental Impacts

The following discussion addresses environmental and social impacts as a result of the expansion of the project corridor width. Impacts are only discussed if the expansion of the project corridor has changed the impact assessment reflected in the August 2010 EA or to note why the impact assessment has not changed.

A. Climate/Geologic Setting/Land Use Impacts

The proposed project area is located within a predominately rural area; land use consists primarily of grassland (86%). The proposed project would temporarily convert approximately 353.7 acres of land from its existing use into a pipeline corridor. ***Please refer to Table 1, Land Use.*** The pipelines would be buried

underground and the majority of land uses would be able to resume following construction and reclamation activities. Some activities, such as those associated with developed lands, may be restricted within the permanent 50-foot right-of-way. No mitigation is proposed.

Table 1: Land Use

Land Classification	Percent of Study Area	Impacted Acres
Cultivated	2.7	9.5
Developed/Roadways	3.3	11.6
Grassland	86.4	305.4
Shrubland	0.6	2.2
Wetland	0.2	0.7
Woodland	6.8	24.3

B. Wetlands, Wildlife, and Vegetation

On-site assessments were conducted on October 21, 2009, June 2, 2010, and July 20, 2010, with the BIA Environmental Protection Specialist, SBP, BIA Tribal Historic Preservation Office (THPO), Beaver Creek Archaeology and Kadrmass, Lee & Jackson present at various stages of the surveys. The purpose of these surveys was to gather site-specific data and photos with regards to biological, botanical, soil, and water resources. A 100-foot corridor centered on pipeline center point was evaluated during these visits. The pipeline corridor was adjusted, as appropriate, to best avoid impacts to any identified environmental areas of concern. During the field surveys, 15 wetlands were identified.

i. Wetlands

As identified in the August 2010 EA, nine wetlands would be trenched due to the small size of the wetlands and ability to limit the impact to a minimal disturbance area. The crossing (trenching) of identified wetlands during the proposed construction is to be conducted in a manner which causes minimal disturbance with no fill being placed within the wetland basins, along with immediate reclamation of the site. Minimal disturbance is anticipated to be a 10-foot wide impact area. As a result, the proposed project would result in approximately 0.15 acres of temporary wetland impacts. The expansion of the project corridor from 60 feet to 100 feet does not alter the wetland impact assessment because the wetland impacts disclosed in the August 2010 EA were assessed based on a minimal disturbance area of 10 feet.

C. Cultural Resources

Class I literature reviews of sites within one mile of the proposed project corridor revealed 40 previous Class III pedestrian surveys completed and 141 previously recorded sites and/or site leads/isolated finds. The Area of Potential Effect (APE) was identified as 100 feet centered on the proposed pipeline route. Beaver Creek Archaeology conducted Class III pedestrian surveys of the APE. During the field visits, 10 additional avoidance areas were identified.

Because the APE was determined to be a 100-foot area centered on the proposed pipeline route, and the pipelines have been sited within the APE to avoid cultural resources, the analysis remains unchanged from the August 2010 EA. The proposed pipelines have been positioned to avoid impacts to cultural resources with the exception of one previously recorded site. This site has been unevaluated for listing

and will be tested prior to construction activity to determine eligibility for listing. A determination of effect is pending from BIA. If cultural resources are discovered during construction or operation, work shall immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work shall not resume until written authorization to proceed has been received from the BIA. All project workers are prohibited from collecting artifacts or disturbing cultural resources in any area under any circumstances.

7. NEPA Adequacy Criteria

This document has identified one previously prepared NEPA document, *Saddle Butte Pipeline, LLC August 2010 Environmental Assessment for Approval of Saddle Butte Trunk Lines*, 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 sites 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 and/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 is unchanged from those identified in the existing NEPA document or described in this EA Addendum.
6. The cumulative impacts that would result from implementation of the proposed action is 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.

Notice of Availability and Appeal Rights

Saddle Butte Pipeline: Saddle Butte Pipeline Lines Addendum

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to the Saddle Butte Pipeline Environmental Assessment to Authorize Land Use to expand Right-of-Way for 28 miles of Oil and Gas Gathering Pipelines as shown on the attached map. Construction by Saddle Butte Pipeline is expected to begin in the Fall of 2010.

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 Howard Bemer, 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 November 1, 2010, 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

