



# 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

NOV 01 2011

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: <sup>Acting</sup> Regional Director, Great Plains Region

SUBJECT: Environmental Assessment and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Environmental Assessment has been completed and a Finding of No Significant Impact (FONSI) has been issued. The environmental assessment authorizes land to authorize a well pad expansion and access road and utility corridor re-route for the Hall #5-11H well pad 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 FONSI (40 C.F.R. Part 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)  
Joey Sheeley, SWCA (with attachment)  
Jonathon Shelman, Corps of Engineer  
Jeff Hunt, Fort Berthold Agency

## Finding of No Significant Impact

### Enerplus Resources (USA) Corporation

#### Addendum to Environmental Assessment to Authorize a Well Pad Expansion and Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad Fort Berthold Indian Reservation

#### McKenzie County, North Dakota

The U.S. Bureau of Indian Affairs (BIA) has received a proposal to Authorize a Well Pad Expansion and Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad Fort Berthold Indian Reservation in McKenzie County, North Dakota. Associated federal actions by BIA include determinations of effect regarding cultural resources, approvals of leases, rights-of-way and easements, and a positive recommendation to the Bureau of Land Management regarding the Applications for Permit to Drill.

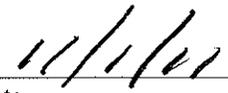
Potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will 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 was solicited and environmental issues related to the proposal were identified.
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, archeological, cultural and traditional properties, sites and practices. The Tribal Historic Preservation Officer has concurred with BIA's determination that no historic properties will be affected.
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.

Acting

  
Regional Director

  
Date

**ENVIRONMENTAL ASSESSMENT  
Addendum**

**United States Bureau of Indian Affairs**

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



**Enerplus Resources (USA) Corp.**

**Addendum to Environmental Assessment to Authorize a Well Pad Expansion and  
Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad**

**Fort Berthold Indian Reservation**

**October 2011**

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

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
1. Purpose and Need for the Proposed Action .....	1
2. Authorities.....	1
3. Legal Land Description for Proposed Action .....	1
4. Scope of Work for Proposed Action .....	1
5. Cultural and Natural Resources Surveys.....	2
6. Potential Effects .....	2
7. Pipeline/Gathering Line and Well Pad Reclamation Information .....	3
8. Applicable National Environmental Policy Act (NEPA) Document(s).....	8
9. Other Relevant Documentation.....	8
10. NEPA Adequacy Criteria.....	9

**LIST OF FIGURES**

<b><u>Figure</u></b>	<b><u>Page</u></b>
1 Originally approved project layout. ....	10
2 Currently proposed project layout.....	11

**LIST OF APPENDICES**

**Appendix**

- A Plats, Drawings, and Diagrams for the Revised Hall #5-11H Well Pad and Access Road and Utility Corridor

## **1. Purpose and Need for the Proposed Action**

The purpose of the proposed action is to authorize Enerplus Resources (USA) Corp. (Enerplus) to re-route the access road and expand and shift the well pad at the Hall #5-11H location to avoid a cultural resource site.

## **2. 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. Legal Land Description for Proposed Action**

The Hall #5-11H well pad is located in the NWNW of Section 5, Township (T) 150 North (N), Range (R) 94 West (W). The revised access and utility corridor route travels south-southwest approximately 1.37 miles after exiting Bureau of Indian Affairs (BIA) Road 4 in the NENW of Section 32, T151N, R94W to the well pad in the NWNW of Section 5, T150N, R94W (Appendix A).

## **4. Scope of Work for Proposed Action**

Enerplus proposes to shift the original pad to the east, remaining anchored on the northwest corner, and to expand the pad. The pad shift is necessary to avoid a cultural resource site inadvertently included within the original pad boundary. The site was discovered during the on-site survey conducted on June 23, 2011, to re-route the access road and utility corridor. In May 2011, a Categorical Exclusion request was completed, requesting authorization to add four wells to the pad, under the condition that no additional disturbance would occur. However, when the pad was shifted, the topography also changed and it became evident that additional area would be needed to accommodate the additional wells. The original pad would have resulted in a total disturbance area of 4.95 acres (fenced area of loss not included in the original analysis). The revised pad will be expanded by 20 feet by 200 feet, increasing the disturbance acreage to 6.43 acres. Including the fenced area around the pad, the total area of loss would be 10.5 acres.

Enerplus further proposes to relocate the access road. The original Hall 5-11H access road originally traveled southwest approximately 1.22 miles after exiting Highway 22 in the SENE of Section 32, T151N, R94W. Due to landowner objections, Enerplus has rerouted the access road; the proposed access road is slightly longer (0.15 mile) and, due to topography issues along most of the road length, has been widened to accommodate construction equipment and methods (Appendix A). Disturbance acres will increase 8.8 acres from 14.8 acres to 23.6 acres. The oil, gas, and water pipelines would be buried in either two 2.5-foot-wide trenches, spaced 5.0 feet apart, or one 5.0-foot-wide trench. Oil and gas pipelines would not exceed 12 inches in diameter and would be constructed of steel. Water pipelines would not exceed 12 inches in diameter and would be constructed of Fiberspar<sup>®</sup> or similar material. Figures 1 and 2

at the end of this addendum illustrate the originally proposed project layout and the currently proposed layout, respectively.

## **5. Cultural and Natural Resources Surveys**

SWCA Environmental Consultants (SWCA) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands at the location on August 27, 2008. No primary or secondary indications of protected species occurrences were observed during the field surveys.

A cultural resource inventory of this well pad expansion was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 54.5 acres were inventoried on June 23, 2011 (Kohler 2011). One archaeological site was revisited that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. 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 archaeological site will be avoided. This determination was communicated to the THPO on September 22, 2011; however the THPO did not respond within the allotted 30 day comment period

Kohler, Todd: (2011) A Class I and Class III Cultural Resources Inventory for the Hall #5-11H Well Pad and Access Road, Fort Berthold Indian Reservation, McKenzie County, North Dakota. SWCA Environmental Consultants for Enerplus Resources, Denver.

SWCA conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands at the location on June 23, 2011. No protected species or their habitats were observed within the project area.

## **6. Potential Effects**

Potential impacts to cultural resource sites could occur as a result of direct disturbance and/or the destruction of sites eligible for the National Register of Historic Places. However, potential impacts as a result of the proposed action were mitigated via field survey and subsequent avoidance of any eligible cultural resource sites within the proposed ROW.

Potential impacts to natural resources may include the loss of native vegetation and wildlife habitats, soil removal and mixing, erosion during construction, and the introduction of weeds. Impacts would be mitigated through avoidance of any federally listed threatened or endangered species or wetlands, avoidance of nesting migratory birds, and implementation of best management practices to control erosion and the introduction of noxious weeds. These mitigation measures are consistent with the approved National Environmental Policy Act (NEPA) document, which received a finding of no significant impact (FONSI) (October 2008).

Based on the resource surveys, evaluation of potential effects and mitigation measures, and consistency with the applicable NEPA document, no new, significant direct, indirect, or cumulative impacts to natural and cultural resources are anticipated as a result of the proposed changes in this addendum.

## **7. Pipeline/Gathering Line and Well Pad Reclamation Information**

### **Reclamation and Stabilization**

The purpose of this section is to describe the methods for topsoil replacement, reseeding, erosion control, and monitoring in order to ensure reclamation success. All disturbed areas would be reclaimed and reseeded immediately following construction. The construction contractor, according to specifications outlined in this document, would restore all lands disturbed by that contractor including, but not limited to, ROWs, well pads, construction yards, temporary work spaces, ancillary facilities, and staging areas. Enerplus would recontour the disturbed areas and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land and in the ROW. Enerplus would also restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient. Loose soil, fill, and culverts would be removed from drainage channels as directed by the authorized officer.

Enerplus would measure the success of the reclamation by monitoring site stabilization and percentage of revegetation. By maintaining vegetative cover, “the interactive process between the soil and the plant are sufficient to cope with erosive forces” (Lal 1998<sup>1</sup>) and recent research has suggested that soil with “30% total cover provided adequate erosion protection” (Linse et al. 2001<sup>2</sup>). Enerplus would measure the success of its short-term reclamation goals by establishing a minimum of 30% vegetation cover and ensuring that no gullies or rills would occur. Final stabilization would be achieved when all surface-disturbing activities are completed and a uniform perennial native vegetative cover with a density of 70% has been established on all disturbed areas not covered by permanent structures. The success of reclamation goals would be monitored for the life of the pipeline.

Work sites would be restored using excess materials, vegetation, and topsoil stockpiled for that purpose. The contractor would dispose of excess soil materials, rock, and other objectionable materials that cannot be used in restoration work, at an approved landfill. All topsoil material stockpiled after construction of well pads, and following interim reclamation, would be immediately placed in windrows no higher than 2 to 4 feet, seeded with a certified weed-free annual ryegrass at a rate of 10 pounds per acre, and covered with fiber matting to prevent erosion and maintain soil fertility.

---

<sup>1</sup> Lal, Ratan. 1988. Soil Erosion Research Methods. American Society of Agronomy 1988:164–165.

<sup>2</sup> Linse, S.J., D.E. Mergen, J.L. Smith, and M.J. Trlica. 2001. Upland erosion under a simulated most damaging storm. *Journal of Range Management* 54 (2001):356–361.

## **Interim Reclamation**

### Well Pad

Rat and mouse holes would be backfilled and compacted, from bottom to top, immediately following release of the completion rig from the location. All disturbed lands associated with this project, including the well location and access road, would be expediently reclaimed and reseeded. Disturbed lands would be reshaped to the approximate original contour of the adjacent undisturbed surface. After the well is drilled, the location would be reduced in size to create a smaller location footprint.

The freshwater cuttings pit would be closed and recontoured as soon as it is dry, but not later than 90 days from the time drilling and completion operations cease. If this timeframe cannot be met due to unforeseen circumstances, an extension would be requested from the authorized officer. The freshwater cuttings pit would not be squeezed. Following closure and backfilling, the pit area would be monitored. Any subsidence of the reclaimed pit would be corrected immediately.

If the wells prove to be productive, the fill slopes would be reduced from 2:1 slopes to 4:1 slopes and the cut slopes would be reduced from 1:1 slopes to 3:1 slopes by pushing the fill material back up into the cut. All disturbed areas would be scarified to a depth of 1 foot and topsoil would be spread evenly over reclaimed areas.

Areas with high erosion potential would also have special applications to aid reclamation. This may include one or more of the following: mulching, fiber blankets/rolls, hydro blankets, an annual cover crop (i.e., barley), water bars, and diversion ditches.

### Pipeline/Gathering Line Corridor

Following trench backfilling and compaction, disturbed areas would be restored to the original land contour and the subsoil on the working side of the ROW and other work areas would be ripped to alleviate compaction. The salvaged and stockpiled topsoil would then be redistributed over the ROW and graded and erosion control measures would be installed as appropriate. If construction is planned for winter months, the topsoil will be respread over the ROW after the trench is backfilled and matting or straw will be placed over the topsoil as a barrier to aid in the prevention of subsidence.

The seedbed would be prepared by disking to a depth of 4 to 6 inches below ground surface. No reclamation work would be completed when soils are frozen or overly wet and no depressions would be left to trap water or form ponds. The seed mixture would be determined by the BIA and the landowner. Seed would be drilled on the contour with a seed drill. If a drill seeder cannot be used due to topography, the location would be broadcast seeded at double the above rate. The broadcasted seed would be covered by raking or harrowing.

Topsoil would not be mixed with spoil material before or during replacement. Topsoil from areas that had not been stripped would not be used to cover adjacent disturbances. Topsoil would not be handled under excessively wet or windy conditions.

Replaced topsoil would be left in a roughened condition to discourage erosion and additional stabilization techniques may be required on steeper slopes, in areas that have highly erodible soils, and in areas adjacent to, or within, drainages. Woody and non-woody vegetation cleared and stored along the edges of the ROW during construction would be randomly scattered over the ROW and temporary use areas.

No unnatural depressions would be left that would trap water or form ponds; the trench would be compacted at 1- to 2-foot lifts to avoid subsidence. In no instance would the ROW or expanded work areas be lower than the natural grade.

### **Seed Specifications and Selection**

Seed mixtures determined by the BIA may need to be modified as a result of limited species availability, poor seed quality, or differences in site conditions. These modifications would be dependent on site-specific conditions and requirements and modifications would only be approved after consultation with the landowner or the authorized officer.

All seed would meet all the requirements of the Federal Seed Act of 1939 and the seed and noxious weed laws of North Dakota. Seed would be purchased from a certified seed source in accordance with Pure Live Seed specifications for seed mixtures and would be certified weed free. If requested, evidence of seed certification would be provided to the authorized officer. The seed would be consistent with the characteristics of the reclaimed area and would be used within nine (9) months of testing to assure seed viability.

### **Seedbed Preparation**

Seedbed preparation pertains to the preparation of the surface to receive the seed. Prior to seedbed preparation, the contractor or Enerplus would remove all foreign materials (e.g., garbage, paper, etc.), but leave all rocks, limbs, or minor woody debris. Seedbed preparation would be performed immediately prior to seeding.

The topsoil layer would be roughened, if necessary, prior to seed application using a standard disk or spring bar harrow under the proper soil moisture conditions to achieve the desired surface texture. Dirt clods and chiseled voids would provide microsites for seed establishment and increase surface area for water collection. The soil would be disked/harrowed to a maximum of 2 inches deep with 2- to 4-inch clods. Sites where this method is not practical (steep slopes, rocky areas, etc.) would be left with adequate roughness following topsoil placement to provide microsites for seed germination and to reduce soil movement.

Seedbed preparations would not be performed in areas with the desired post-construction soil characteristics. The authorized officer may review and approve the results of the seedbed preparations prior to the seed application if desired.

### **Seed Application**

The seed mixture would be applied as directed by the BIA and no seed mixture changes would be made without approval from the authorized officer.

Seeding would normally take place in the fall after September 15 and prior to prolonged ground frost, or in the spring after the frost leaves the ground, after May 15. Seeding would be repeated until a satisfactory stand, as determined by the BIA authorized officer, is achieved. The seed mixture would be broadcast on the disturbed area after seedbed preparations are complete. After broadcasting on lands held in trust by the BIA, the seed would be lightly harrowed or raked into the ground prior to the application of stabilizing material. Seeding would not take place when wind velocities reach speeds that make uniform application of the seed mixture unlikely.

If the seed does not germinate and establish at least one desirable perennial species per square foot after two growing seasons, the contractor or Enerplus would perform a one-time reseeded during a period acceptable to the BIA. Success criteria would be based on a qualitative assessment of reclaimed areas and adjacent undisturbed habitat. If there is a need for immediate soil stabilization, a chemical soil binder may be applied, either alone or with mulch. These chemical stabilizers would be applied per the manufacturer's recommended rate.

### **Reclamation Monitoring and Evaluation of Reclamation Success**

A monitoring program would be implemented following construction and reclamation to determine the need for additional reclamation. Monitoring would continue for an unspecified length of time, determined through mutual agreement between Enerplus and the BIA.

Monitoring would be conducted by a specialist to ensure revegetation of native herbaceous and woody species. Any identified problem areas would be remediated as soon as possible. Effectiveness of erosion and sediment control measures would be assessed during construction, following revegetation. Corrective actions would be taken on any problem areas. Any identified unauthorized vehicle access would be noted during reclamation monitoring and additional measures to block access would be taken.

Enerplus would conduct reclamation evaluations in conjunction with the BIA. Evaluations would include assessment of soil stability and revegetation success and final revegetation success would be determined with the help of the following criteria.

- Post-disturbance plant cover is at least 70% of that on adjacent lands. In forested and shrubby areas where comparison to adjacent lands is impractical, success would be measured by evaluating the revegetation density and composition as a result of having met soil stabilization goals.
- Species composition includes a high percentage of seeded species and natural invasion of desirable volunteers from adjacent communities.
- Ability to withstand grazing pressure is similar to adjacent areas. In areas where revegetation may be sensitive to grazing pressure, Enerplus may negotiate with the BIA or the landowner to defer, reduce, or control grazing or to fence sensitive areas on the ROW for one to three growing seasons until plants are well established.
- Plant reproduction is evident.
- Where applicable, replanted woody species have at least a 50% survival rate.

- Vegetative cover is established and sufficient to, with the help of the noxious weed management plan, control invasion of noxious weeds.
- Vegetative cover is sufficient to mitigate visual impacts.

Soil stability determination would be made by watching for the following erosion indicators.

- Headcuts or bank failure in drainages.
- Existence of soil pedestals that are 0.50 inch high or more and/or at a frequency of 10 or more per 100 square feet.
- Existence of rills more than 3 inches deeps and found at 10-foot intervals.
- Gullies occurring more frequently than 200-foot intervals and that appear unstable (do not support perennial vegetation).
- Trench subsidence or slumping.
- Disturbance of plant root systems.
- Existence of wind-scoured depressions deeper than 0.50 inch over 25% of a 100-square-foot area.
- Flow patterns that show translocation of soil and surface litter.

### **Noxious Weed Control**

Efforts to reduce the spread of noxious weeds would be made during the project construction and maintenance processes. The use of construction equipment and supplies during reclamation of the pipeline construction can potentially cause the spread of noxious weeds. The following guidelines would be followed during construction, reclamation, and maintenance stages of the project to control the spread of noxious weeds.

- Construction equipment, materials, and vehicles will be stored at construction sites or at specified construction yards.
- All personal vehicles, sanitary facilities, and staging areas will be confined to a limited number of specified locations to decrease chances of incidental disturbance and spread of weeds.
- Contractors will be required to ensure that vehicles arrive at the work site clean and weed free. All equipment, including personal vehicles, entering the ROW must be washed at a designated location and identified with a tag certifying that it is clean and weed free.
- In areas with existing noxious weed infestations, vegetation, soils, and trench spoil material will be stockpiled adjacent to the removal point and, following construction, will be returned to their original locations to prevent their spread along the ROW.
- Following completion of work at identified noxious weed-infested sites, the contractor will be required to use compressed air or other means to remove soil and propagules from equipment and vehicles to prevent transport along the ROW.
- Prompt reestablishment of the desired vegetation in disturbed areas is required. Seeding will occur during the frost-free periods after construction. Certified “noxious weed-free” seed will be used on all areas to be seeded.

Furthermore, Enerplus has committed to control the spread of noxious weeds within the project area during the construction, reclamation, and maintenance phases of the project. BIA personnel would assist with the identification of noxious weeds during required line maintenance activities. The authorized officer would be contacted prior to any herbicide use. If a noxious weed community is found, it would be eradicated unless the community is too large, in which case it would be controlled or contained to prevent further growth. The services of a qualified weed control contractor would be utilized.

### **Final Abandonment**

A termination and reclamation plan would be developed and submitted to the BIA at least one year prior to abandonment. This plan would include, but would not be limited to, removal of aboveground facilities, reclamation procedures for aboveground facility sites and access roads, and an abandonment and reclamation schedule.

All surface facilities would be removed upon abandonment. Compacted areas would be ripped and, following recontouring, stockpiled topsoil would be redistributed, prepared, and revegetated. Enerplus would be responsible for reclamation until it meets BIA requirements.

Availability of soil nutrients changes over time, so soils in long-term stockpiles would be analyzed to determine nutrient status and fertilizer application rates prior to redistribution.

Upon final abandonment of the pipeline location and/or access roads related to the Enerplus project, water diversion measures would be installed and both the access roads and pipeline locations would be restored to approximately the original ground contour(s).

Because the economic and environmental costs preclude excavation and removal of the pipeline, it would be purged and abandoned in place.

## **8. Applicable National Environmental Policy Act (NEPA) Document(s)**

*Environmental Assessment: Enerplus North Dakota, LLC: Five Horizontal Exploratory Wells (Hall #5-11H, Grassy Knoll #2-11H, Woman Creek #4-11H, Voigt #32-24, Fredericks #6-31H). October 2008.*

*Supplement to Environmental Assessment to Authorize Land Use for a Right-of-Way Width Increase for the Hall #5-11H Access Road and Utility Corridor. March 2011.*

*Addendum to Environmental Assessment to Authorize Additional Wells on the Sherwood #28-44H, Fox Ridge #10-21H, and Hall #5-11H Well Pads. May 2011.*

## **9. Other Relevant Documentation**

None.

## **10. NEPA Adequacy Criteria**

This document has identified the above-mentioned previously prepared NEPA documents, which adequately describe the environmental consequences of the newly proposed action described herein, and meet the following NEPA Adequacy Criteria.

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA documents, which appropriately consider and analyze current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. 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 documents 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 documents.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA documents.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.

Addendum to Environmental Assessment to Authorize a Well Pad Expansion and Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad (October 2011)

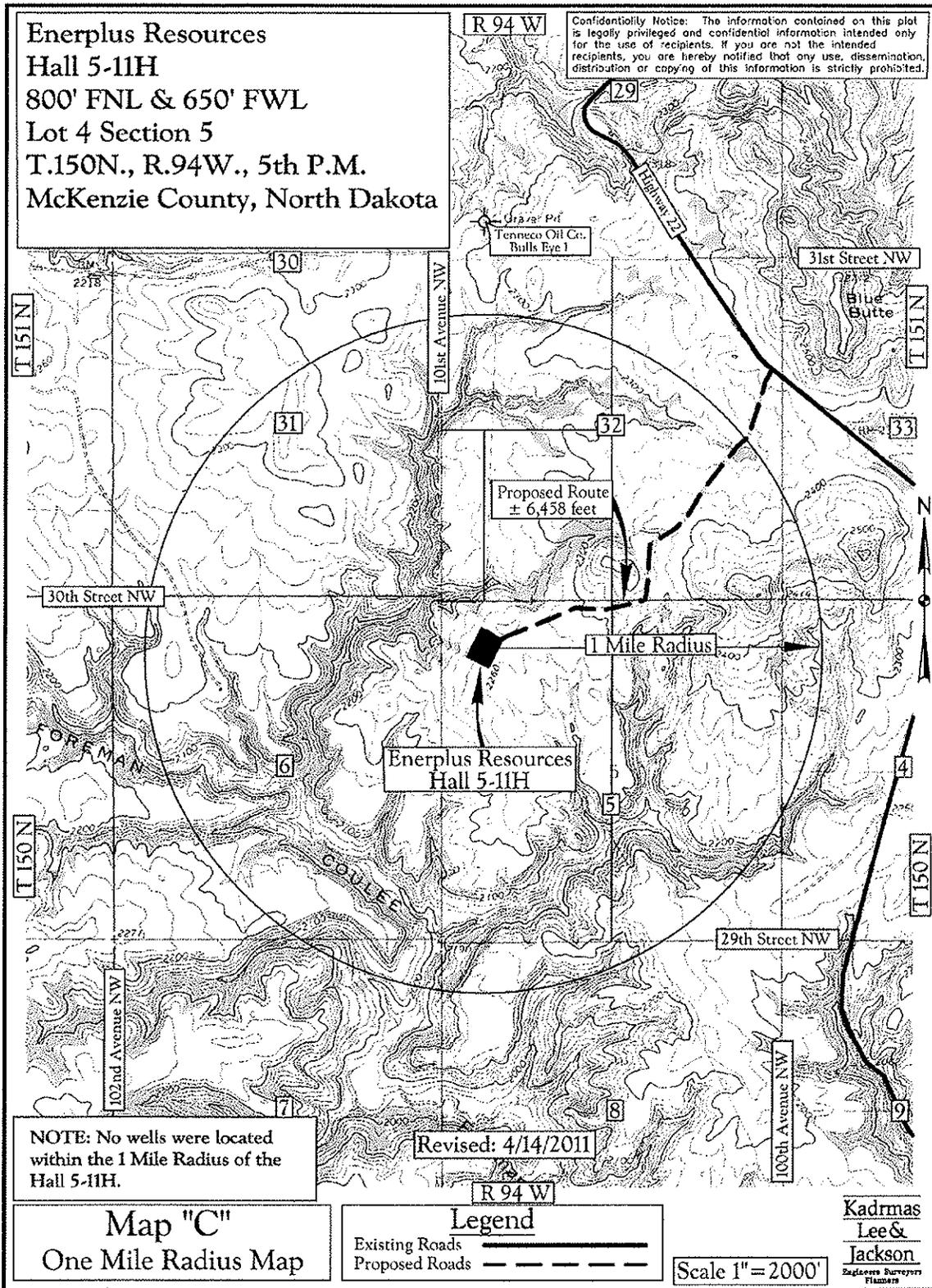


Figure 1. Originally approved project layout.

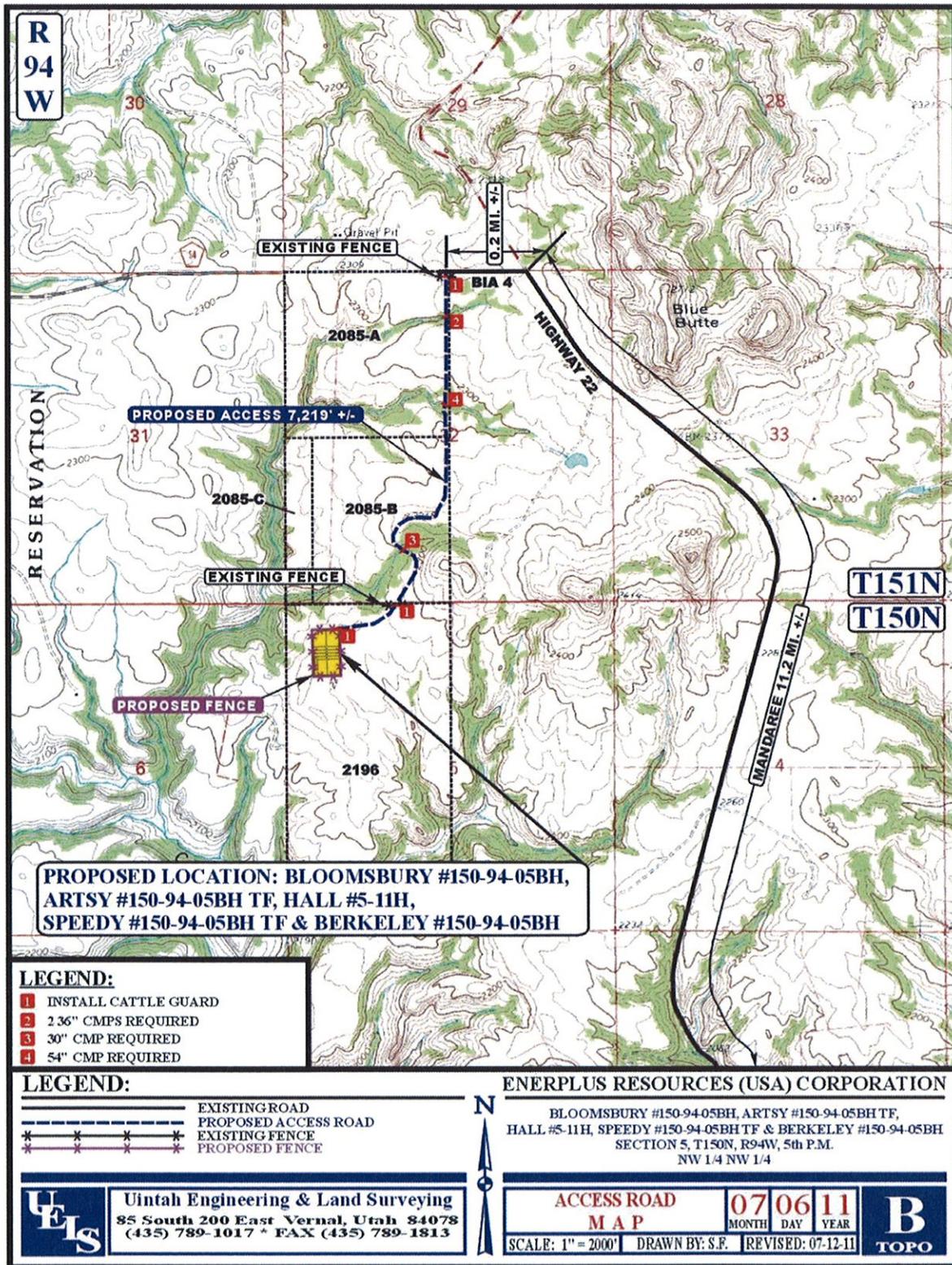


Figure 2. Currently proposed project layout.

*Addendum to Environmental Assessment to Authorize a Well Pad Expansion and Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad (October 2011)*



IN REPLY REFER TO:  
DESCRM  
MC-208

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

SEP 22 2011



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 proposed oil well pad and access road in McKenzie County, North Dakota. Approximately 54.5 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 (32MZ1863) was revisited 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 archaeological site will be avoided. Catalogued as BIA Case Number AAO-1981/FB/11, the proposed undertaking, location, and project dimensions are described in the following report:

Kohler, Todd  
(2011) A Class I and Class III Cultural Resources Inventory for the Hall #5-11H Well Pad and Access Road, Fort Berthold Indian Reservation, McKenzie County, North Dakota. SWCA Environmental Consultants for Enerplus Resources, 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

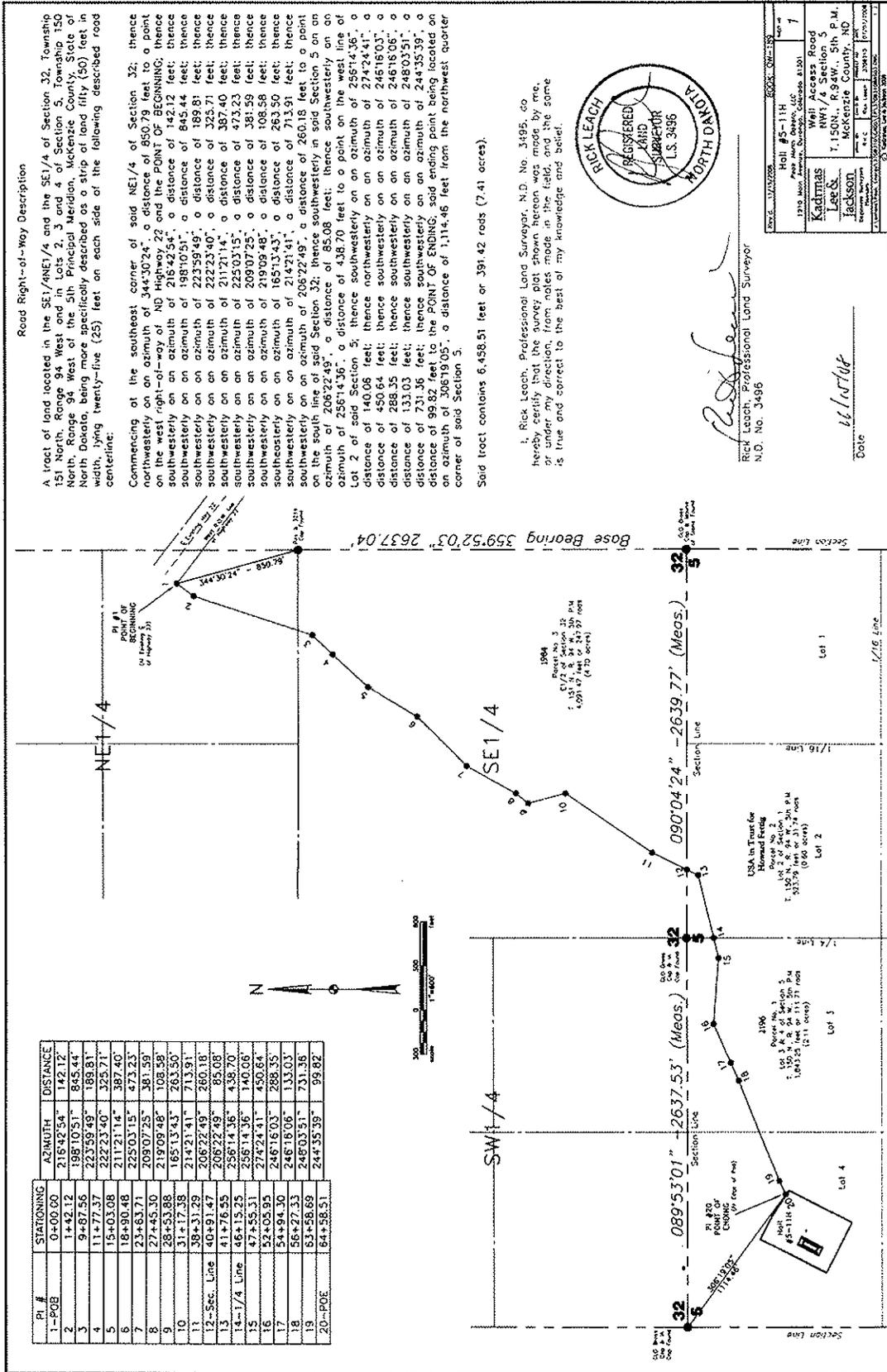
cc: Chairman, Three Affiliated Tribes  
Superintendent, Fort Berthold Agency

**APPENDIX A**

**Plats, Drawings, and Diagrams for the Revised Hall #5-11H Well Pad and  
Access Road and Utility Corridor, with the Original Alignment for  
Comparison**

Addendum to Environmental Assessment to Authorize a Well Pad Expansion and Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad (October 2011)

ORIGINAL ALIGNMENT



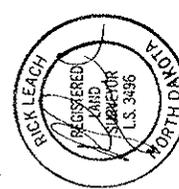
Road Right-of-Way Description

A tract of land located in the SE1/4NE1/4 and the SE1/4 of Section 32, Township 150 North, Range 94 West and in Lots 2, 3 and 4 of Section 5, Township 150 North, Range 94 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, being more specifically described as a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the following described road centerline:

Commencing at the southeast corner of said NE1/4 of Section 32; thence northwesterly on an azimuth of 344°30'24", a distance of 850.79 feet to a point on the west right-of-way of ND Highway 22 and the POINT OF BEGINNING; thence southwesterly on an azimuth of 216°42'54", a distance of 142.12 feet; thence southwesterly on an azimuth of 198°10'51", a distance of 845.44 feet; thence southwesterly on an azimuth of 223°59'49", a distance of 189.81 feet; thence southwesterly on an azimuth of 222°23'40", a distance of 323.71 feet; thence southwesterly on an azimuth of 211°21'14", a distance of 387.40 feet; thence southwesterly on an azimuth of 225°03'15", a distance of 473.23 feet; thence southwesterly on an azimuth of 209°07'25", a distance of 381.59 feet; thence southwesterly on an azimuth of 209°07'25", a distance of 198.58 feet; thence southwesterly on an azimuth of 165°13'43", a distance of 263.50 feet; thence southwesterly on an azimuth of 214°21'41", a distance of 713.91 feet; thence southwesterly on an azimuth of 206°22'49", a distance of 280.18 feet to a point on the south line of said Section 32; thence southwesterly in said Section 5 on an azimuth of 206°22'49", a distance of 85.08 feet; thence southwesterly on an azimuth of 256°14'46", a distance of 438.70 feet to a point on the west line of Lot 2 of said Section 3; thence northwesterly on an azimuth of 256°14'46", a distance of 140.06 feet; thence southwesterly on an azimuth of 246°16'03", a distance of 288.35 feet; thence southwesterly on an azimuth of 246°16'03", a distance of 133.03 feet; thence southwesterly on an azimuth of 244°35'39", a distance of 99.82 feet to the POINT OF ENDING, said ending point being located on an azimuth of 244°35'39", a distance of 1,114.46 feet from the northwest quarter corner of said Section 5.

Said tract contains 6,458.51 feet or 391.42 rods (7.41 acres).

I, Rick Leach, Professional Land Surveyor, N.D. No. 3496, do hereby certify that the foregoing plat shown herein was made by me or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief.



Rick Leach, Professional Land Surveyor  
N.D. No. 3496

DATE: 11/20/08 HALL #5-11H

1726 Main Street, North Dakota, USA 58101

Kadrimas Lee & Jackson

Well Access Road NW1/4 Section 5

1,150N., R.94W., 5th P.M., McKenzie County, ND

Scale: 1" = 100'

Date: 11/20/08

USA in Trust for the Beneficial Use of Section 3, Lots 2, 3 & 4 of Section 5, Township 150 North, Range 94 West, McKenzie County, ND (860 acres)

1,150 N., R. 94 W., 5th P.M. 3,373.78 (Acres or 31.77 rods)

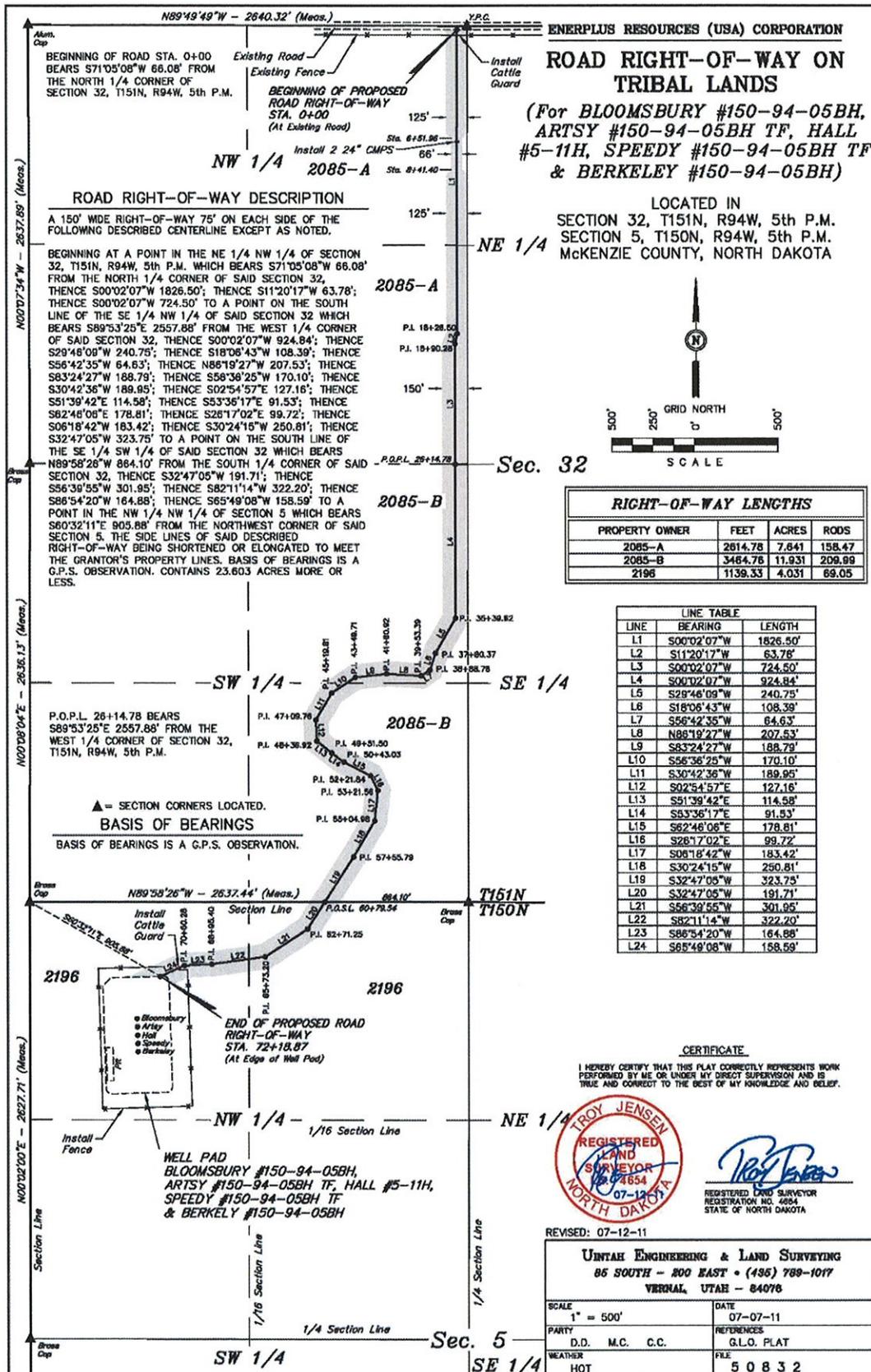
1196 Point of Section 5, Township 150 North, Range 94 West, McKenzie County, ND (2.11 acres)

1,150 N., R. 94 W., 5th P.M. 4,091.47 (Acres or 241.77 rods)

1394 Point of Section 3, Township 150 North, Range 94 West, McKenzie County, ND (7.41 acres)

1,150 N., R. 94 W., 5th P.M. 4,091.47 (Acres or 241.77 rods)

Addendum to Environmental Assessment to Authorize a Well Pad Expansion and Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad (October 2011)







# **Notice of Availability and Appeal Rights**

**Enerplus: Addendum to Environmental Assessment to Authorize a Well Pad Expansion and Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad**

**The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals to Authorize a Well Pad Expansion and Access Road and Utility Corridor Re-Route for the Hall #5-11H Well Pad as shown on the attached map.**

**Construction by Enerplus is expected to begin in 2011.**

**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 December 1, 2011, 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

