



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 19 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 well pad expansion on the approved Arikara #15-22H, to accommodate five additional wells 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)
Eric Wortman, EPA (with attachment)
Jonathon Shelman, Corps of Engineers
Jeff Hunt, Fort Berthold Agency

**Finding of No Significant Impact
Dakota-3 E&P**

**Addendum to Environmental Assessment to Authorize
Well Pad and Right-of-Way Expansion to the
Arikara #15-22H**

**Fort Berthold Indian Reservation
Mountrail County, North Dakota**

The U.S. Bureau of Indian Affairs (BIA) has received a proposed Addendum to Environmental Assessment authorizing land use for the right-of-way and pad expansion to accommodate five additional wells (Arikara #15-22HX, Arikara #15-22HW, Arikara #15-22HB, Arikara #15-22HY and Arikara #15-22HD) on the Fort Berthold Indian Reservation in Mountrail 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.

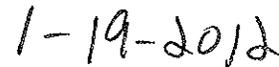
The potential of the proposed actions to impact the human environment is analyzed in the attached Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed EA, I have determined that the proposed projects will not significantly affect the quality 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, 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



Date

ACTING

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 to Authorize
Well Pad and Right-of-Way Expansion to the
Arikara #15-22H

Fort Berthold Indian Reservation

January 2012

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

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APPENDIX A Plats, Drawings, and Diagrams for the Revised Arikara #15-22H Well Pad and ROW

1.0 Purpose and Need of Action

Dakota-3 E&P Company, LLC (Dakota-3 E&P), a subsidiary of Williams, is proposing to drill additional horizontal oil and gas wells on the Fort Berthold Indian Reservation to develop the commercial potential of natural resources. Developments have been proposed on 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 BIA also holds title to subsurface mineral rights. 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 purpose of the proposed action is to authorize Dakota-3 E&P to expand the previously approved and constructed well pad for the Arikara #15-22H well bore an additional 300 feet (ft) to the north side of the pad (Figure 1). The pad expansion will allow for five additional well bores (Arikara #15-22HX, Arikara #15-22HW, Arikara #15-22HB, Arikara #15-22HY and Arikara #15-22HD) to be drilled on the site. Additionally the originally named Arikara #15-22H well bore has officially been amended to be referred to as the Arikara #15-22HC.

The original EA proposed a 66 foot (ft) construction and permanent right-of-way (ROW) for only the access road. The proposal is to expand to a 130 ft construction and permanent ROW to include gathering pipelines (gas, oil, produced water, fresh water) and utilities (electrical and fiber optic) in the same corridor as the access road.

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 Arikara #15-22H well pad is located across the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ corner of Section 15, Township 150 North, Range 93 West, Mountrail County.

4.0 Scope of Work for Proposed Action

Dakota-3 E&P proposes to expand the approved well pad working surface for the Arikara #15-22H by approximately 1.75 acres. The proposed expansion area is currently native mixed grass prairie. The original pad site and access road has been built. The total pad surface use (total surface disturbance) for the six well bores will be 11.34 acres. The average surface use per well will be 1.89 acres. Additional heater treaters and tanks will be erected near existing facilities on pad and containment structures expanded. The as built access road and utility corridor ROW expansion (130 ft total) will disturb an approximate total of 12.8 acres. Total surface disturbance for this location on tribal lands will total approximately 24.1 acres.

5.0 Cultural and Natural Resource Surveys

Carlson McCain was the lead for the natural resource evaluation with cultural resource surveys conducted by SWCA Environmental Consultants (SWCA). Additional resource surveys of around the proposed expanded site and corridor were performed on July 21, 2011. Right-of-Way on-site inspection with final plats was also conducted on October 6, 2011, confirming the plan discussed at original onsite and within this addendum. The cultural resource report summary is presented here and full report submitted to BIA under separate cover (Yost and Herson 2011).

A cultural resource inventory of this well pad expansion and utility corridor was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 88.08 acres were inventoried between July 20 and October 26, 2011 (Yost et al. 2011). Two archaeological sites were 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 sites will be avoided. This determination was communicated to the THPO on December 14, 2011; however, the THPO did not respond within the allotted 30 day comment period.

The survey of proposed well pad expansion and ROW expansion revealed the area to be in native mixed grass prairie, the same as the original route and site. Wildlife species surveys conducted did not reveal any nesting migratory birds or raptors at this time largely due to limited habitat and timing of survey. Suitable raptor and migratory bird nesting habitat is found near the area and if construction is to take place between Feb 1st and July 15th an additional migratory bird survey will be conducted.

As in the original EA an 18 inch containment berm will be built on top of the pad to contain surface water from transferring off of the pad. Dakota-3 E&P and BIA resource officers will conduct monitoring of berm and all other potential erosion areas periodically to ensure proper

functioning condition. Topsoil depth across site is approximately 8 inches. Soil stockpiles will be expanded around the east and north side of the pad. Further mitigation efforts include reducing the spoil pile height on east side and placing straw matting on slopes to further reduce erosion potential. Construction of a shallow diversion ditch on the northwest corner of pad will also aide in water diversion and topsoil pile above drainage on southwest corner of pad will act as secondary containment structure.

It is BIA policy and Dakota-3 E&P is committed to having a good faith effort towards interim reclamation started within 6 months of original disturbance. The 18 inch containment berm will remain and continue divert water around pad after interim reclamation. Use of BMPs including soil compaction, berms, straw matting on slopes, wattles, fabric to reduce erosion will be used to prevent erosion of soil piles into drainages. Maintenance will occur as needed to maintain environmental protections.

As in the original EA Dakota-3 E&P commits to drilling these wells utilizing a closed-loop drilling (pit-less) system. Drilling materials will be contained in tanks and disposed of properly at an approved waste disposal facility. It was discussed on-site that a shallow, lined emergency pit be built on site to allow an additional on-site protection measure for unforeseen emergency containment measures. The pit, liner and any contamination will be completely removed at interim reclamation and disposed of properly.

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

Environmental Assessment: Zenergy Operating Company, LLC, D-3 Arikara #15-22H. February, 2010.
Finding of No Significant Impact: Zenergy Operating Company, LLC, D-3 Arikara #15-22H.
March 25, 2010.

7.0 Other Relevant Documentation

Yost and Herson 2011. A Class I and Class III Cultural Resource Inventory of the Arikara 15-22H Well Pad and Access Road, Fort Berthold Indian Reservation, Mountrail County, North Dakota. Report submittal to BIA: October 21, 2011.

BCA, 2011a. Site 32MN882 NDCRS Archaeological Site Form. On file at the North Dakota State Historic Preservation Office, Bismarck, North Dakota.

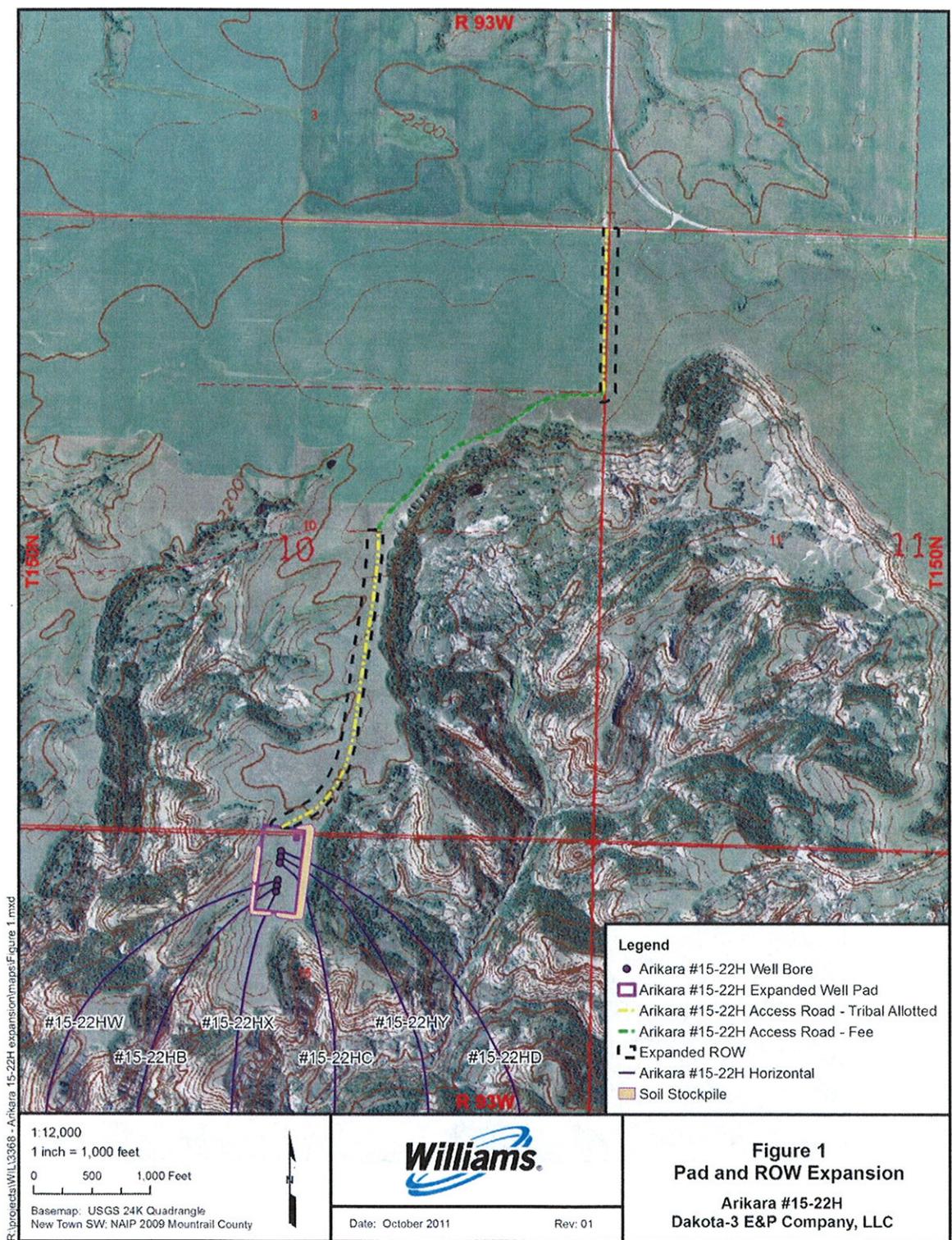
BCA, 2011b. Dakota-3 Arikara 15-22H Access Road Re-route: A Class III Cultural Resources Inventory in Mountrail County, North Dakota. Beaver Creek Archaeology (BCA), Mandan, North Dakota.

8.0 NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document, *Environmental Assessment: Zenergy Operating Company, LLC, D-3 Arikara #15-22H* (February, 2010), 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. Arikara #15-22H Pad and ROW Expansion



F:\projects\WIL\3368 - Arikara 15-22H expansion\maps\Figure 1.mxd

Figure 2. Photograph of expansion area. north side of existing pad.

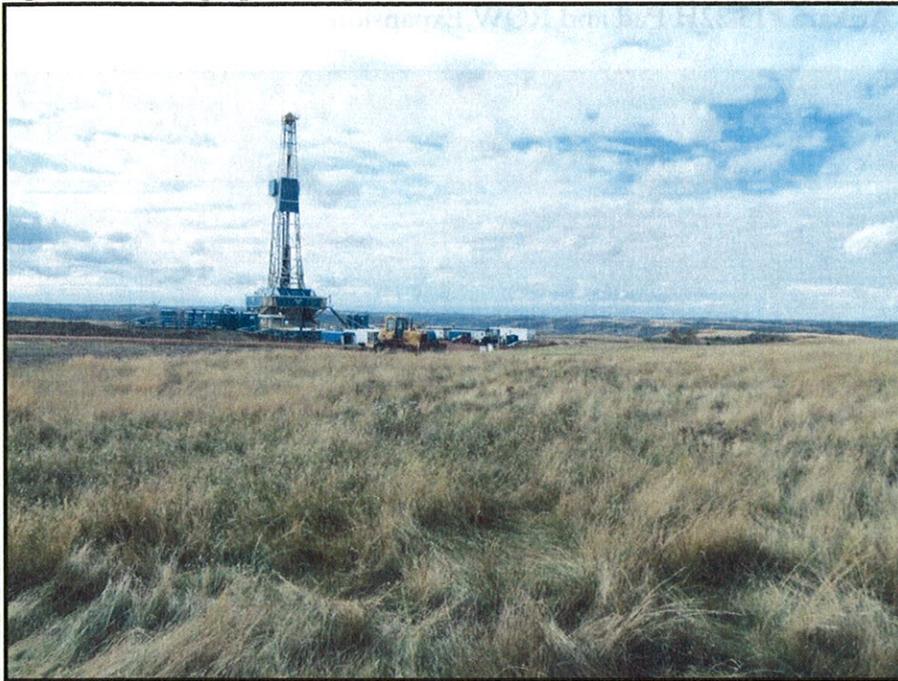


Figure 3. Photograph of proposed ROW expansion area leaving pad looking north.



Figure 4. Expanded Arikara #15-22H drilling plan map

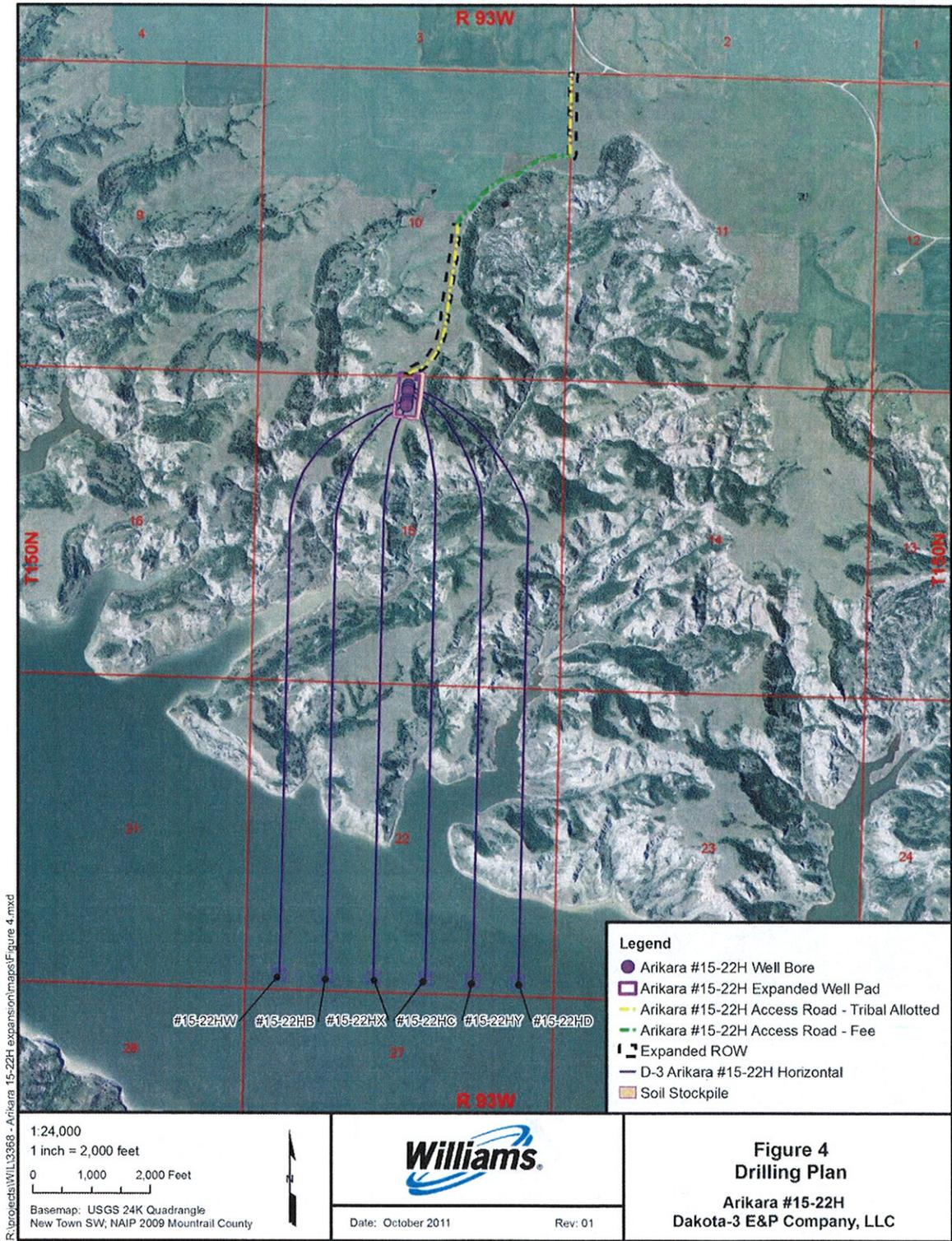
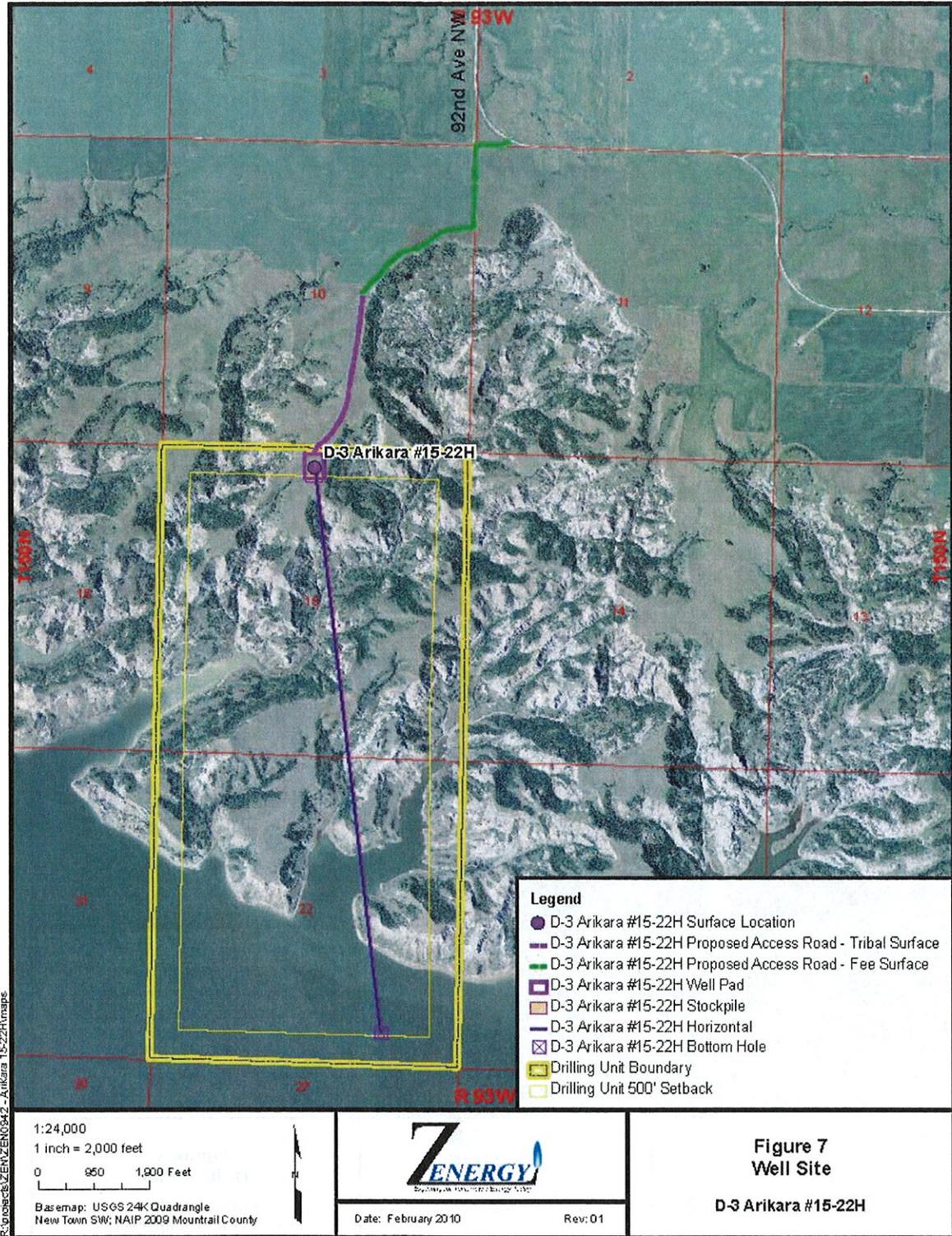


Figure 5. Original Arikara #15-22H EA drilling plan map





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



IN REPLY REFER TO:
DESCRM
MC-208

DEC 14 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 two well pad expansion projects in Mountrail County, North Dakota. Approximately 161.84 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the areas depicted in the enclosed reports. Two previously recorded archaeological sites (32MN368, 32MN882) were 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. Two properties were located that may 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 this undertaking, as the archaeological sites and traditional cultural properties 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:

Yost, Scott, Chandler S. Herson and Damien S. Reinhart
(2011) A Class I and Class III Cultural Resource Inventory of the Arikara #15-22H Well Pad Expansion and Utility Corridor, Fort Berthold Indian Reservation, Mountrail County, North Dakota. SWCA Environmental Consultants for Dakota-3 E&P Company, LLC, Denver.

Yost, Scott, Damien Reinhart and Chandler S. Herson
(2011) A Class I and Class III Cultural Resource Inventory of the Adam Good Bear #15-22H Well Pad Expansion and Utility Corridor, Fort Berthold Indian Reservation, Mountrail 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,

A handwritten signature in black ink, appearing to read "Carson N. Murdy". The signature is fluid and cursive, with a large initial "C" and "M".

ACTING Regional Director

Enclosures

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

APPENDIX A

Plats, Drawings, and Diagrams for the
Expanded Arikara #15-22H Well Pad and ROW

DAKOTA-3 E&P COMPANY, LLC

ARIKARA #15-22HB, #15-22HC, #15-22HD, #15-22HW, #15-22HX, #15-22HY

LOCATED IN MOUNTRAIL COUNTY, NORTH DAKOTA
SECTION 15, T150N, R93W, 5th P.M.

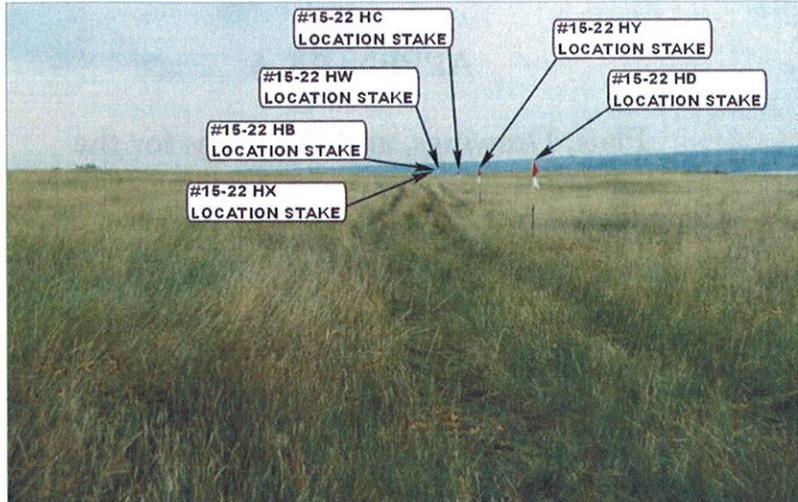


PHOTO: VIEW OF LOCATION STAKES

CAMERA ANGLE: SOUTHERLY



PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS

CAMERA ANGLE: SOUTHWESTERLY



U&L S Uintah Engineering & Land Surveying
85 South 200 East Vernal, Utah 84078
(435) 789-1017 * FAX (435) 789-1813

LOCATION PHOTOS			12	08	09	PHOTO
			MONTH	DAY	YEAR	
TAKEN BY: T.G.	DRAWN BY: J.L.G.	REVISED: 08-17-11				

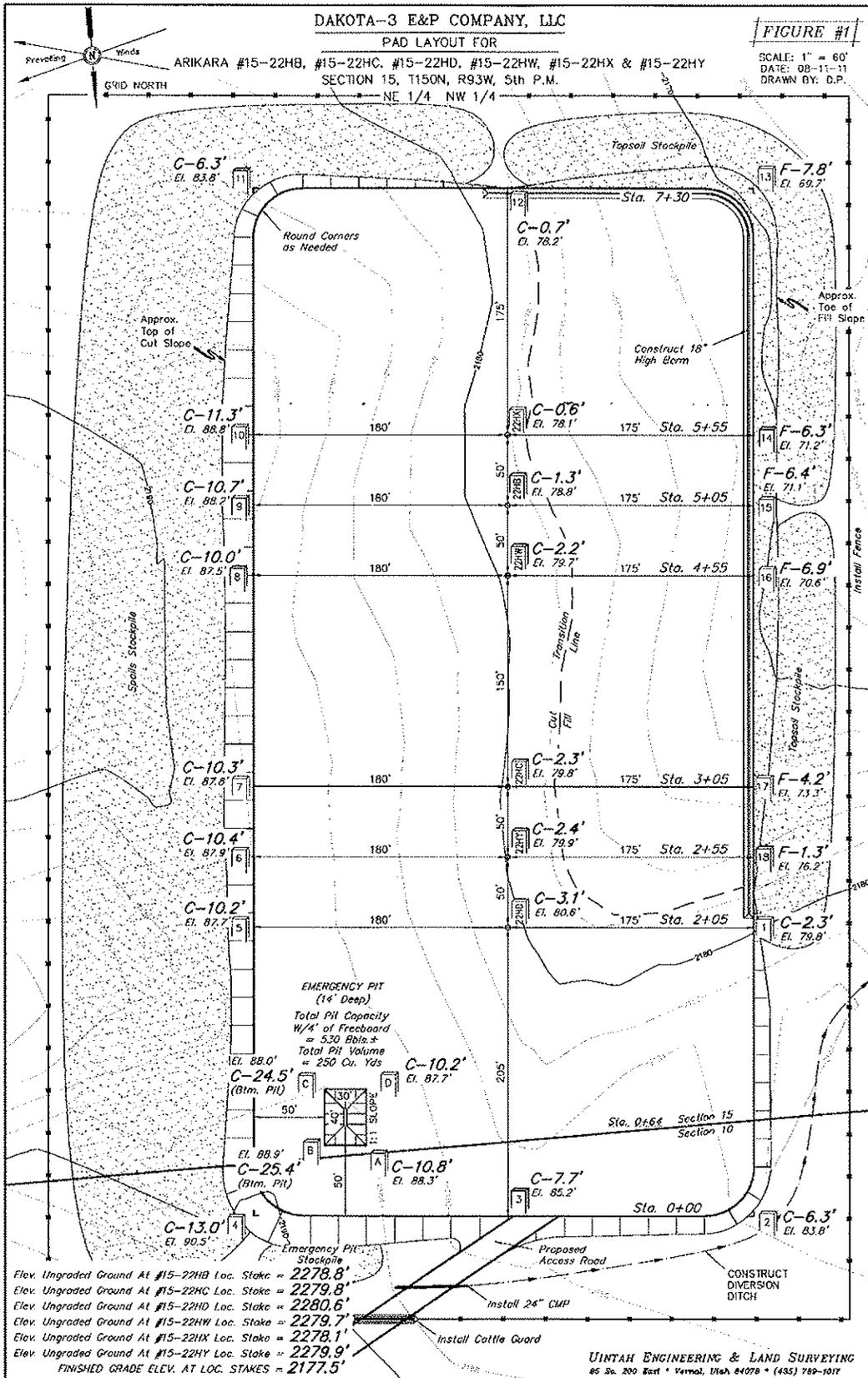
DAKOTA-3 E&P COMPANY, LLC

PAD LAYOUT FOR

ARIKARA #15-22HB, #15-22HC, #15-22HD, #15-22HW, #15-22HX & #15-22HY
SECTION 15, T150N, R93W, 5th P.M.
NE 1/4 NW 1/4

FIGURE #1

SCALE: 1" = 60'
DATE: 08-11-11
DRAWN BY: D.P.



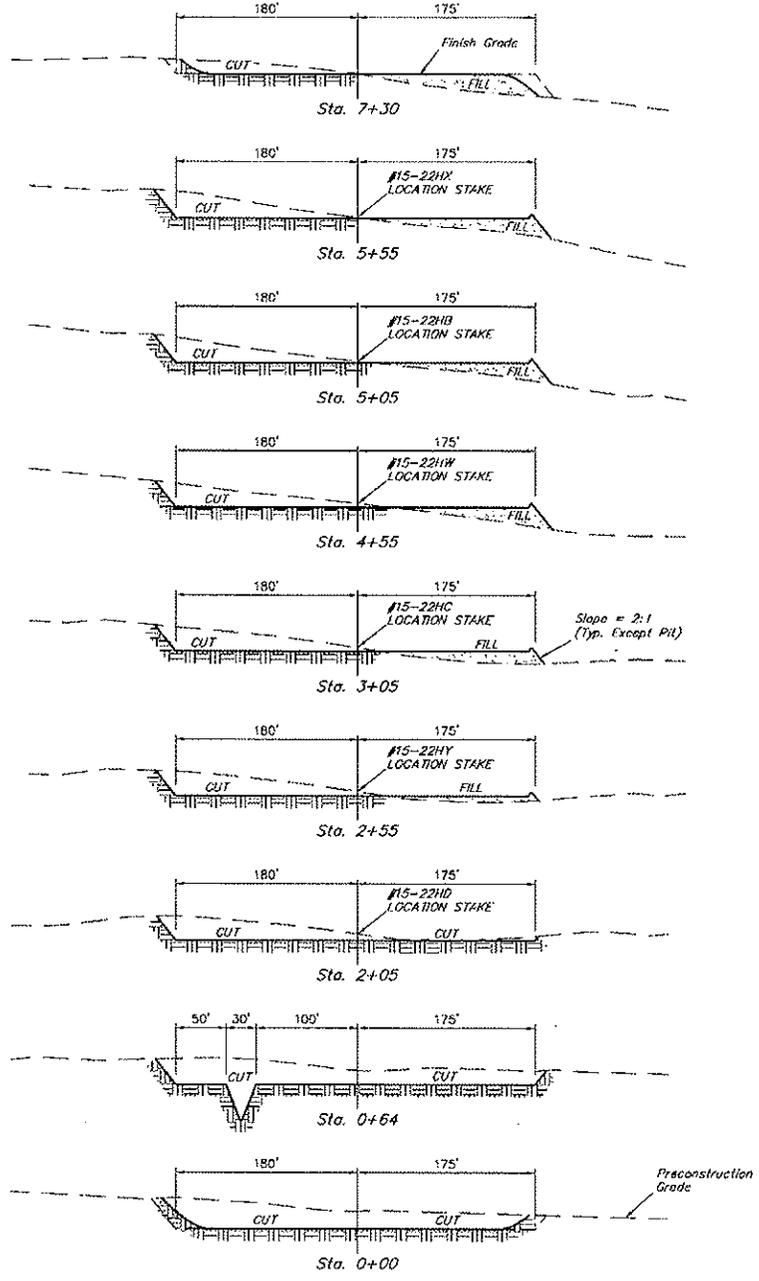
X-Section
Scale
1" = 100'
DATE: 08-11-11
DRAWN BY: D.P.

DAKOTA-3 E&P COMPANY, LLC

TYPICAL CROSS SECTIONS FOR

ARIKARA #15-22HB, #15-22HC, #15-22HD, #15-22HW, #15-22HX & #15-22HY
SECTION 15, T150N, R93W, 5th P.M.
NE 1/4 NW 1/4

FIGURE #2



APPROXIMATE YARDAGES

(6") Topsoil Stripping	=	5,470 Cu. Yds.
Remaining Location	=	41,540 Cu. Yds.
Emergency Pit Cut	=	250 Cu. Yds.
TOTAL CUT	=	47,260 CU.YDS.
FILL	=	12,359 CU.YDS.

EXCESS MATERIAL	=	34,910 Cu. Yds.
Topsoil & Pit Backfill (1/2 Pit Vol.)	=	5,600 Cu. Yds.
EXCESS UNBALANCE (After Interim Rehabilitation)	=	29,310 Cu. Yds.

* NOTE:
FILL QUANTITY INCLUDES
5% FOR COMPACTION

APPROXIMATE ACRES
(T435A-A) WELL SITE AREA OF LOSS = ± 0.724 ACRES
(T435A-F) WELL SITE AREA OF LOSS = ± 0.872 ACRES
(T1130A) WELL SITE AREA OF LOSS = ± 9.744 ACRES
PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC
& ABOVE GROUND APPURTENANCES
RIGHT-OF-WAY AREA OF LOSS = ± 21.558 ACRES
TOTAL = ± 32.898 ACRES

UINTAH ENGINEERING & LAND SURVEYING
85 So. 200 East • Pocatello, Utah 84070 • (435) 249-1017

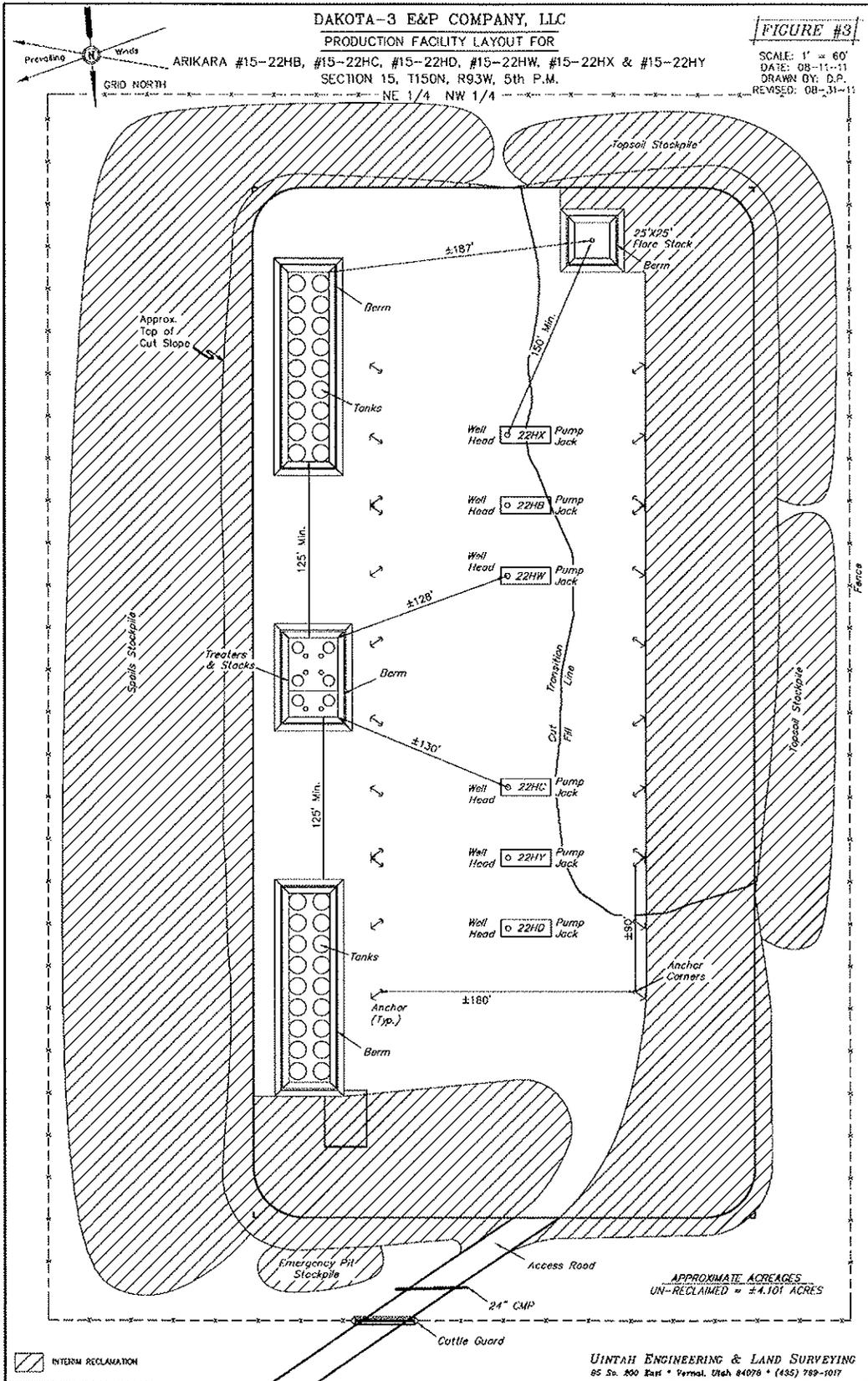
DAKOTA-3 E&P COMPANY, LLC

PRODUCTION FACILITY LAYOUT FOR

ARIKARA #15-22HB, #15-22HC, #15-22HD, #15-22HW, #15-22HX & #15-22HY
SECTION 15, T150N, R93W, 5th P.M.

FIGURE #3

SCALE: 1" = 60'
DATE: 08-11-11
DRAWN BY: D.P.
REVISED: 08-31-11



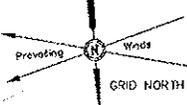


DAKOTA-3 E&P COMPANY, LLC
FINAL RECLAMATION

FIGURE #4

ARIKARA #15-22HB, #15-22HC, #15-22HD, #15-22HW, #15-22HX & #15-22HY
SECTION 15, T150N, R93W, 5th P.M.
NE 1/4 NW 1/4

SCALE: 1" = 60'
DATE: 08-15-11
DRAWN BY: D.P.



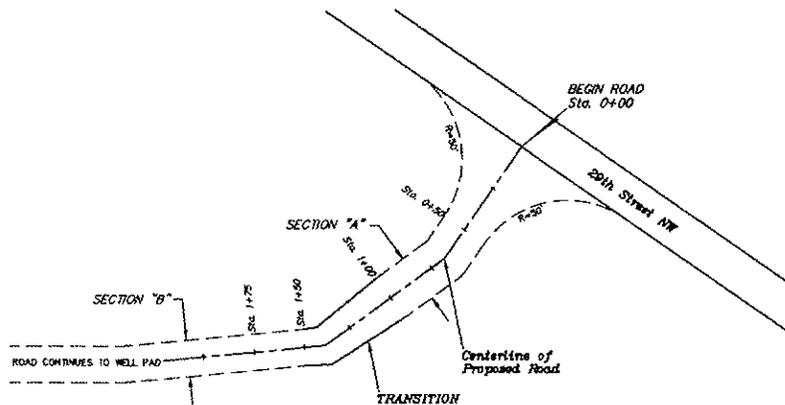
DAKOTA-3 E&P COMPANY, LLC

TYPICAL ROAD ACCESS FOR

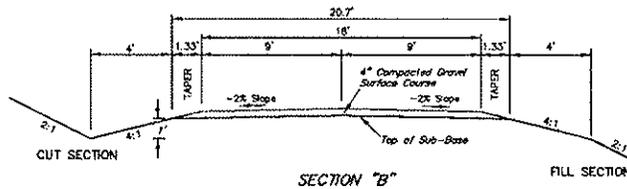
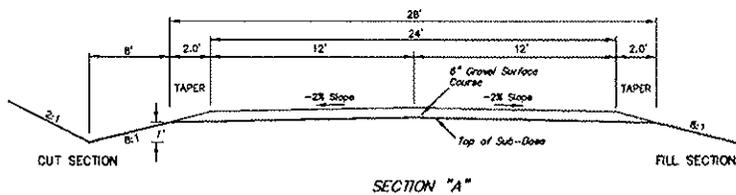
ARIKARA #15-22HB, #15-22HC, #15-22HD, #15-22HW, #15-22HX & #15-22HY
SECTION 15, T150N, R93W, 5th P.M.
NE 1/4 NW 1/4

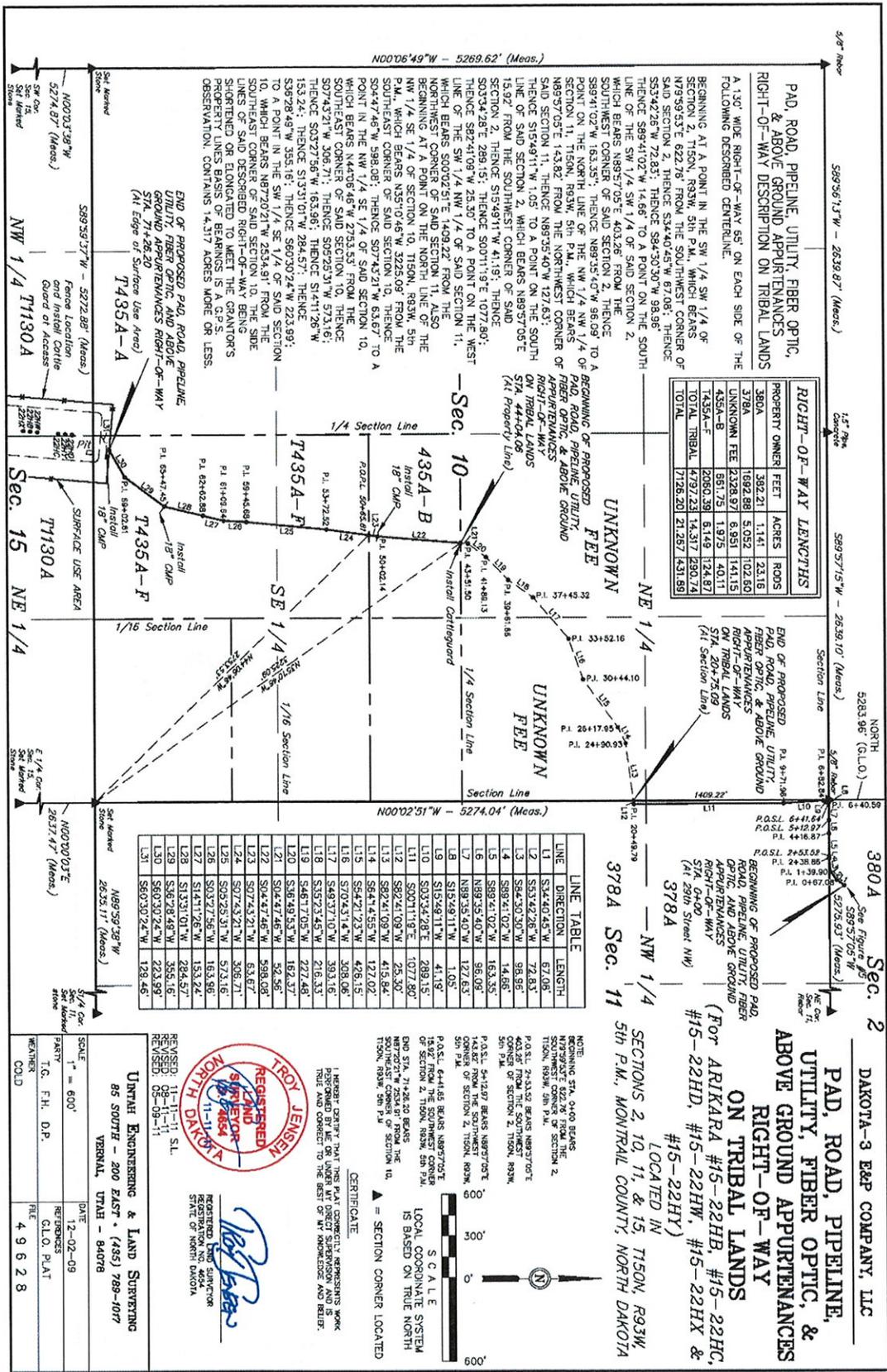
FIGURE #5

SCALE: NONE
DATE: 12-02-09
DRAWN BY: D.P.
REVISED: 05-09-11
REVISED: 09-11-11



NOTE:
ACCESS CENTERLINE PROFILE MUST SLOPE
AWAY FROM ROAD WITH A MAXIMUM OF 3%
FOR 25'. ALSO, MAXIMUM GRADE OF 8%
IS REQUIRED BEYOND 25' OF ROAD.





RIGHT-OF-WAY LENGTHS

PROPERTY OWNER	FEET	ACRES	RODS
380A	392.21	1.141	23.16
378A	1682.88	5.052	102.60
UNKNOWN FEE	2328.97	6.951	141.15
435A-B	951.75	1.975	40.11
1435A-F	2080.39	6.149	124.87
TOTAL TRIBAL	4797.23	14.317	290.74
TOTAL	7126.20	21.257	431.99

LINE TABLE

LINE	DIRECTION	LENGTH
L1	S34.40°44'W	67.08'
L2	S53.42°28'W	72.83'
L3	S64.30°30'W	95.95'
L4	S89.81°02'W	14.66'
L5	S89.81°02'W	163.35'
L6	N89.75°40'W	96.08'
L7	N89.75°40'W	122.63'
L8	S15.42°11'W	41.92'
L9	S15.42°11'W	289.15'
L10	S03.24°28'E	107.80'
L11	S82.01°18'W	23.30'
L12	S82.01°18'W	419.84'
L13	S61.18°55'W	172.02'
L14	S61.18°55'W	478.15'
L15	S70.24°14'W	308.08'
L16	S48.23°45'W	938.16'
L17	S48.23°45'W	276.33'
L18	S46.17°05'W	192.37'
L19	S04.41°46'W	52.95'
L20	S04.41°46'W	598.08'
L21	S07.43°21'W	308.71'
L22	S07.43°21'W	308.71'
L23	S09.23°31'W	153.95'
L24	S09.23°31'W	153.95'
L25	S13.31°01'W	284.57'
L26	S13.31°01'W	355.16'
L27	S36.78°48'W	223.99'
L28	S36.78°48'W	128.46'
L29	S60.30°24'W	128.46'
L30	S60.30°24'W	128.46'
L31	S60.30°24'W	128.46'

END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS (At Section Line)

BEG. OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS (At 20th Street NW)

DAKOTA-3 E&P COMPANY, LLC

PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS

(For ARIKARA #15-22HB, #15-22HC, #15-22HD, #15-22HW, #15-22HX & #15-22HY)

LOCATED IN T150N R93W SECTIONS 2, 10, 11, & 15 5th P.M., MONTRAIL COUNTY, NORTH DAKOTA

CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN COMPLETLY REPRESENTS WORK PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR STATE OF NORTH DAKOTA

TROY JENSEN

REGISTERED LAND SURVEYOR STATE OF NORTH DAKOTA

UNTAH ENGINEERING & LAND SURVEYING
85 SOUTH - 200 EAST • (435) 789-1077
VERNAL, UTAH - 84078

UNTAH ENGINEERING & LAND SURVEYING
85 SOUTH - 200 EAST • (435) 789-1077
VERNAL, UTAH - 84078

SCALE 1" = 600'

PARTY I.G. F.H. D.P.

DATE 12-02-09

REFERENCES G.L.O. PLAN

FILE 4 9 6 2 8

WEATHER COLD

DAKOTA-3 E&P COMPANY, LLC
ARIKARA #15-22HB, #15-22HC, #15-22HD, #15-22HW, #15-22HX & #15-22HY
PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY
SECTIONS 2, 10, 11 & 15, T150N, R93W, 5th P.M.

TOTAL PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE
GROUND APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS

TOTAL LENGTH OF RIGHT-OF-WAY IS 4797.23' OR 0.909 MILES. WIDTH OF RIGHT-OF-WAY
IS 130' (65' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE). CONTAINS 14.317 ACRES
MORE OR LESS.

ENGINEER'S AFFIDAVIT

STATE OF MONTANA }
COUNTY OF RICHLAND } SS

TROY JENSEN, BEING FIRST DULY SWORN DEPOSES AND STATES THAT HE IS THE REGISTERED LAND SURVEYOR, FOR DAKOTA-3 E&P COMPANY, LLC, THAT THESE SURVEYS WERE MADE BY HIM (OR UNDER HIS SUPERVISION): THAT HE HAS EXAMINED THE FIELD NOTES OF THE SURVEYS OF THE PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY AS DESCRIBED AND SHOWN ON THIS MAP, THAT THIS MAP WAS PREPARED UNDER HIS DIRECTION FROM SAID FIELD NOTES; AND THAT SAID RIGHT-OF-WAY, 0.909 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN ON THIS MAP IS ACCURATELY REPRESENTED.



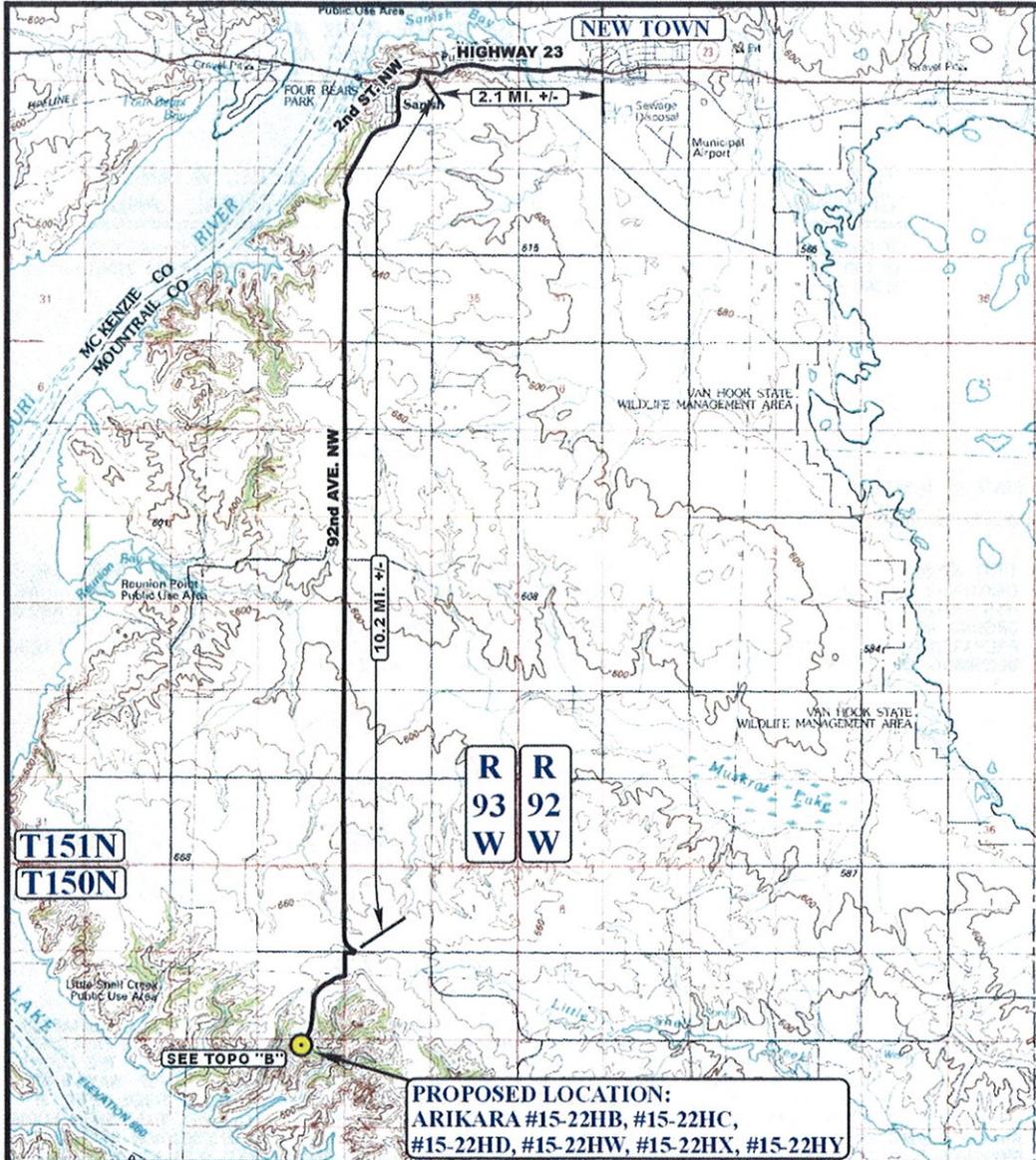
REGISTERED LAND SURVEYOR
REGISTRATION NO. 4654
STATE OF NORTH DAKOTA

APPLICANT'S CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT I AM THE AGENT FOR DAKOTA-3 E&P COMPANY, LLC, HEREINAFTER DESIGNATED THE APPLICANT; THAT TROY JENSEN WHO SUBSCRIBED TO THE FOREGOING AFFIDAVIT, IS EMPLOYED BY THE APPLICANT AS A LAND SURVEYOR AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THIS PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY, 0.909 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN THAT SAID PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY IS ACCURATELY REPRESENTED ON THIS MAP; THAT SUCH SURVEY AS REPRESENTED ON THIS MAP HAS BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF THE RIGHT-OF-WAY THEREBY SHOWN; AND THAT THE MAP HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENTS, THEREON AND THEREOVER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

APPLICANT

TITLE



PROPOSED LOCATION:
 ARIKARA #15-22HB, #15-22HC,
 #15-22HD, #15-22HW, #15-22HX, #15-22HY

LEGEND:

● PROPOSED LOCATION

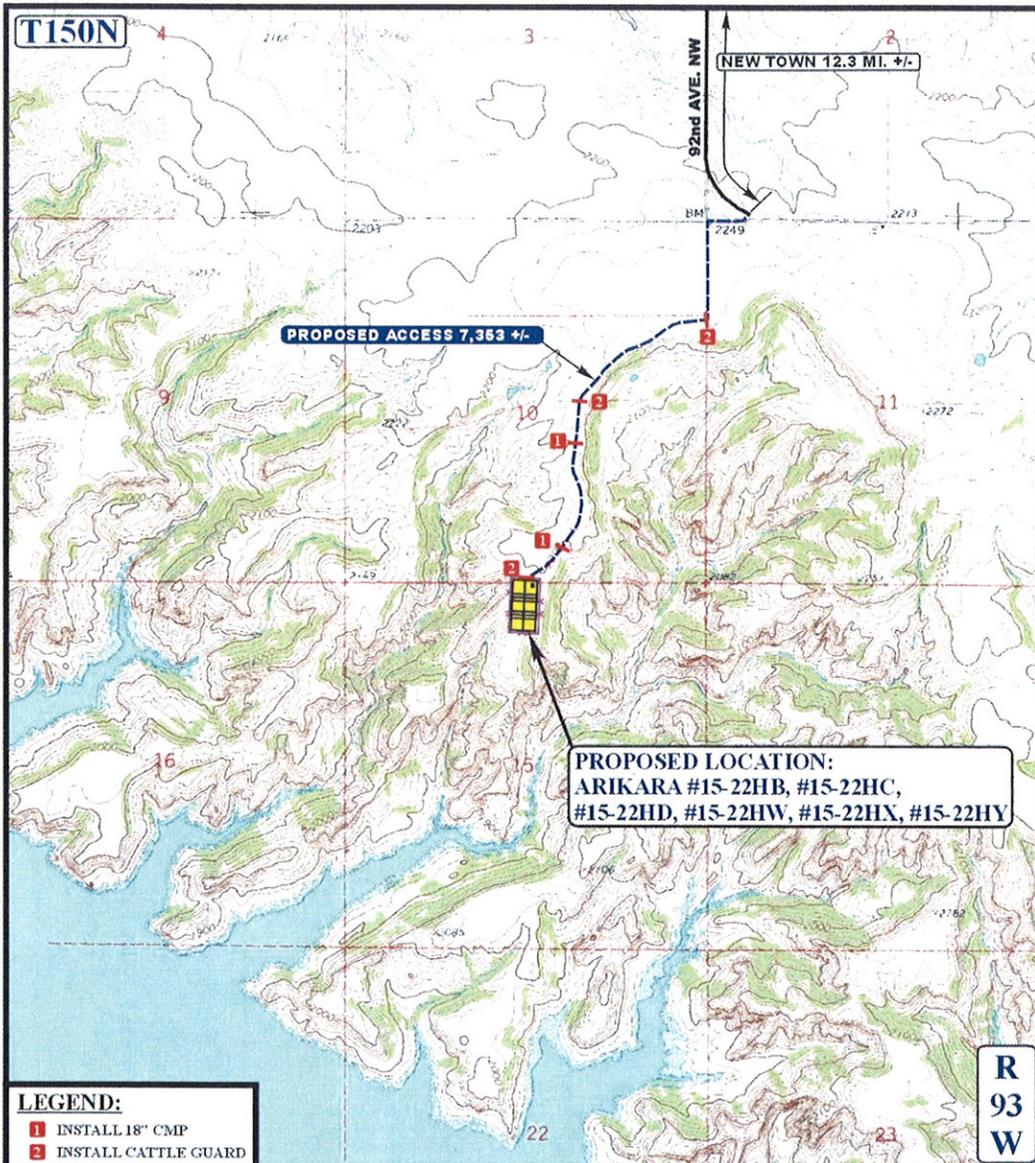
DAKOTA-3 E&P COMPANY, LLC

ARIKARA #15-22HB, #15-22HC, #15-22HD,
 #15-22HW, #15-22HX, #15-22HY
 SECTION 15, T150N, R93W, 5th P.M.
 NE 1/4 NW 1/4

UELS Utah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
 (435) 789-1017 • FAX (435) 789-1813



TOPOGRAPHIC MAP 12 08 09
 MONTH DAY YEAR
 SCALE: 1:100,000 DRAWN BY: J.L.G. REVISED: 08-17-11 **TOPO**



LEGEND:
 1 INSTALL 18" CMP
 2 INSTALL CATTLE GUARD

LEGEND:
 ——— EXISTING ROAD
 - - - - - PROPOSED ACCESS ROAD



DAKOTA-3 E&P COMPANY, LLC

ARIKARA #15-22HB, #15-22HC, #15-22HD,
 #15-22HW, #15-22HX, #15-22HY
 SECTION 15, T150N, R93W, 5th P.M.
 NE 1/4 NW 1/4



Uintah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
 (435) 789-1017 * FAX (435) 789-1813

TOPOGRAPHIC
MAP

12	08	09
MONTH	DAY	YEAR

SCALE: 1" = 2000' DRAWN BY: J.L.G. REVISED: 08-17-11



Notice of Availability and Appeal Rights

Dakota-3 E&P: Addendum to Environmental Assessment to Authorize Land Use for the Rights-of-Way and pad expansion for the Arikara #15-22H for five additional wells

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Environmental Assessment to Authorize Land Use for right-of-way and pad expansion on the existing Arikara #15-22H and five additional wells 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 February 17, 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.

