



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 03 2011

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 Environmental Assessment Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The addendum authorizes land use to increase the rights-of-way width to accommodate a utility corridor to the Axe 148-94-11A-1H, Vise 148-94-1A-2H TF, Poblano 148-94-02D-1H, and Cayenne 148-94-02D-2H TF well pads 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)
Michael Madson, 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 an Increase to the ROW Width to Accommodate a Utility Corridor to the Axe 148-94-11A-1H, Vise 148-94-1A-2H TF, Poblano 148-94-02D-1H, and Cayenne 148-94-02D-2H TF Well Pad

Fort Berthold Indian Reservation Dunn County, North Dakota

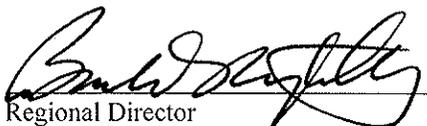
The U.S. Bureau of Indian Affairs (BIA) has received a proposal to authorize a well pad expansion and to increase the ROW width to accommodate a utility corridor to the Axe 148-94-11A-1H, Vise 148-94-1A-2H TF, Poblano 148-94-02D-1H, and Cayenne 148-94-02D-2H TF Well Pad on the Fort Berthold Indian Reservation in Dunn 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

11/3/11
Date

**ENVIRONMENTAL ASSESSMENT
Addendum**

United States Bureau of Indian Affairs

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



Enerplus Resources (USA) Corporation

**Addendum to Environmental Assessment to Authorize an Increase to the ROW Width
to Accommodate a Utility Corridor to the Axe 148-94-11A-1H, Vise 148-94-11A-2H TF,
Poblano 148-94-02D-1H, and Cayenne 148-94-02D-2H TF Well Pad**

Fort Berthold Indian Reservation

November 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

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1. Purpose and Need for the Proposed Action

Enerplus Resources (USA) Corporation (Enerplus) is proposing to construct an additional 5,016 feet (0.95 mile) of gathering pipelines that would transfer gas and produced water from the Axe 148-94-11A-1H, Vise 148-94-11A-2H TF, Poblano 148-94-02D-01H, and Cayenne 148-94-02D-2H TF well pad to a compressor station (gas) and a disposal site (produced water) on the Fort Berthold Indian Reservation. Developments have been proposed on land held in trust by the United States in Dunn 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 purpose of the proposed action is to authorize Enerplus to expand the width of the approved 5,016-foot right-of-way (ROW) from 60 feet to 90 feet to allow for construction of the road and utility corridor, to include the gathering pipelines (one gas pipeline and one water pipeline, neither of which would exceed a diameter of 12 inches), an electric line, and a fiber optic line. The proposed gathering pipeline system would transport gas and produced water from productive wells to markets and disposal facilities. If warranted, a buried electrical line may be installed in the future within the currently proposed ROW. A radio tower would also be installed on the location to allow for remote communications between the Enerplus Denver office and the well pad.

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 access road/utility corridor would be located on tribal land originating from BIA Road 14, approximately 5.6 miles southeast of Mandaree, North Dakota, in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township (T) 148 North (N), Range (R) 94 West (W), 5th Prime Meridian (P.M.), Dunn County, North Dakota (Figure 1). The proposed access road would terminate at the well pad in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T148N, R94W, 5th P.M., Dunn County, North Dakota.

4. Scope of Work for Proposed Action

The proposed access road/utility corridor would travel northwest approximately 5,016 feet to the turn-off to the well pad. Initially, disturbance was calculated on a 60-foot ROW width (7.12 acres of disturbance) for new access road construction, without a utility corridor, that would originate off of BIA Road 14. The access road/utility corridor from the well pad to the main access road between the Axe/Vise/Poblano/Cayenne pad and a second pad to the west

was analyzed on a 100-foot ROW in the environmental assessment. Approximately 3.5 acres of additional disturbance would occur as a result of the ROW being expanded to 90 feet, bringing the adjusted total access road/utility corridor disturbance to 10.6 acres.

Enerplus proposes to construct and install gas and water gathering pipelines in the expanded ROW. 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. The gas pipeline would be no larger than 12 inches in diameter and constructed of steel. The water pipeline would also be no larger than 12 inches in diameter and constructed of Fiberspar® or similar material.

All construction disturbances would occur within a 60-foot temporary ROW, consisting of 30 feet on either side of the centerline and overlapping the approved 60-foot access road ROW. The temporary ROW has been surveyed for impacts to natural and cultural resources with no significant findings. Enerplus would maintain a 90-foot-wide permanent ROW after construction has been completed.

5. Cultural and Natural Resources Surveys

SWCA Environmental Consultants (SWCA) conducted natural resource surveys of the well pad and access road on August 25, 2010. SWCA conducted cursory vegetation, threatened and endangered species habitat, migratory bird, bald and golden eagle, and wetlands surveys.

No protected species including threatened and endangered species, migratory birds, or bald/golden eagles were observed during the natural resource survey.

A cultural resource inventory of the well pad and access road was conducted by SWCA personnel using an intensive pedestrian methodology. Approximately 39.2 acres were inventoried on August 25, 2010 (Hutchinson and Kohler 2010¹). An amorphous rock alignment was identified by tribal monitors as a possible stone effigy configuration. The site was left unevaluated for listing on the National Register of Historic Places pending further research and Native American consultation. Through consultation between SWCA, Three Affiliated Tribes Tribal Historic Preservation Office representatives, Bureau of Indian Affairs representatives, and project surveyors, the access road was rerouted approximately 72 feet to the northeast of the original access road alignment. With this rerouted alignment will be avoided by the access road construction right-of-way (ROW). However, given the proximity of the site to the construction ROW, BIA recommends fencing the site and that a qualified archaeological monitor be present during all ground-disturbing activities adjacent to the site to ensure site avoidance. 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. Casey Fox, THPO for the TAT, determined that the required fencing and monitoring will be sufficient, adding that a THPO will need to inspect the site

¹ Hutchinson, A., and T. Kohler. 2010. A Class I and Class III Cultural Resources Inventory of the Cayenne, Poblano, Vise, and Axe Well Pad and Access Road, Fort Berthold Indian Reservation, Dunn County, North Dakota. Prepared by SWCA Environmental Consultants for Enerplus Resources (USA) Corp.

following completion of construction to confirm that crews and equipment stayed within the ROW and left the site undisturbed.

An environmental assessment on-site meeting was held on August 24, 2010. Jeff Desjarlais of the BIA was present and gave approval of the project area. No additional survey was required for the ROW width increase.

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, based on the results of the field survey, no eligible cultural resource sites are located 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) (February 2011).

Based 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 discussed in this addendum.

7. Pipeline/Gathering Line Construction and Safety Information

The utility corridor is sized to accommodate the installation of buried oil, gas, and water gathering pipelines and buried electric and fiber optic lines. Gathering pipelines would tie into main pipeline trunk lines.

Gathering pipelines consist of oil, gas, and water pipelines. Gathering lines are designed and sized to prevent erosion—which is an internal pipe condition caused by excessive abrasion of fine particles in the pipeline system or by excessive velocity of the transported product—by a safety factor of approximately two. Based on these criteria, the oil and gas pipelines would be steel and 12 inches or less in diameter and the water pipelines would be Fiberspar and 6 inches or less in diameter. The gathering lines would be coated with between 14 and 16 millimeters of fusion bonded epoxy, which helps protect the pipelines against corrosive elements in the soil. Field joints are also protected by shrink sleeves. Specialty coatings are also used, as applicable, for underground fittings and bore crossings, to provide additional levels of protection from leakage or corrosion. The coating and shrink sleeves are inspected thoroughly at the time of installation, both visually and electronically. All pipelines are clearly marked following the U.S. Department of Transportation's (USDOT's) rules and regulations,

49 CRF Parts 192 and 195. To prevent potential erosion or rupturing of the pipeline within critical areas near Lake Sakakawea or in drainages, the placement and bore depth of gathering lines is designed based on soil types in the area and surface drainage area within the vicinity of the bore. Gathering lines will be bored underneath drainages at a minimum depth of 8 feet. Additionally, bore pipes will be coated with specialty abrasion-resistant coating that provides substantial protection on the off chance that a large erosion or flooding event occurs. Pipelines are also equipped with check valves and manual valves between the trunk line and gathering line, or lateral line, which provide connections to help limit the volume of potential spills. Saddle Butte Pipeline (SBP) has developed a Spill Response Plan (Plan) for its pipeline construction and operation activities. The Plan includes 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. SBP is committed to adhering to the Plan as well as the procedures and requirements set forth by federal law (49 CFR Part 194). SBP has committed to providing the site specific spill response plan to the BIA prior to the commencement of construction activities.

Following installation of the gathering lines, the lines will be cleaned and inspected via internal tools (e.g., cleaning pigs and smart pigs), which helps to identify issues in the pipes. Hydrostatic testing is conducted to ensure that there is no leakage of the pipe. A cathodic survey using test stations, rectifier pads, and other means designed by cathodic protection specialists is also conducted. Any stress or damage issues identified in the pipelines can be quickly identified and remedied prior to backfill. Throughout the life of the gathering lines, an appropriate amount of cathodic active current is placed on pipeline segments and monitored in accordance with the strict pipeline safety requirements set forth in the USDOT's rules and regulations. In order to assure the quality of the installation and the effectiveness of its corrosion control systems, pig launchers and receivers are also installed on the trunk lines and primary laterals to identify pipeline conditions both internally and externally, in order to maintain the integrity.

8. 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 1998²) and recent research has suggested that soil with “30% total cover provided adequate erosion protection” (Linse et al. 2001³). 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.

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 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 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.

² Lal, Ratan. 1988. Soil Erosion Research Methods. American Society of Agronomy 1988:164–165.

³ 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.

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

Reclamation would continue to occur over the life of the pipelines. Interim reclamation would commence after initial construction and following any maintenance work or additions to infrastructure. SBP would be responsible for successfully reclaiming and restoring any damage or disturbance it may have caused to the property.

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 stopped before interim reclamation can be completed due to winter weather conditions, the topsoil will be respread over the ROW after the trench is backfilled and matting or straw will be placed over the all bare ground as a barrier to aid in the prevention of subsidence. If construction is planned for winter months, SBP will partially fill the trench with useable, non-frozen, backfill soil to the extent possible. SBP would then backfill the trench and distribute the topsoil as soon as practicable after the soil has defrosted. Topsoil piles would be covered to eliminate the potential for rill erosion and subsequent loss of soil during spring snow melt and precipitation events.

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.

9. Applicable National Environmental Policy Act Document(s)

Environmental Assessment: *Enerplus Resources (USA) Corporation: Environmental Assessment for Drilling of Oil and Gas Wells: Axe 148-94-11A-1H, Vise 148-94-11A-2H TF, Poblano 148-94-02D-1H, Cayenne 148-94-02D-2H TF, Anvil 148-94-11B-4H TF, Jalapeno 148-94-02C-3H, Habanero 148-94-02C-4H TF, Forge 148-94-11B-3H, Pine 148-94-12D-01-1H, Cedar 148-94-12D-01-4H TF, Oak 148-94-12C-01-1H, Spruce 148-94-12C-01-2H TF, Hawaii 148-94-23A-1H, Maui 148-94-23A-4H TF, Kona 148-94-23B-3H, and Hilo 148-94-23B-2H TF.* This document received a FONSI on February 10, 2011.

10. Other Relevant Documentation

None.

11. NEPA Adequacy Criteria

This document has identified the above-mentioned previously prepared NEPA document, 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.

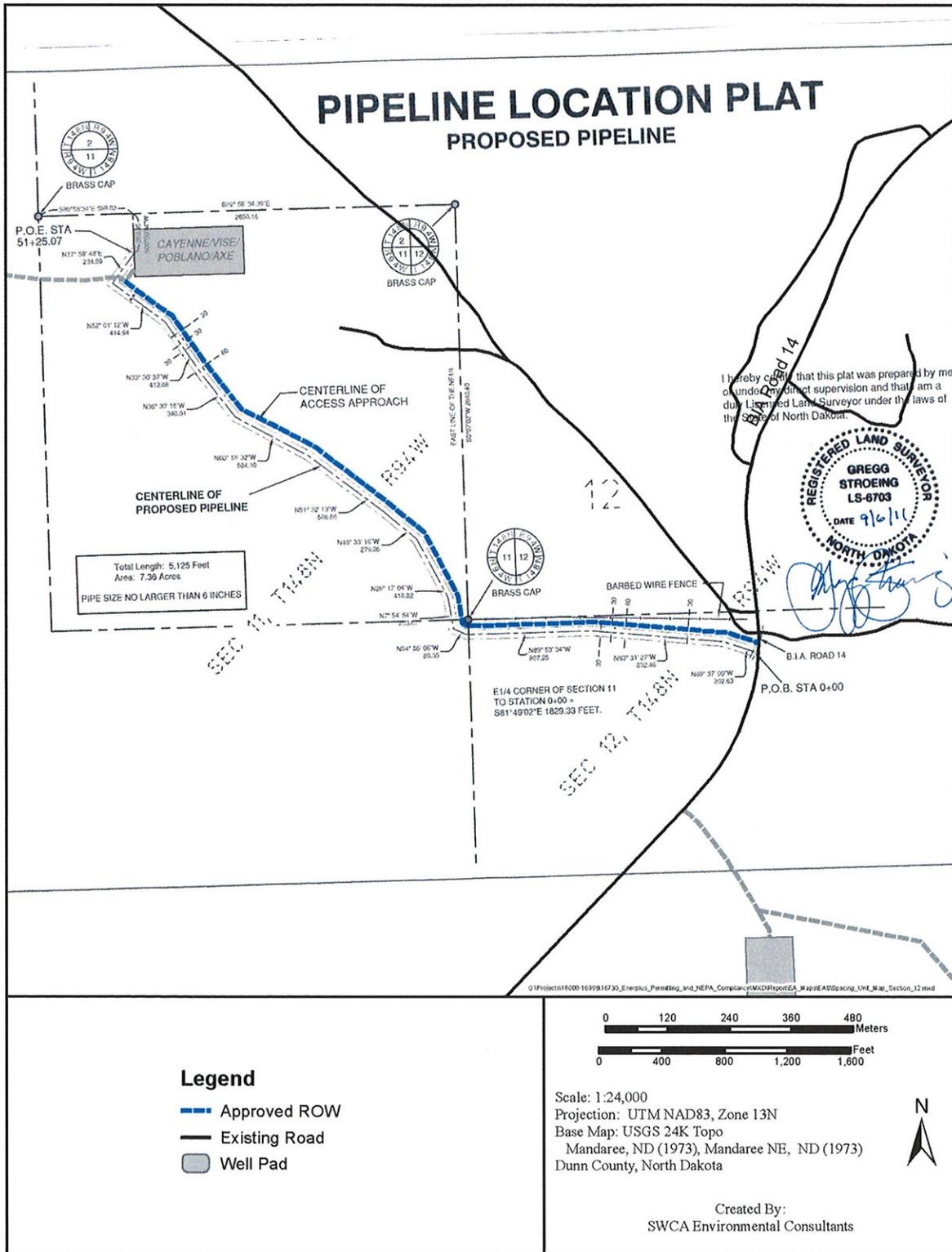


Figure 1. Axe 148-94-11A-1H, Vise 148-94-11A-2H TF, Poblano 148-94-02D-1H, and Cayenne 148-94-02D-2H TF well pad and access road/utility corridor location.

Notice of Availability and Appeal Rights

Enerplus: Addendum to Environmental Assessment to Authorize an Increase to the ROW Width to Accommodate a Utility Corridor to the Axe 148-94-11A-1H, Vise 148-94-11A-2H TF, Poblano 148-94-02D-1H, and Cayenne 148-94-02D-2H TF Well Pad

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to a Well Pad Expansion and to Increase the ROW Width to Accommodate a Utility Corridor to the Axe 148-94-11A-1H, Vise 148-94-11A-2H TF, Poblano 148-94-02D-1H, and Cayenne 148-94-02D-2H TF 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 3, 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

