



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

DEC 16 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 Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The addendum authorizes land use for expansion on the approved Mary R. Smith #5-8H 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)
Ryan Krapp, Carlson McCain, Inc. (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 Authorizing Land Use Well Pad Expansion on
the Mary R. Smith #5-8H Well Pad**

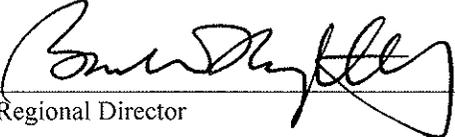
**Fort Berthold Indian Reservation
Mountrail County, North Dakota**

The U.S. Bureau of Indian Affairs (BIA) has received a proposed Addendum to Environmental Assessment authorizing land use for the well pad expansion of Mary R. Smith #5-8H well pad on the 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.

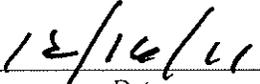
The potential of the proposed actions to impact the human environment is analyzed in the attached Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed EA, I have determined that the proposed projects will not significantly affect the quality 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 Expansion of Mary R. Smith #5-8H

Fort Berthold Indian Reservation

December 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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APPENDIX A Plats, Drawings, and Diagrams for the Revised Mary R. Smith #5-8H Well Pad

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 well pad for the Mary R. Smith #5-8H an additional 200 feet to the west side of the constructed pad (Figure 1). The pad expansion will allow for two additional well bores (Mary R. Smith #5-8HX and Mary R. Smith #5-8HW) to be drilled on the site. The Van Hook Gathering System (VHGS) right-of-way (ROW) connecting from Fee lands from the north is also proposed to be expanded from 100-feet to 130-feet to include natural gas, oil, produce water and fresh water pipelines along with buried fiber optic and buried electrical utilities.

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 Mary R. Smith #5-8H well pad is located in the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 5, Township 150 North, Range 92 West, in Mountrail County, North Dakota.

4.0 Scope of Work for Proposed Action

Dakota-3 E&P proposes to expand the approved well pad working surface approximately 200-feet, for an additional 6.5 acres of total disturbance, to the Mary R. Smith #5-8H pad site. The proposed expansion area is currently a fallow agriculture field. The original proposed pad site and access road have been built and the well was being drilled at time of surveys. The total surface use (total surface disturbance) for the three well bores will be 10.6 acres. The large size of the disturbance is due to large amounts of top soil and spoil pile placement. Interim reclamation will reduce the pad size to less than 3.0 acres or just over 1.0 acres per well. Additional heater treaters and tanks will be erected near existing facilities on pad and containment structures expanded. A short (50-foot) route of the VHGS crosses tribal allotted

lands as it connects to the pad from Fee lands to the north. This ROW expansion will be 30-foot wide for a total 0.034 acres of additional disturbance.

5.0 Cultural and Natural Resource Surveys

Carlson McCain, Inc. 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 VHGS utility corridor were performed on July 7, 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.

A cultural resource inventory for this well pad expansion was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 40.82 acres were inventoried on July 6, 2011 (Lechert 2011). No historic properties were located that appear to 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. This determination was communicated to the THPO on November 16, 2011; however the THPO did not respond within the allotted 30 day comment period.

Carlson McCain biologists conducted a natural resource survey within 300-feet of the proposed well pad expansion area and ROW expansion on July 7, 2011 with BIA natural resource officers in attendance. The expansion is located in an agricultural field that was fallow at the time of the survey with canola residue being the dominant cover. Wildlife surveys conducted did not reveal any nesting migratory birds or raptors at this time due to limited habitat and timing of survey. BIA natural resource officers were consulted and it was agreed that suitable raptor and migratory bird nesting habitat is very limited to non-existent in the expansion area. Additionally the immediate adjacent area is currently disturbed by original pad construction and drilling activity. Based upon these factors it was agreed that an additional migratory bird or raptor survey would not be necessary.

As originally committed to in 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 6 inches. Topsoil will be stripped and placed in piles no greater than 4ft in height. Soil stockpiles will be expanded around the west and south side of the pad.

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 the additional disturbance. The 18 inch containment berm will remain and continue to divert water around pad after interim reclamation. Use of BMPs (soil compaction, berms, straw matting, wattles, fabric etc.) will be used to reduce erosion

potential. Indefinite monitoring of seeding success and weed species control and maintenance will occur as needed to maintain environmental protections.

As in the original EA Dakota-3 E&P plans to drill these additional wells utilizing a semi-closed loop drilling system. Dry cuttings will be deposited in the cuttings pit on well pad. Cutting pits will be lined with an impervious (plastic/vinyl) liner to prevent drilling fluid seepage and contamination of the underlying soil.

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 actions in this addendum.

6.0 Pipeline System Design

All pipelines and utilities will be installed underground within the expanded 130-foot right-of-way. The natural gas pipelines are polyethylene, 8 inch in diameter for trunk lines and 3 inch in diameter for well lateral connections. The proposed oil pipelines will be constructed of 8-10 inch diameter welded steel for trunk lines and 6-8 inch diameter for well lateral connections. Produced water pipelines will consist of 4-8 inches in diameter polyethylene pipe. Fresh water delivery pipelines will also be polyethylene pipe, 4-6 inches in diameter. Underground electrical and fiber optic utilities are planned to be installed at time of pipeline installation. If utilities are not able to be installed at that time they may be installed at a later date by utilizing the spider-plow method. Spider-plowing has very minimal impact to the ground surface and will be within the previously disturbed surface.

The proposed ROW expansion area (additional 30-feet) was re-evaluated for cultural and natural resource effects along this route on all tribal allotted lands. The 30-foot extension of the ROW will be added to one side or the other of the initial 100-foot temporary ROW (previously disturbed surface area).

7.0 Pipeline Construction Procedures

Natural gas and oil pipelines will either be installed in the same trench or in a separate trench if they were installed in separate phases. Produced water and fresh water pipelines will be installed in the same trench. Trenches will be approximately 2.5 feet wide and will be placed 10-15 feet apart. All pipelines are installed at a minimum depth of six feet except as needed at road and stream crossings or as needed for safety considerations. Electrical and fiber optic utilities will be installed at the same time or at a later date by utilizing the spider-plow method. The pipelines and utilities will all be installed within the same 130-foot right-of-way.

The pipelines will be designed, assembled, and installed in accordance with U.S. Department of Transportation (DOT) regulations (DOT Title 49 CFR Parts 195 and 192) and other standards as applicable.

Pipeline materials will be staged at storage facilities located on Fee lands to be determined, at existing oil/gas well sites along the route and/or trucked directly to the construction ROW. County, state, private, BIA roads, field approaches and well pad will be used to access the ROW during construction will be maintained in the same or better condition as existed prior to the start of the operations. No new roads will be constructed for the installation of these pipelines. Off-road driving, other than within the ROW, will be strictly prohibited. Signs may be installed on approved access roads and will be used to identify roads where access is prohibited. Excessive rutting or other surface disturbing activities will be avoided or immediately repaired.

8.0 Spill Response Plan

D-3 has developed an Emergency Spill Contingency Plan (Plan) for the entire VHGS (D-3, 2011). The spill preventative measures and monitoring protocols, notification procedures, spill detection and on-scene spill mitigation procedures, response activities, contacts, training and drill procedures, and response plan review and update procedures, as referenced in the Plan, apply to the proposed pipelines, so long as D-3 remains the operator. A copy of the Plan has been filed with the BIA and D-3 has legally committed to adhering to the procedures and requirements as defined by federal law (Title 49 Code of Federal Regulations [CFR] 194).

9.0 Pipeline Marking Procedures

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

10.0 Quality Control/Quality Assurance Measures

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

The natural gas and produced water pipelines will be constructed with high density polyethylene pipe resin 4710. The polyethylene material is not subject to corrosion from reaction with the water so no external or internal coating is required for water service. The produced water pipe is designed to sustain a minimum pressure of 255 psig and is hydrotested

to approximately 255 psig prior to being approved for service. The natural gas pipe is designed to sustain a minimum pressure of 250 psig and is hydrotested to approximately 250 psig prior to being approved for service.

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

11.0 Pipeline Valve Locations

Above ground isolation valves will be constructed on each well pad site and at intervals of approximately 1-1.5 miles on the oil, gas and produced water pipelines. Foremost this will allow for sections to be isolated to minimize potential for large spills and also for repair or service of the lines. The line valve placement is determined by permanent ROW accessibility and ability to quickly access to shutdown during winter months.

12.0 Interim Reclamation

Well pad interim reclamation commitments as described in original EA will be adhered to. Reclamation to the gathering system ROW will take place immediately and maintained throughout the pipeline gathering system lifespan. Reclamation will take place after the initial construction, after any maintenance work or addition of auxiliary infrastructure, and before final abandonment of the decommissioned system. Successful reclamation will remain the obligation and responsibility of the system operator.

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

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

Following winter construction, cleanup and reclamation that was unable to be completed at the time of installation will be completed immediately the following spring. When ditching is implemented with a trenching machine, the topsoil will first be stripped and stored on the far side of the spoil side of the right-of-way, which will likely contain frozen soil chunks. The trenching operation will result in finer subsoil which will be utilized to backfill the trench after installation is complete. Utilizing this method will minimize the potential for frozen materials being incorporated into the backfill. In areas where the spring thaw will likely bring considerable amounts of running water, trench breakers or surface breakers will be implemented, along with all above mentioned BMP's, to minimize erosion. Final grading and reclamation will be completed in the spring with weather conditions being the determining factor on timing.

After subsoil is scarified to alleviate compaction, stockpiled topsoil will be redistributed over the ROW. Re-contouring and reclamation of disturbed areas will be accomplished as soon as possible after construction is completed, and no later than by the next appropriate planting season (fall or spring). The ROW on non-tilled land will be re-seeded with certified, weed-free seed mixtures established by BIA. Native species will be used to the extent possible and seeding and planting will comply with BIA directions to ensure successful reclamation.

The ROW will be monitored to identify areas of excessive erosion, subsidence, or invasion of noxious weeds. Periodic monitoring will be performed and repeated reclamation efforts will be undertaken in problem areas until BIA has certified the ROW as successfully reclaimed. Successful reclamation is defined by the BIA to include the following observable factors: 1) reproduction of seeded and re-established species; 2) natural invasion of plants from undisturbed adjacent communities; and 3) control or exclusion of noxious weeds.

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

13.0 Final Reclamation

Decommissioning of the pipeline will result in mandatory final reclamation of the ROW. All facilities would be removed. All disturbed areas would be reclaimed, reflecting the BIA's view of oil and gas exploration and production as temporary intrusions on the landscape. Due to economic costs and additional environmental disturbance associated with excavation and removal, pipelines will be purged with water to remove hydrocarbons, and then abandoned in place. Long term monitoring will be required to ensure successful reclamation and implementation of any necessary remedial efforts.

14.0 Operations and Maintenance

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

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

Environmental Assessment: Zenergy Operating Company, LLC, D-3 Mary R. Smith #5-8H, D-3 Hidatsa #23-26H. January, 2011. Finding of No Significant Impact: Zenergy Operating Company, LLC, D-3 Mary R. Smith #5-8H, D-3 Hidatsa #23-26H. January 2011.

16.0 Other Relevant Documentation

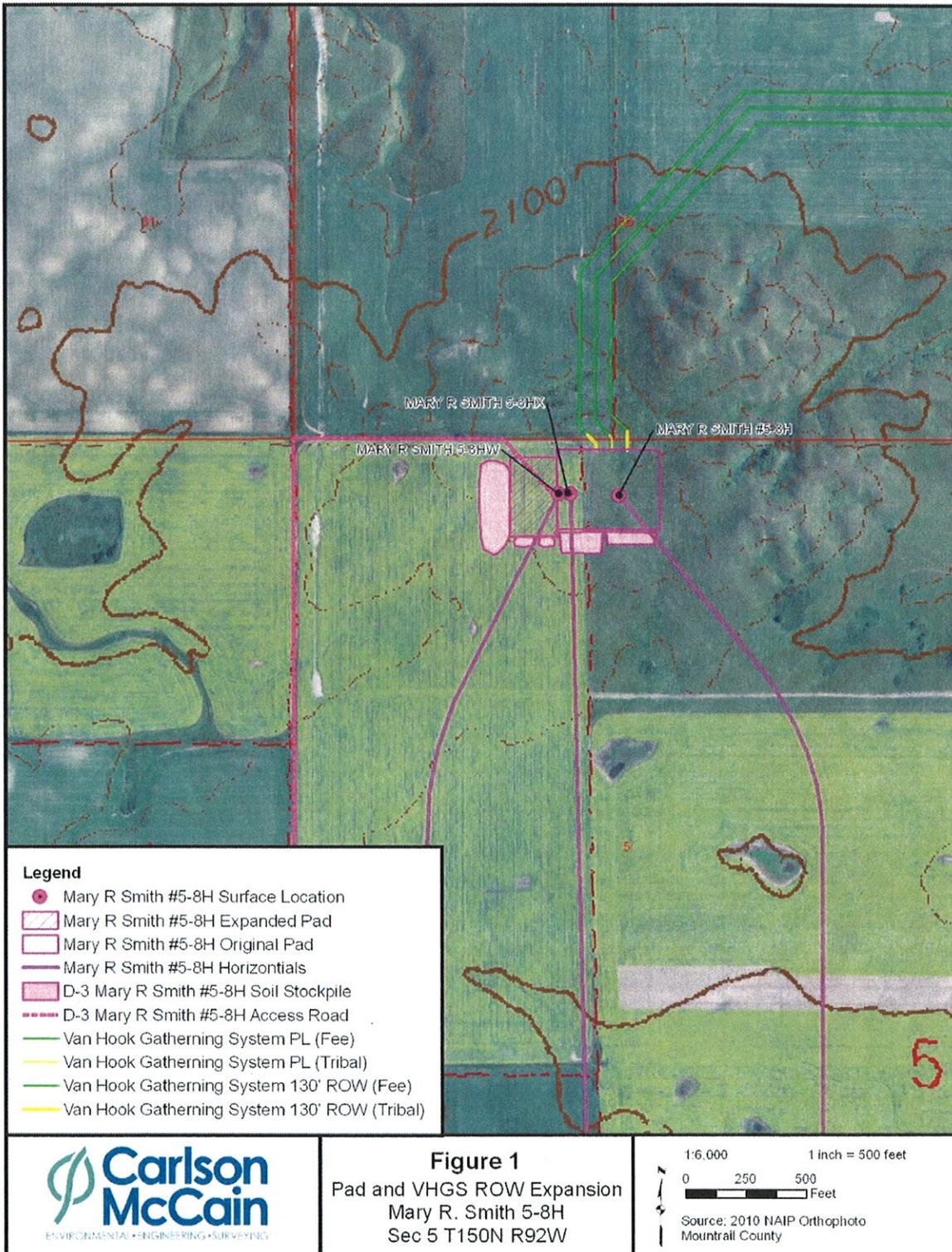
Lechert, 2011. A Class I and Class III Cultural Resource Inventory of the Dakota-3 E&P Mary R. Smith #5-8H Well Pad Expansion, Fort Berthold Indian Reservation, Mountrail County, North Dakota. Report submittal to BIA: November 11, 2011.

17.0 NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document, *Environmental Assessment: Zenergy Operating Company, LLC, , D-3 Mary R. Smith #5-8H, D-3 Hidatsa #23-26H* (January 2011), 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. Mary R. Smith #5-8H Pad and VHGS ROW Expansion



R:\projects\WLS417 - Mary R. Smith 5-8H expansion\D-3 Mary R. Smith #5-8H expanded pad.mxd

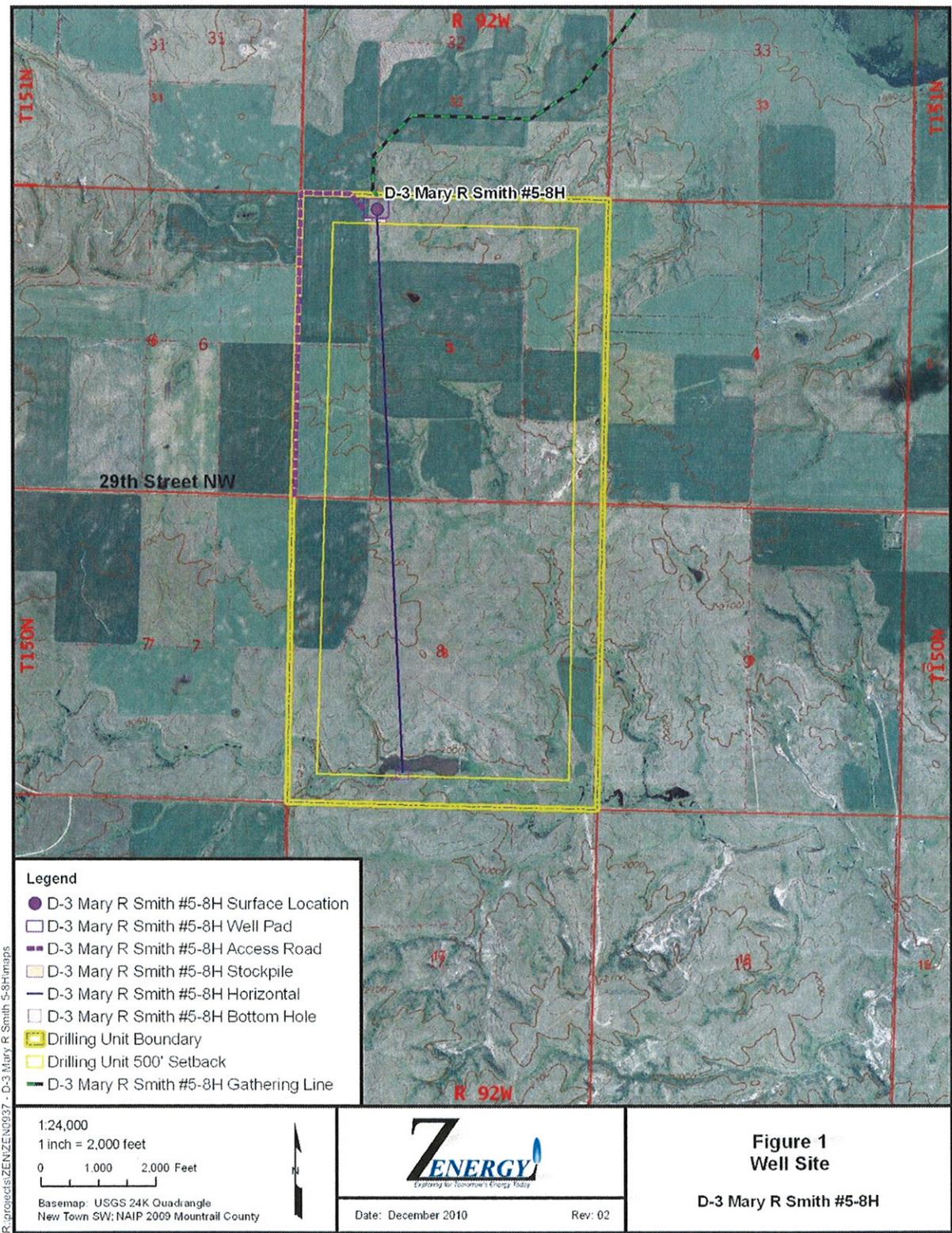
Figure 2. Photograph of expansion area west side of existing pad. Southwest corner of existing pad in background.



Figure 3. Photograph of proposed expansion area in cultivated field looking south from access road.



Figure 4. Original Mary R. Smith #5-8H EA drilling plan map



R:\projects\ZEN\ZEN0937 - D-3 Mary R. Smith 5-8H\maps



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 16 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 an oil well pad expansion in Mountrail County, North Dakota. Approximately 40.82 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (36 CFR 60.4) for inclusion on the National Register of Historic Places. No properties were located that appear to qualify for protection under the American Indian Religious Freedom Act (42 USC 1996).

As the surface management agency, and as provided for in 36 CFR 800.5, we have therefore reached a determination of **no historic properties affected** for this undertaking. Catalogued as **BIA Case Number AAO-2024/FB/12**, the proposed undertaking, location, and project dimensions are described in the following report:

Lechert, Stephanie
(2011) A Class I and Class III Cultural Resources Inventory of the Mary R. Smith #5-8H Well Pad Expansion, 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,

ACTING

Regional Director

Enclosure

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

APPENDIX A

Plats, Drawings, and Diagrams for the
Revised Mary R. Smith #5-8H Well Pad

DAKOTA-3 E&P COMPANY, LLC
MARY R. SMITH #5-8HW & #5-8HX
 LOCATED IN MOUNTRAIL, NORTH DAKOTA
 SECTION 5, T150N, R92W, 5th P.M.



PHOTO: VIEW OF LOCATION STAKES

CAMERA ANGLE: SOUTHEASTERLY

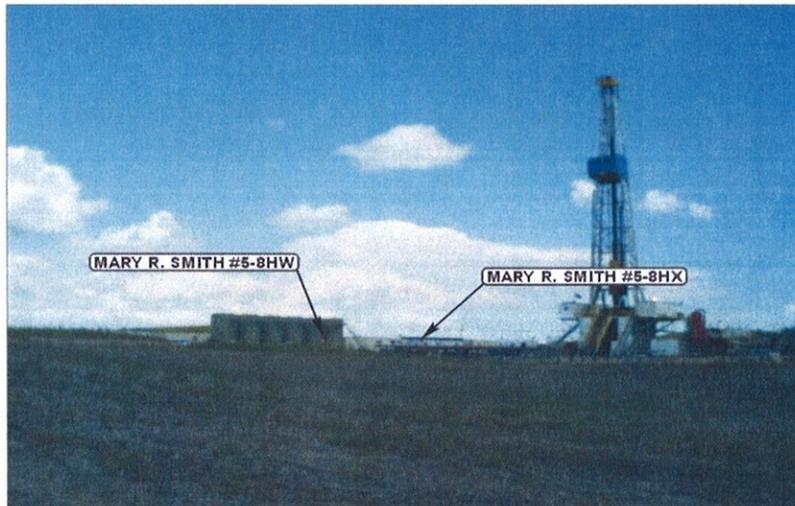


PHOTO: VIEW OF LOCATION STAKES

CAMERA ANGLE: NORTHEASTERLY



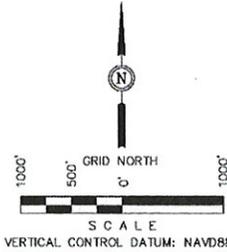
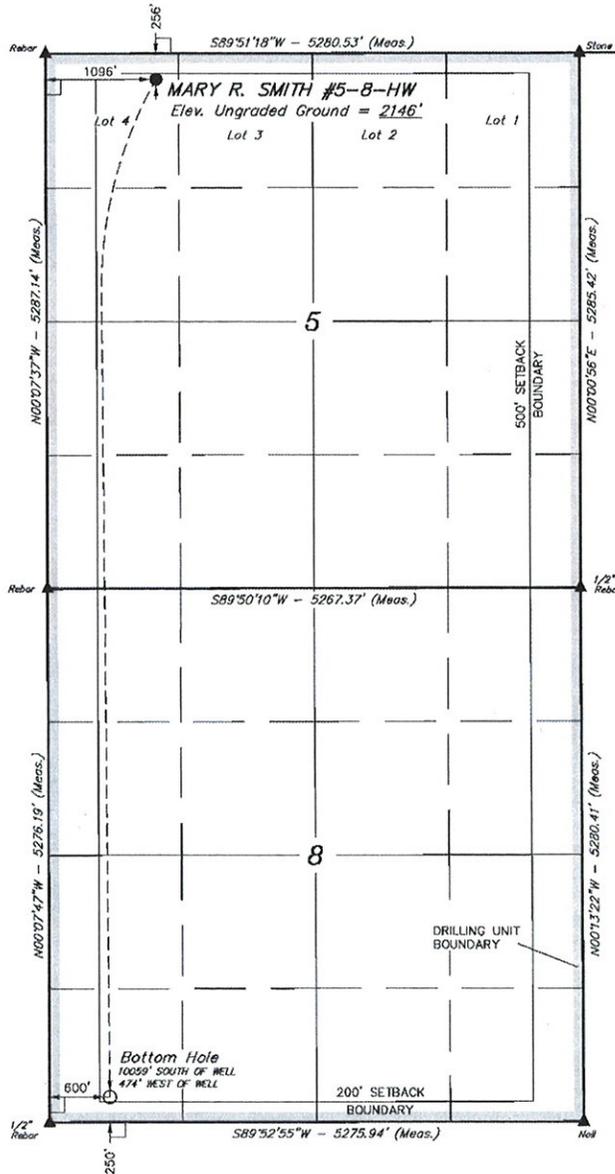
U E L S Uintah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
 (435) 789-1017 * FAX (435) 789-1813

LOCATION PHOTOS			08	08	11	PHOTO
			MONTH	DAY	YEAR	
TAKEN BY: T.G.	DRAWN BY: S.F.	REVISED: 00-00-00				

WELL LOCATION PLAT
T150N, R92W, 5th P.M.

DAKOTA-3 E&P COMPANY, LLC

Well location, MARY R. SMITH #5-8HW, located as shown in Lot 4 of Section 5, T150N, R92W, 5th P.M., Mountrail County, North Dakota.



LEGEND:

- └ = 90° SYMBOL
- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.

NOTE:
 DRILLING PATH HAS BEEN PROVIDED BY DAKOTA-3 E&P COMPANY, LLC.

CERTIFICATE

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



Troy Jensen
 REGISTERED LAND SURVEYOR
 REGISTRATION NO. 4854
 STATE OF NORTH DAKOTA

[derived from: N.G.S. D.P.U.S. Solution REF FRAME: NAD_83(CORS98)(EPOCH: 2002.0000)]

NAD 83 (TARGET BOTTOM HOLE)	NAD 83 (SURFACE LOCATION)
LATITUDE = 47°49'09.75" (47.819375)	LATITUDE = 47°50'49.01" (47.846947)
LONGITUDE = 102°29'26.37" (102.490858)	LONGITUDE = 102°29'18.29" (102.488922)
NAD 27 (TARGET BOTTOM HOLE)	NAD 27 (SURFACE LOCATION)
LATITUDE = 47°49'09.71" (47.819364)	LATITUDE = 47°50'48.97" (47.846936)
LONGITUDE = 102°28'24.71" (102.490197)	LONGITUDE = 102°29'17.83" (102.488231)
NAD 27 UTM 13N (TARGET BOTTOM HOLE)	NAD 27 UTM 13N (SURFACE LOCATION)
N: 17385315.78 E: 2258795.87	N: 17395384.23 E: 2258851.79

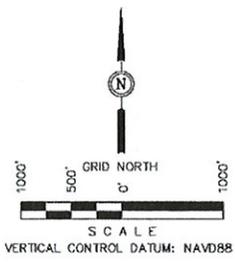
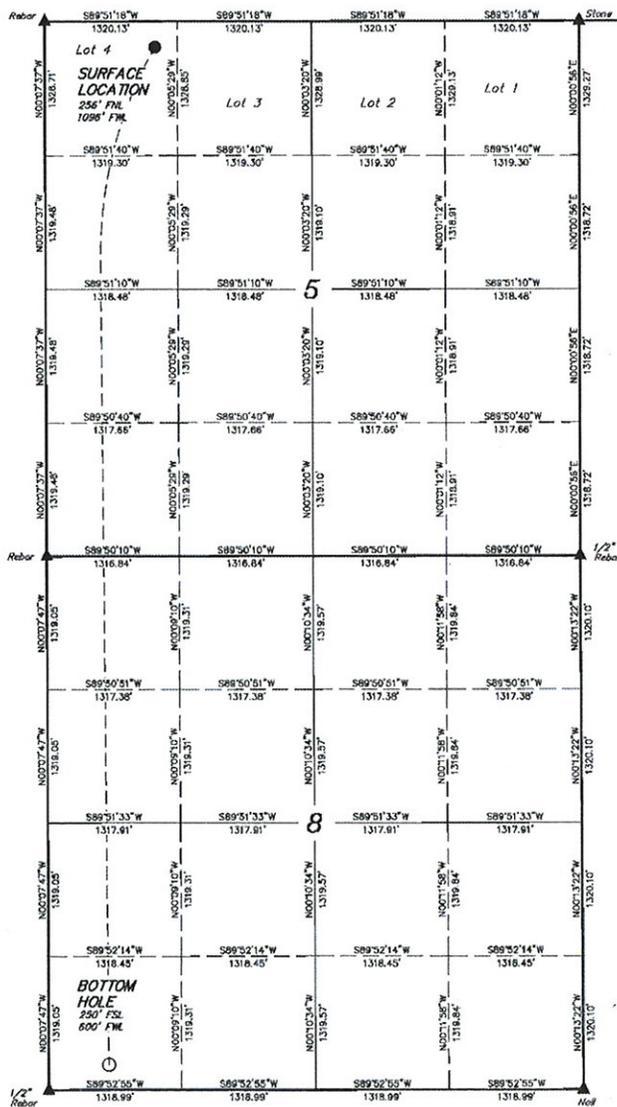
UINTAH ENGINEERING & LAND SURVEYING
 85 SOUTH 200 EAST - VERNAL, UTAH 84078
 (435) 789-1017

SCALE 1" = 1000'	DATE SURVEYED: 07-29-11	DATE DRAWN: 08-05-11
PARTY P.T. D.P.	REFERENCES G.L.O. PLAT	
WEATHER HOT	FILE DAKOTA-3 E&P COMPANY, LLC	

DAKOTA-3 E&P COMPANY, LLC

SECTION BREAKDOWN
T150N, R92W, 5th P.M.

Well location, MARY R. SMITH #5-8HW, located as shown in Lot 4 of Section 5, T150N, R92W, 5th P.M., Mountrail County, North Dakota.

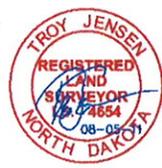


LEGEND:
 L = 90° SYMBOL
 ● = PROPOSED WELL HEAD.
 ▲ = SECTION CORNERS LOCATED.

NOTE:
 DRILLING PATH HAS BEEN PROVIDED BY DAKOTA-3 E&P COMPANY, LLC.

CERTIFICATE

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



Troy Jensen
 REGISTERED LAND SURVEYOR
 REGISTRATION NO. 4654
 STATE OF NORTH DAKOTA

[derived from: N.G.S. D.P.U.S. Solution REF FRAME: NAD_83(CORS98)(EPOCH: 2002.0000)]

NAD 83 (TARGET BOTTOM HOLE) LATITUDE = 47°49'09.75" (47.8193375) LONGITUDE = 102°29'26.37" (102.490608)	NAD 83 (SURFACE LOCATION) LATITUDE = 47°50'49.01" (47.846947) LONGITUDE = 102°29'19.29" (102.488622)
NAD 27 (TARGET BOTTOM HOLE) LATITUDE = 47°49'09.71" (47.819364) LONGITUDE = 102°29'24.71" (102.490197)	NAD 27 (SURFACE LOCATION) LATITUDE = 47°50'48.97" (47.846936) LONGITUDE = 102°29'17.63" (102.488231)
NAD 27 UTM 13N (TARGET BOTTOM HOLE) N: 17385315.78 E: 2258795.87	NAD 27 UTM 13N (SURFACE LOCATION) N: 17395384.23 E: 2258685.79

UNTAH ENGINEERING & LAND SURVEYING 85 SOUTH 200 EAST - VERNAL, UTAH 84078 (435) 709-1017	
SCALE 1" = 1000'	DATE SURVEYED: 07-29-11
PARTY P.T. D.P.	DATE DRAWN: 08-05-11
WEATHER HOT	REFERENCES G.L.O. PLAT
	FILE DAKOTA-3 E&P COMPANY, LLC

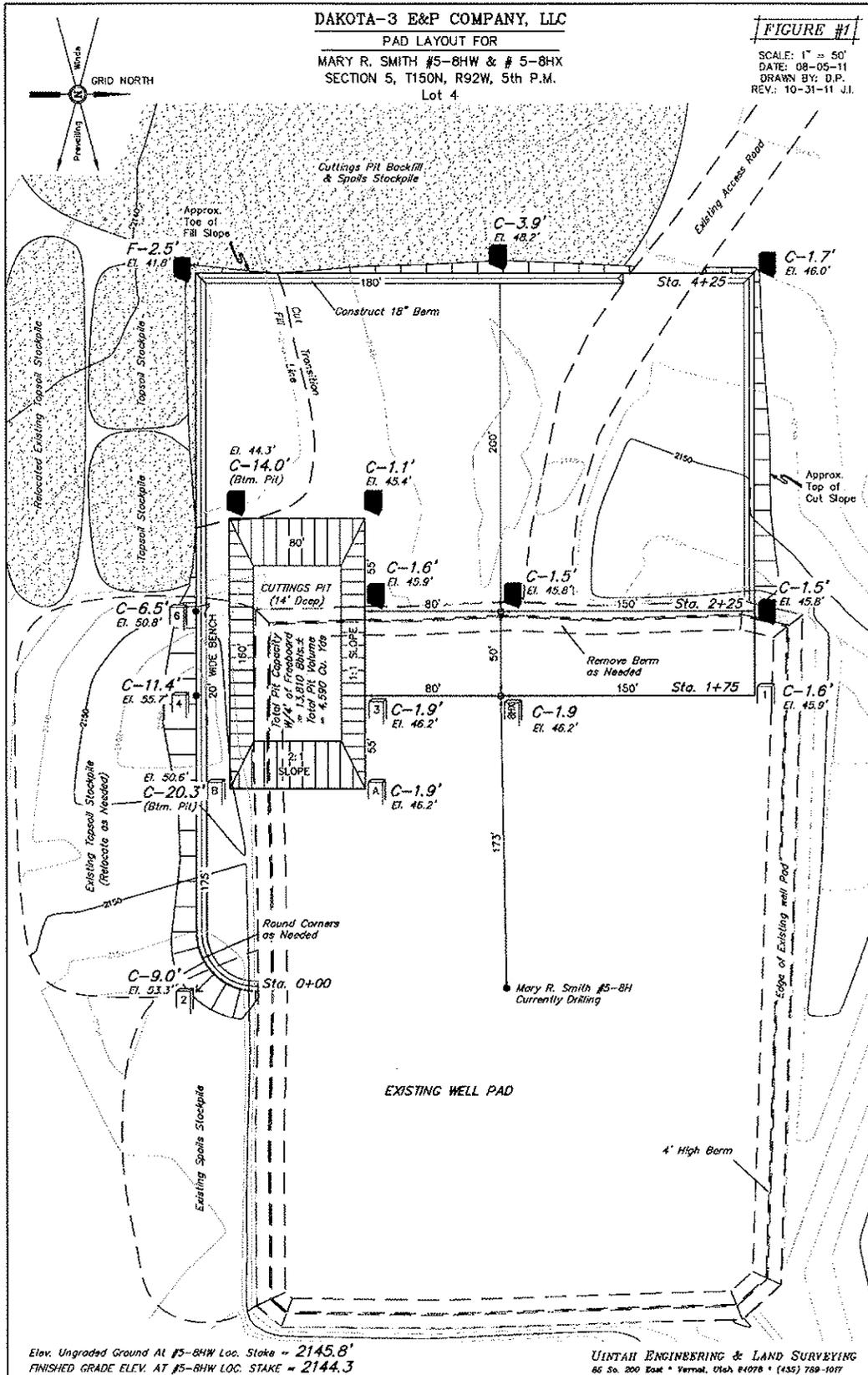
DAKOTA-3 E&P COMPANY, LLC

PAD LAYOUT FOR

MARY R. SMITH #5-8HW & # 5-8HX
SECTION 5, T150N, R92W, 5th P.M.
Lot 4

FIGURE #1

SCALE: 1" = 50'
DATE: 08-05-11
DRAWN BY: D.P.
REV.: 10-31-11 J.I.



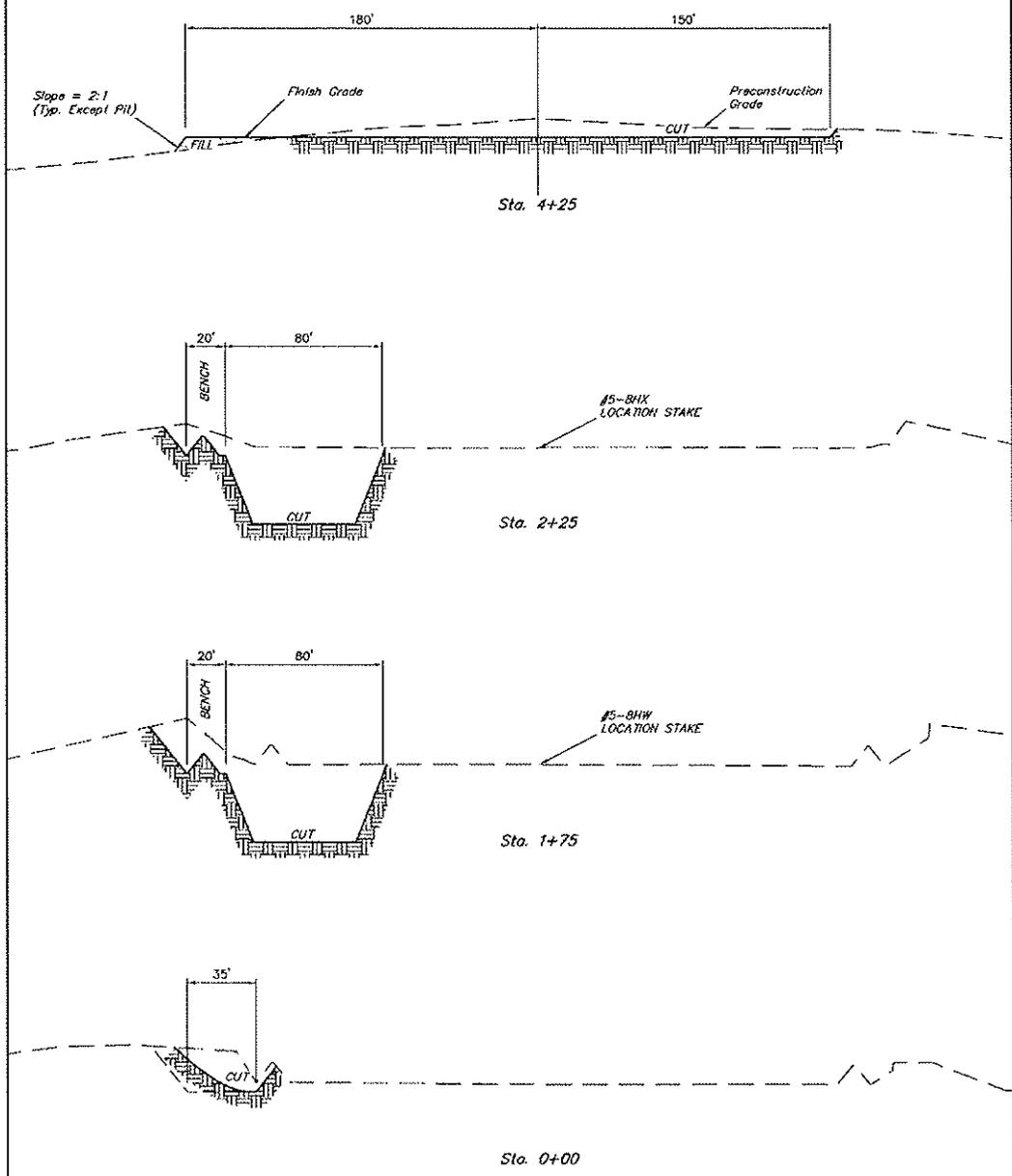
Elev. Ungraded Ground At #5-8HW Loc. Stake = 2145.8'
FINISHED GRADE ELEV. AT #5-8HW LOC. STAKE = 2144.3

UINTAH ENGINEERING & LAND SURVEYING
66 So. 200 East • Vernal, Utah 84078 • (435) 789-1077

1" = 20'
 X-Section Scale
 1" = 50'
 DATE: 08-05-11
 DRAWN BY: D.P.
 REV.: 10-31-11 J.I.

DAKOTA-3 E&P COMPANY, LLC
 TYPICAL CROSS SECTIONS FOR
 MARY R. SMITH #5-8HW & # 5-8HX
 SECTION 5, T150N, R92W, 5th P.M.
 Lot 4

FIGURE #2



APPROXIMATE YARDAGES

(6") Topsoil Stripping	= 1,750 Cu. Yds.
Remaining Location	= 7,500 Cu. Yds.
Cuttings Pit Cut	= 4,590 Cu. Yds.
TOTAL CUT	= 13,840 CU.YDS.
FILL	= 1,020 CU.YDS.

* NOTE:
 FILL QUANTITY INCLUDES
 5% FOR COMPACTION

EXCESS MATERIAL	= 12,820 Cu. Yds.
Topsoil & Pit Backfill (1/2 Pit Vol.)	= 4,050 Cu. Yds.
EXCESS UNBALANCE (After Interim Rehabilitation)	= 8,770 Cu. Yds.

APPROXIMATE ACREAGES

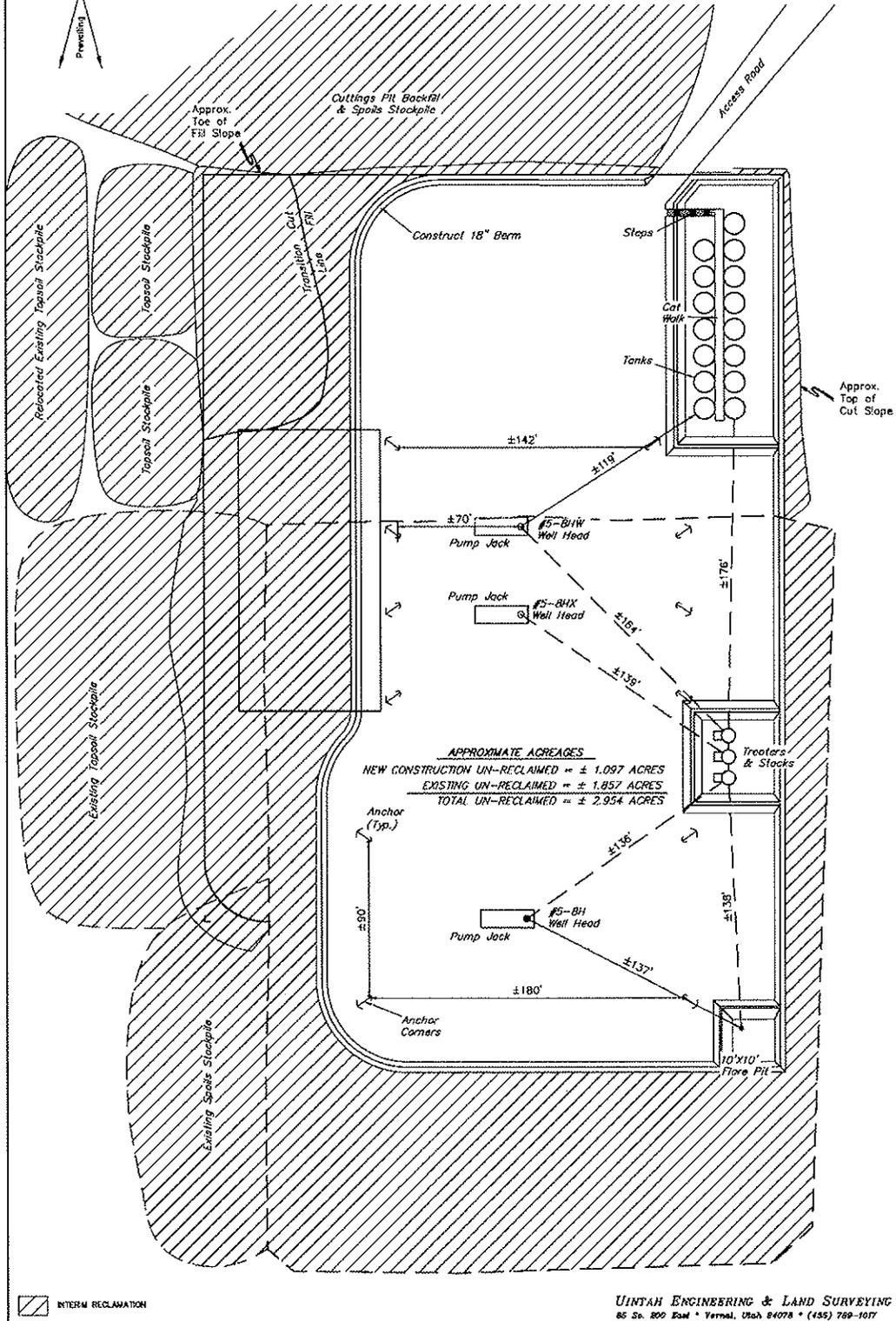
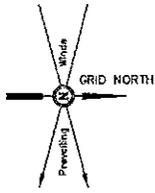
EXISTING AREA OF LOSS	= ± 4.167 ACRES
PROPOSED AREA OF LOSS	= ± 6.523 ACRES
TOTAL SURFACE DISTURBANCE	= ± 10.690 ACRES

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DAKOTA-3 E&P COMPANY, LLC
 PRODUCTION FACILITY LAYOUT FOR
 MARY R. SMITH #5-BHW & #5-BHX
 SECTION 5, T150N, R92W, 5th P.M.
 Lot 4

FIGURE #3

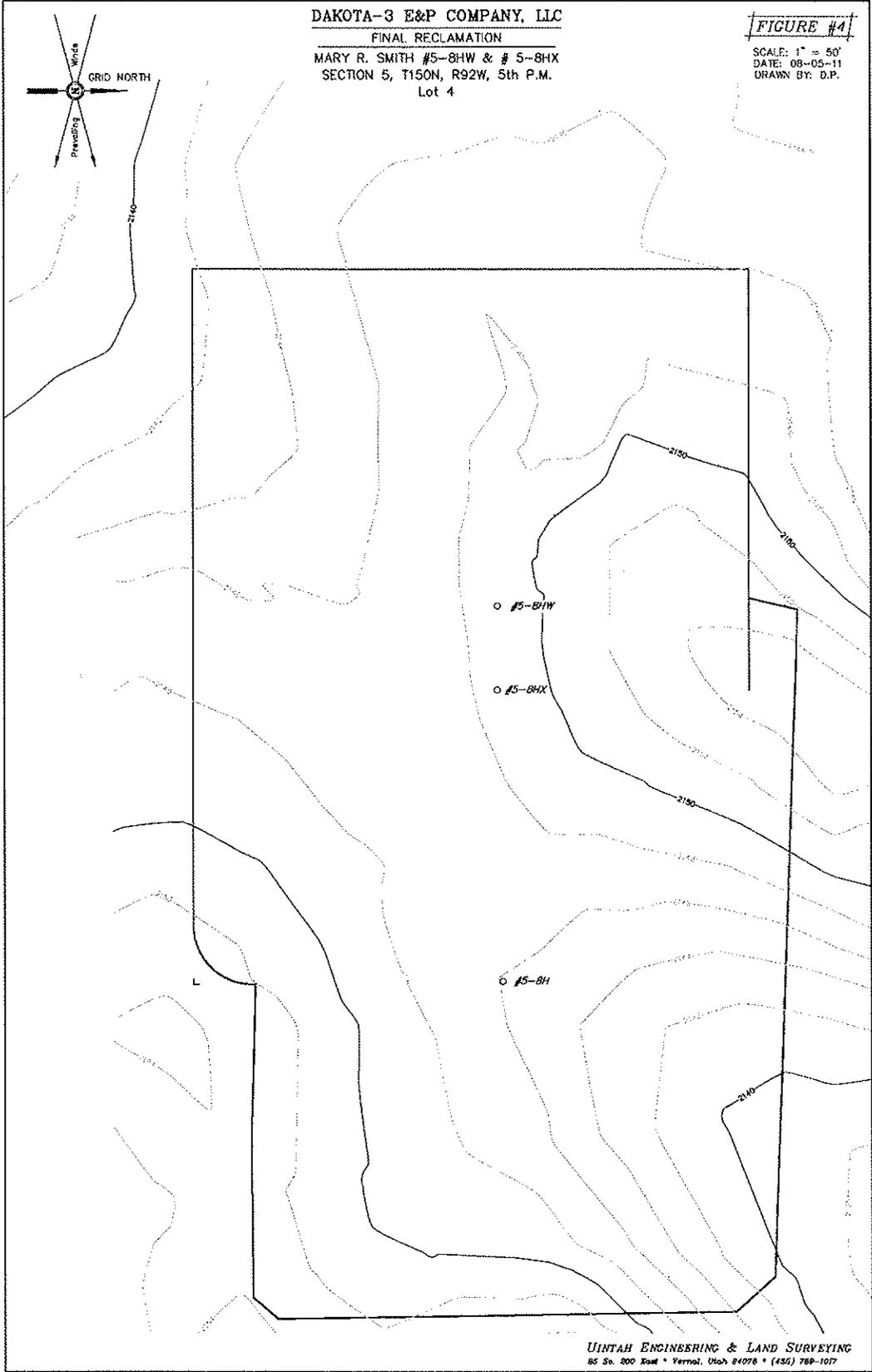
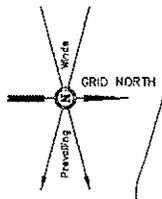
SCALE: 1" = 50'
 DATE: 08-05-11
 DRAWN BY: D.P.
 REV.: 10-31-11 J.I.



DAKOTA-3 E&P COMPANY, LLC
FINAL RECLAMATION
MARY R. SMITH #5-8HW & # 5-8HX
SECTION 5, T150N, R92W, 5th P.M.
Lot 4

FIGURE #4

SCALE: 1" = 50'
DATE: 08-05-11
DRAWN BY: D.P.

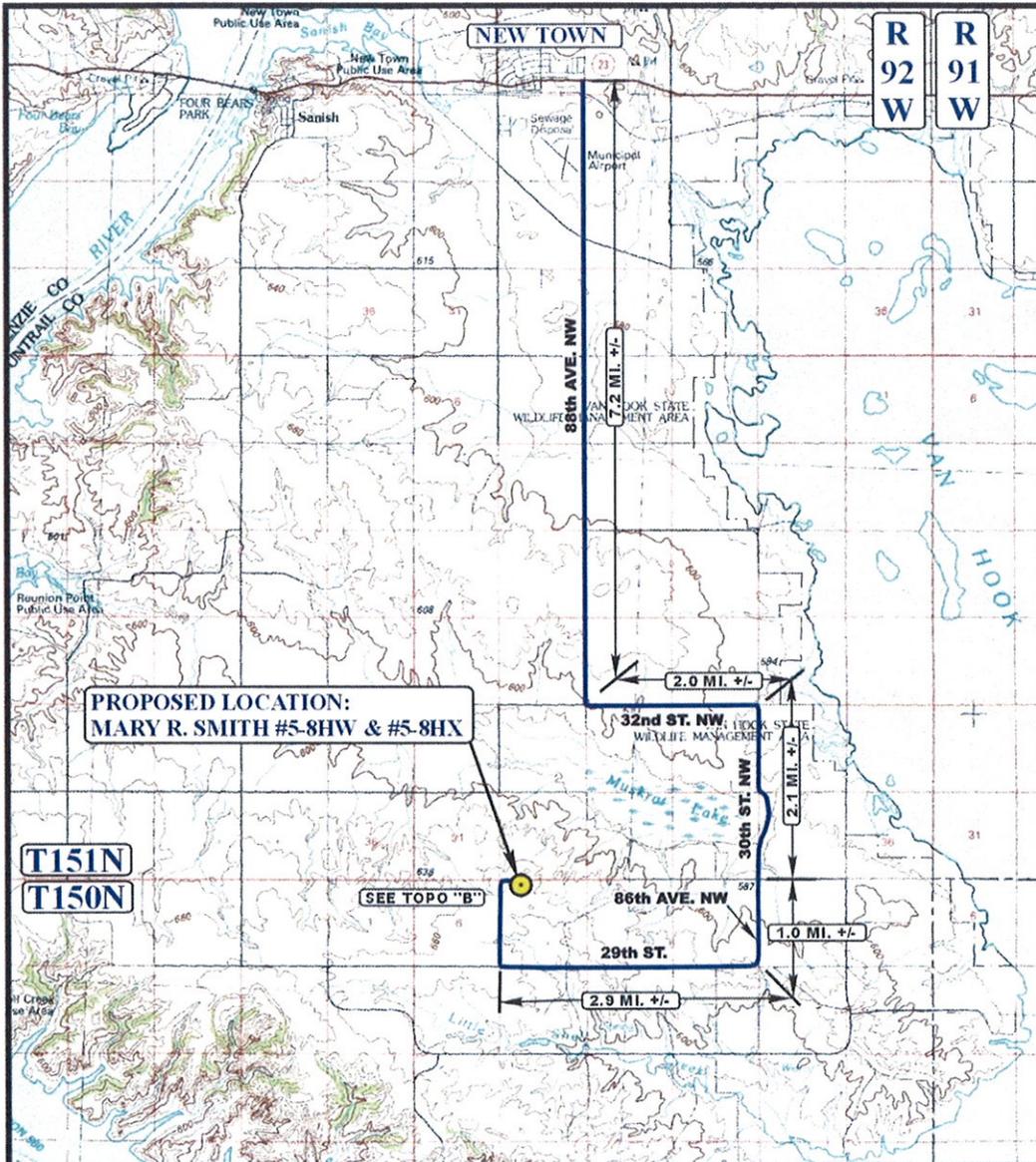


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DAKOTA-3 E&P COMPANY, LLC
MARY R. SMITH #5-8HW & #5-8HX
SECTION 5, T150N, R92W, 5th P.M.

PROCEED IN A SOUTHERLY DIRECTION FROM NEW TOWN, NORTH DAKOTA ALONG 88TH AVE NW APPROXIMATELY 7.2 MILES TO THE JUNCTION OF THIS ROAD AND 32ND ST NW TO THE EAST; TURN LEFT AND PROCEED IN AN EASTERLY DIRECTION APPROXIMATELY 2.0 MILES TO THE JUNCTION OF THIS ROAD AND 30TH ST NW TO THE SOUTH; TURN RIGHT AND PROCEED IN A SOUTHERLY DIRECTION APPROXIMATELY 2.1 MILES TO THE JUNCTION OF THIS ROAD AND 86TH AVE. NW TO THE SOUTH; PROCEED IN A SOUTHERLY DIRECTION APPROXIMATELY 1.0 MILES TO THE JUNCTION OF THIS ROAD AND 29TH ST. TO THE WEST; PROCEED IN A WESTERLY DIRECTION APPROXIMATELY 2.9 MILES TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE NORTH; TURN RIGHT AND PROCEED IN A NORTHERLY, THEN EASTERLY, THEN SOUTHEASTERLY DIRECTION APPROXIMATELY 1.2 MILES TO THE PROPOSED LOCATION.

TOTAL DISTANCE FROM NEW TOWN, NORTH DAKOTA TO THE PROPOSED WELL LOCATION IS APPROXIMATELY 16.4 MILES.



**PROPOSED LOCATION:
MARY R. SMITH #5-8HW & #5-8HX**

**T151N
T150N**

SEE TOPO "B"

LEGEND:

PROPOSED LOCATION



DAKOTA-3 E&P COMPANY, LLC.
MARY R. SMITH #5-8HW & #5-8HX
SECTION 5, T150N, R92W, 5th P.M.
LOT 4



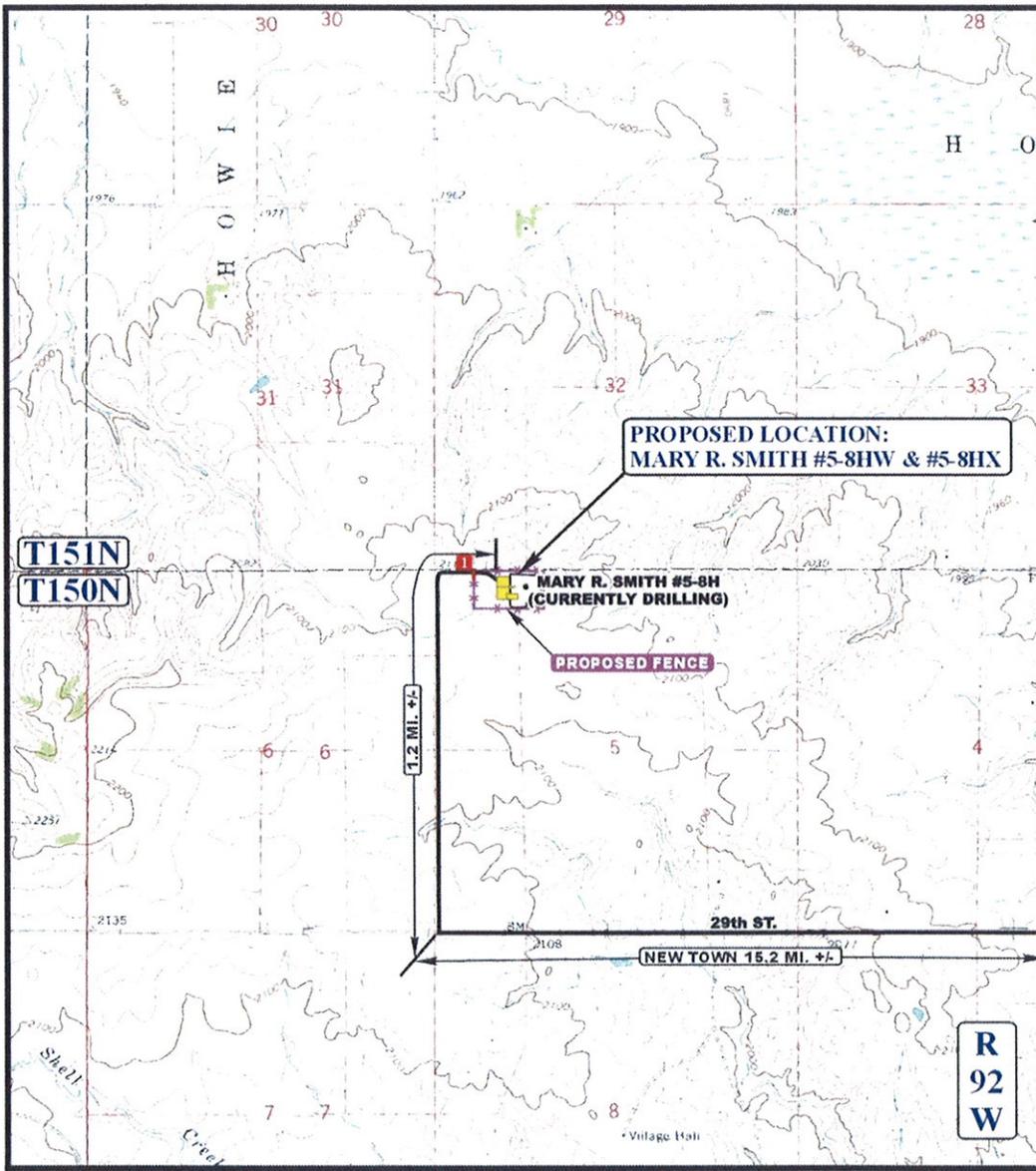
Utah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
 (435) 789-1017 * FAX (435) 789-1813

**ACCESS ROAD
MAP**

08 08 11
 MONTH DAY YEAR



SCALE: 1:100,000 DRAWN BY: S.F. REVISED: 00-00-00



LEGEND:

- EXISTING ROAD
- PROPOSED ACCESS ROAD
- EXISTING FENCE
- PROPOSED FENCE
- INSTALL CATTLEGUARD

U E L S
 Uintah Engineering & Land Surveying
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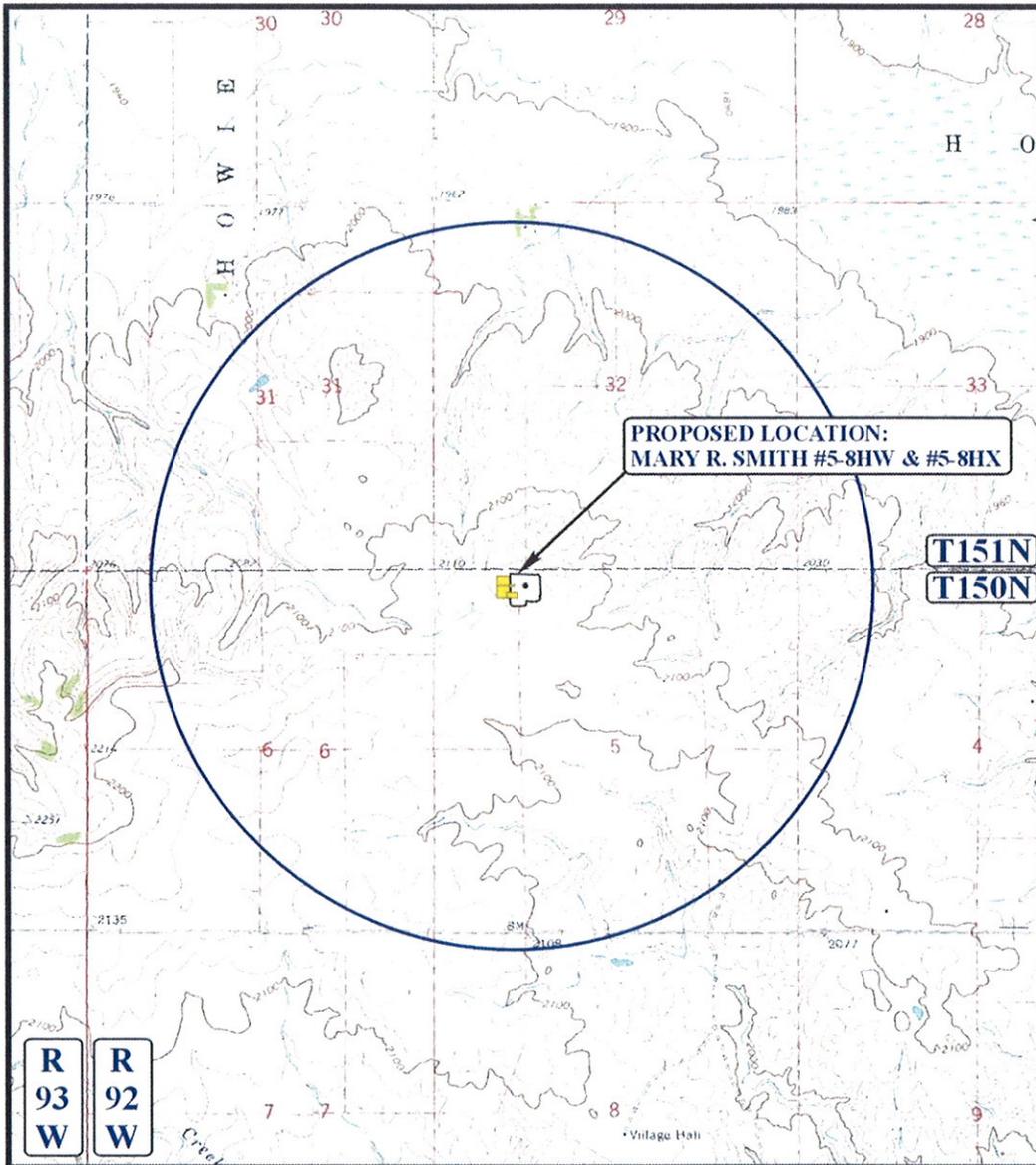


DAKOTA-3 E&P COMPANY, LLC.

MARY R. SMITH #5-8HW & #5-8HX
SECTION 5, T150N, R92W, 5th P.M.
LOT 4

ACCESS ROAD
M A P
 SCALE: 1" = 2000' DRAWN BY: S.F. REVISED: 00-00-00

08 08 11
 MONTH DAY YEAR
B
 TOPO



LEGEND:		DAKOTA-3 E&P COMPANY, LLC. MARY R. SMITH #5-8HW & #5-8HX SECTION 5, T150N, R92W, 5th P.M. LOT 4	
○ DISPOSAL WELLS ● PRODUCING WELLS ● SHUT IN WELLS	● ABANDONED WELLS ● TEMPORARILY ABANDONED		
Uintah Engineering & Land Surveying 85 South 200 East Vernal, Utah 84078 (435) 789-1017 * FAX (435) 789-1813		TOPOGRAPHIC MAP	
		SCALE: 1" = 2000' DRAWN BY: S.E. REVISED: 00-00-00	

08 08 11
MONTH DAY YEAR



Notice of Availability and Appeal Rights

Dakota-3 E&P: Addendum to Environmental Assessment to Authorize
Well Pad Expansion of Mary R. Smith #5-8H

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Environmental Assessment to Authorize Land Use for a expansion of the Mary R. Smith #5-8 Well Pad 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 January 15, 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.

