



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

FEB 13 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 pad expansion of the Brunsell #16-9H 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 (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)
Jonathon Shelman, Corps of Engineers
Jeff Hunt, Fort Berthold Agency

Finding of No Significant Impact

Dakota-3 E&P Company, LLC

*Addendum to Environmental Assessment(s) to Authorize
Well Pad Expansion of Brunsell #16-9H*

*Fort Berthold Indian Reservation
Mountrail County, North Dakota*

The U.S. Bureau of Indian Affairs (BIA) has received a proposal to expand the previously approved well pad for the Brunsell #16-9H well bore an additional 200 feet on the north side of the original pad. The pad expansion will allow for two additional well bores (Brunsell #16-9HA and Brunsell #16-9HD) to be drilled on the site located in the southeast ¼ of the southeast ¼ of Section 9, Township 150 North, Range 92 West, in Mountrail County, on the Fort Berthold Reservation.

in Mountrail County on the Fort Berthold Reservation. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

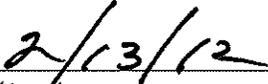
The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing EA, as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect 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 solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed actions 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.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.).
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.

ACTING


Regional Director


Date

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 Brunsell #16-9H

Fort Berthold Indian Reservation

February 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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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 Brunsell #16-9H well bore an additional 200 feet on the north side of the original pad (Figure 1). The pad expansion will allow for two additional well bores (Brunsell #16-9HA and Brunsell #16-9HD) to be drilled on the site. The Brunsell #16-9H will connect to the Van Hook Gathering System as addressed in the Central VHGS Environmental Assessment Addendum (BIA, 2011). All procedures and commitments made therein will be adhered to.

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 Brunsell #16-9 H well pad is located in the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 9, 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 Brunsell #16-9H well pad working surface to the north by approximately 2.1 acres. The proposed irregular shape of pad expansion is designed to avoid the planted tree row, drainage and wetland to the west. The new total surface use loss will be approximately 7.5 acres initially for 3 well bores. The original pad has been constructed and interim reclamation has occurred. Interim reclamation will reduce the pad size to approximately 3 acres or just over 1.0 acres per well. Additional heater treaters and tanks will be erected near existing facilities on the pad and containment structures will be expanded.

5.0 Cultural and Natural Resource Surveys

Carlson McCain, Inc (CM) was the lead for the natural resource evaluation with cultural resource surveys conducted by SWCA Environmental Consultants (SWCA). Additional resource surveys around the proposed expanded site were performed on August 17, 2011. Right-of-Way on-site inspection with final plats was conducted on October 17, 2011, confirming the plan discussed at original onsite and within this addendum. The cultural resource report summary is presented below and full report submitted to BIA under separate cover (Herson, 2011).

A cultural resource inventory of this well pad expansion project was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 14.78 acres were inventoried on August 16 and 17, 2011 (Herson et al. 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 January 9, 2012; however the THPO did not respond within the allotted 30 day comment period.

The proposed well pad expansion area is located in a previously cultivated field that was planted with smooth brome (*Bromus inermis*) and alfalfa (*Medicago sativa*). The original sub-soil piles at the during on site inspection contained an overgrowth of Russian thistle (*Salsola kali*), Canada thistle (*Cirsium arvense*), sow thistle (*Sonchus arvensis*), yellow sweet clover (*Melilotus officinalis*) and Japanese brome (*Bromus japonicus*). A planted Russian olive (*Eleagnus angustifolia*) tree row flanks the drainage which contains wetland species. Mitigation option discussed and decided upon was to avoid the tree row and drainage. Soil stock piles would extend to the north of expanded pad between the tree row and the private driveway. Soils across the site are silty-clay loams. The topsoil is black for approximately four inches before turning lighter brown and sandy. Calcium carbonate was apparent at 12 inches.

Wildlife species surveys conducted did not reveal any nesting migratory birds or raptors at this time possibly due to the timing of survey. Suitable raptor and migratory bird nesting habitat is found in and near the area, including a planted tree row next to pad expansion. Additional migratory bird survey will be conducted five-days prior to construction if activities are proposed between February 1 and July 15.

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.

It is BIA policy and Dakota-3 E&P is committed to a good faith effort towards interim reclamation started within six months of the additional disturbance. The 18-inch containment

berm will remain and continue to divert water around the 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.

Dakota-3 E&P will drill these wells with a closed-loop drilling system. No cuttings or fluids pit will be constructed on pad site. Cuttings and fluids will be contained in tanks and periodically removed and disposed of at approved waste disposal site.

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

Environmental Assessment: Zenergy Operating Company, LLC, D-3 Brady #4-12H, D-3 Brunsell #16-9H, D-3 FBIR #3-13H, D-3 Mason #3-2H, D-3 North Segment #4-6H, D-3 Olson #4-1H, D-3 Wolf #4-18. September, 2009. Finding of No Significant Impact: Zenergy Operating Company, LLC, D-3 Brady #4-12H, D-3 Brunsell #16-9H, D-3 FBIR #3-13H, D-3 Mason #3-2H, D-3 North Segment #4-6H, D-3 Olson #4-1H, D-3 Wolf #4-18. October, 2009.

7.0 Other Relevant Documentation

BIA, 2011. Environmental Assessment Addendum: Dakota-3 Exploration and Production, LLC, Central Van Hook Gathering System (VHGS) November, 2011. FONSI issued December 29, 2011.

Herson, 2011. A Class I and Class III Cultural Resource Inventory of the Dakota-3 E&P Brunsell #16-9H Well Pad Expansion and Gathering Line, Fort Berthold Indian Reservation, Mountrail County, North Dakota. Report submittal to BIA: December 28, 2011.

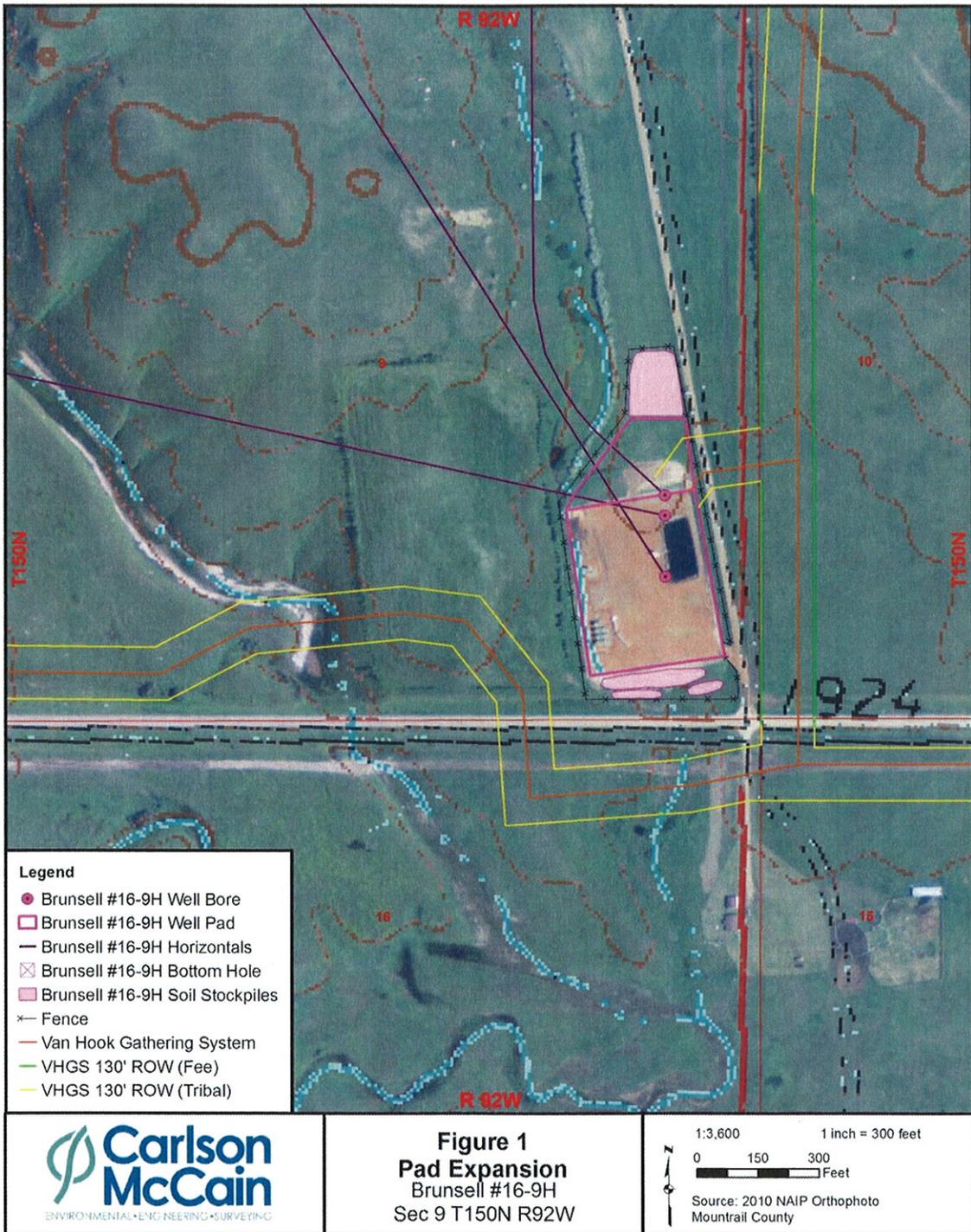
8.0 NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document, *Environmental Assessment: Zenergy Operating Company, LLC, D-3 Brady #4-12H, D-3 Brunsell #16-9H, D-3 FBIR #3-13H, D-3 Mason #3-2H, D-3 North Segment #4-6H, D-3 Olson #4-1H, D-3 Wolf #4-18. (September, 2009)*, 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.

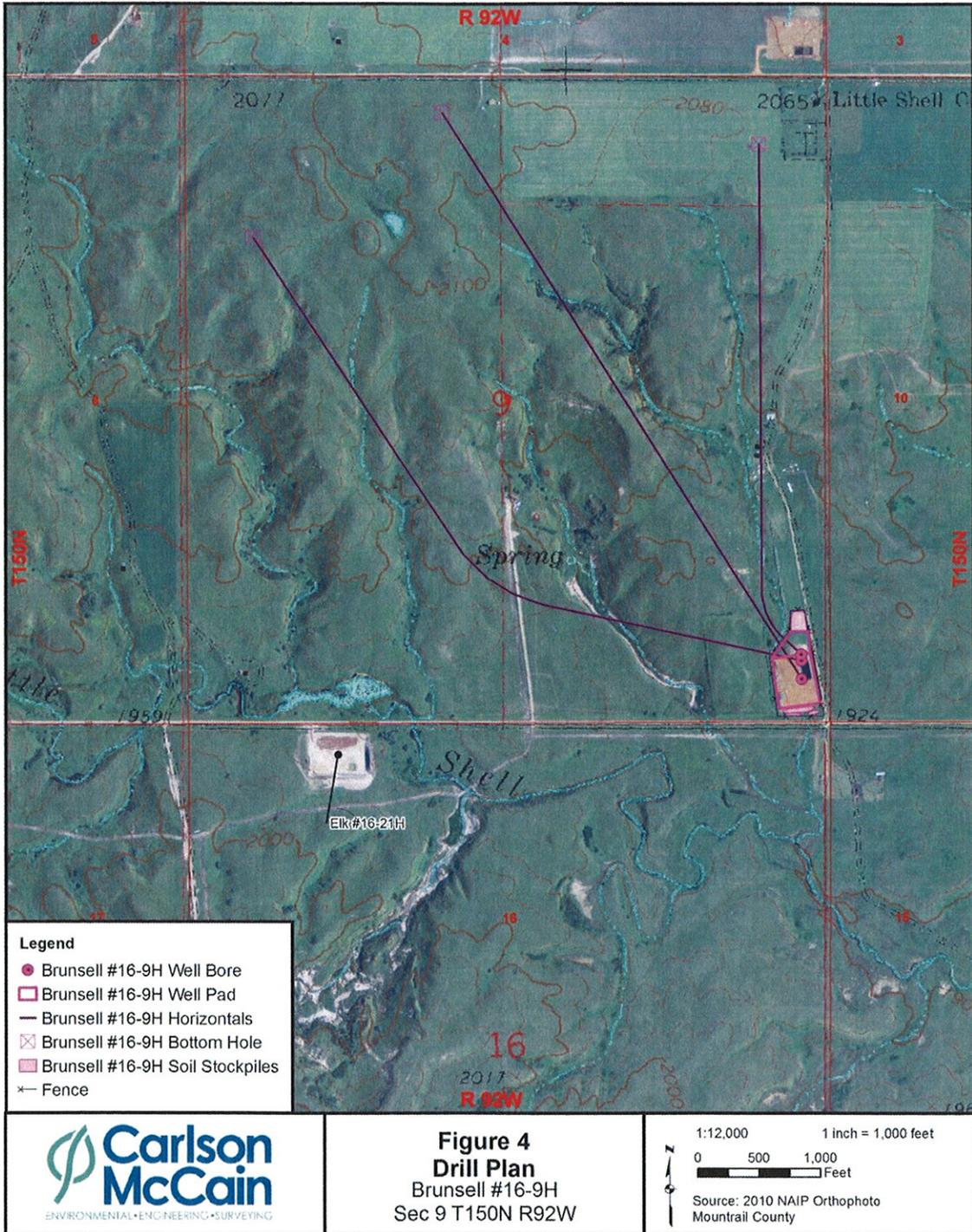
4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from 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. Brunsell #16-9H Pad Expansion



R:\projects\WLL3527 - Brunsell 16-9H expansion\Maps\Brunsell #16-9H Expansion.mxd

Figure 2. Brunsell #16-9H Expansion Drilling Plan



R:\projects\W\13527 - Brunsell 16-9H expansion\Maps\Brunsell #16-9H Drill Plan.mxd



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115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

JAN 09 2012

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 four oil well pads and a gathering line reroute in Dunn, McKenzie, McLean and Mountrail Counties, North Dakota. Approximately 326.91 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the areas depicted in the enclosed reports. One previously recorded archaeological site (32MZ2017) was revisited and three archaeological sites (32MZ2274, 32DU1676, 32DU1677) were located which may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.4) for inclusion on the National Register of Historic Places. No properties were located that appear to qualify for protection under the American Indian Religious Freedom Act (42 USC 1996).

As the surface management agency, and as provided for in 36 CFR 800.5, we have reached a determination of **no historic properties affected** for these undertakings, as the archaeological sites 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:

Herson, Chandler S., and Damien S. Reinhart

(2011) A Class I and Class III Cultural Resource Inventory of the Corn Stalk #20H Well Pad and Utility Corridor, Fort Berthold Indian Reservation, McKenzie County, North Dakota. SWCA Environmental Consultants for Dakota-3 E & P Company, LLC, Denver.

Herson, Chandler S., Damien Reinhart and Andrew Lantz

(2011) A Class I and Class III Cultural Resource Inventory of the Brunsell #16-9H Well Pad Expansion and Gathering Pipeline, Fort Berthold Indian Reservation, Mountrail County, North Dakota. SWCA Environmental Consultants for Dakota-3 E & P Company, LLC, Denver.

Reinhart, Damien

(2011) A Class I and Class III Cultural Resource Inventory of the Tri-Unit Production Pad, Utility Corridor and Gathering Pipeline, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for Dakota-3 E&P Company, LLC, Denver.

Schleicher, Jolene

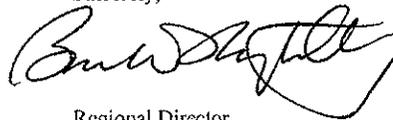
(2011) An Addendum to the Class I and Class III Cultural Resource Inventory of the North Segment #6-5H Gathering Pipeline, Fort Berthold Indian Reservation, McLean and Mountrail Counties, North Dakota. SWCA Environmental Consultants for Dakota-3 E&P Company, LLC, Denver.

Sherman, Martin H., and Damien S. Reinhart
(2011) A Class I and Class III Cultural Resource Inventory of the Edward Goodbird #9-9H Well Pad
and Utility Corridor, Fort Berthold Indian Reservation, Dunn 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,



Regional Director

Enclosures

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

APPENDIX A

Plats, Drawings, and Diagrams for the
Revised Brunsell #16-9H Expanded Well Pad

DAKOTA-3 E&P COMPANY, LLC
BRUNSELL #16-9HA & #16-9HD
 LOCATED IN MOUNTRAIL COUNTY, NORTH DAKOTA
 SECTION 9, T150N, R92W, 5th P.M.

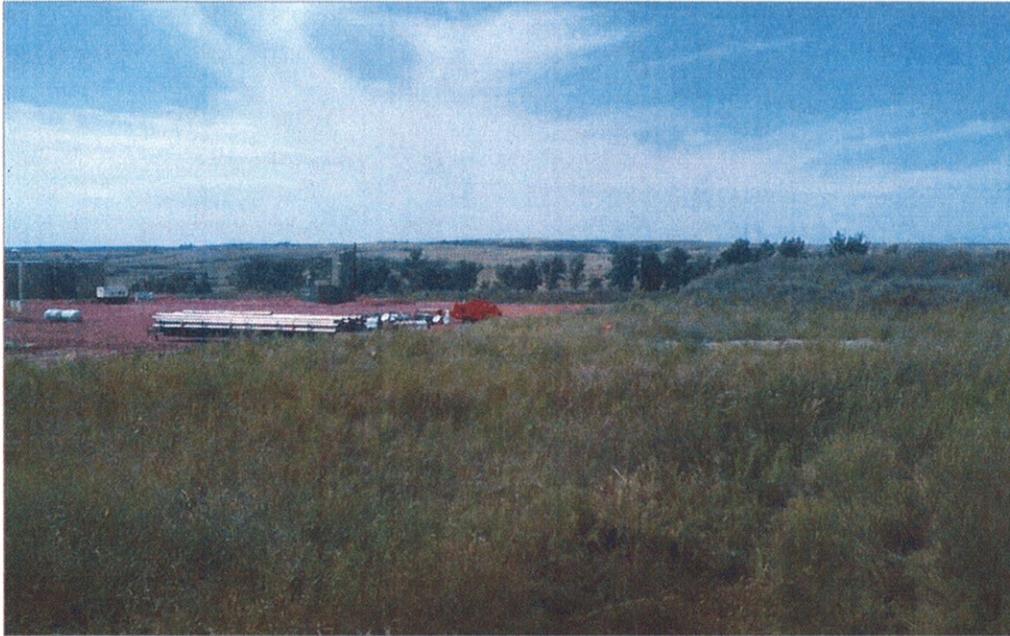


PHOTO: VIEW OF LOCATION

CAMERA ANGLE: SOUTHWESTERLY



PHOTO: VIEW OF LOCATION

CAMERA ANGLE: NORTHWESTERLY



- Since 1964 -

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

| | | | | | | |
|------------------------|----------------|-------------------|-----------|-----------|-----------|--------------|
| LOCATION PHOTOS | | | 09 | 30 | 11 | PHOTO |
| | | | MONTH | DAY | YEAR | |
| TAKEN BY: P.T. | DRAWN BY: S.F. | REVISED: 00-00-00 | | | | |

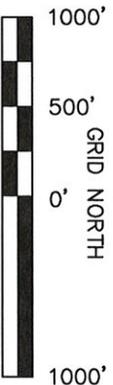
WELL LOCATION PLAT

T150N, R92W, 5th P.M.

DAKOTA-3 E&P COMPANY, LLC

Well location, BRUNSELL #16-9HA, located as shown in the SE 1/4 SE 1/4 of Section 9, T150N, R92W, 5th P.M., Mountrail County, North Dakota.

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



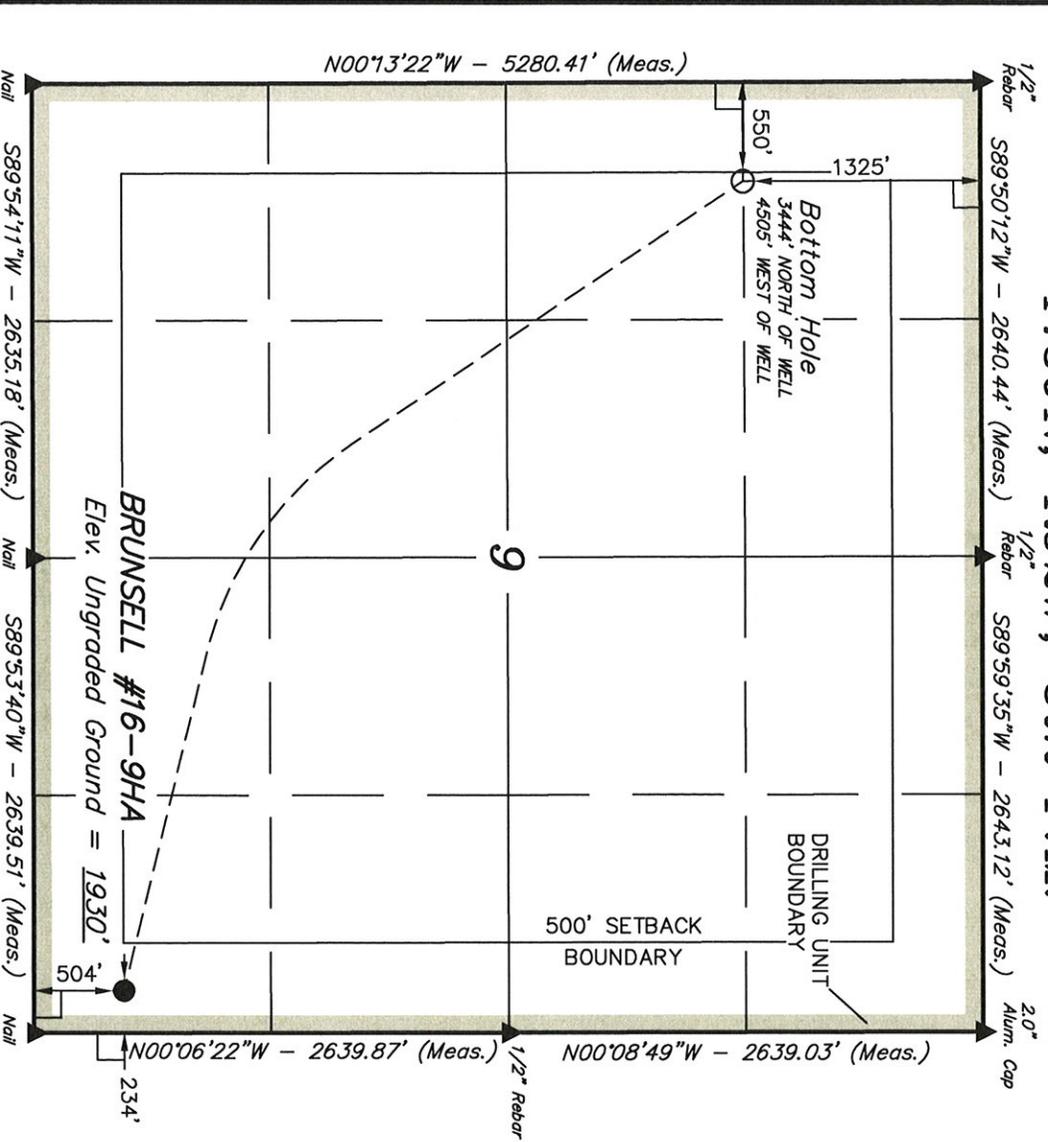
SCALE
VERTICAL CONTROL DATUM: NAVD88

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



LEGEND:

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

[derived from: N.G.S. O.P.U.S. Solution REF FRAME: NAD_83(CORS96)(EPOCH:2002.0000)]

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|--|--|
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| LONGITUDE = 102°28'09.96" (102.469433) | LONGITUDE = 102°27'04.01" (102.451114) |
| NAD 27 (TARGET BOTTOM HOLE) | NAD 27 (SURFACE LOCATION) |
| LATITUDE = 47°49'46.33" (47.829536) | LATITUDE = 47°49'12.28" (47.820078) |
| LONGITUDE = 102°28'08.30" (102.468972) | LONGITUDE = 102°27'02.35" (102.450653) |
| NAD 27 UTM 13N (TARGET BOTTOM HOLE) | NAD 27 UTM 13N (SURFACE LOCATION) |
| N: 17389194.59 E: 2261886.35 | N: 17385894.05 E: 2266497.84 |

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

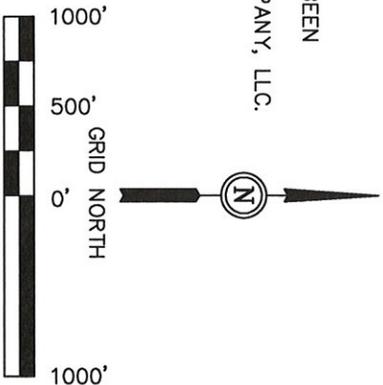
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| PARTY | P. T. G. C. D. P. |
| WEATHER | WARM |
| DATE SURVEYED: | 08-26-11 |
| DATE DRAWN: | 09-23-11 |
| REFERENCES | G.L.O. PLAT |
| FILE | DAKOTA-3 E&P COMPANY, LLC |

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

DAKOTA-3 E&P COMPANY, LLC

Well location, BRUNSELL #16-9HA, located as shown in the SE 1/4 SE 1/4 of Section 9, T150N, R92W, 5th P.M., Mountrail County, North Dakota.

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

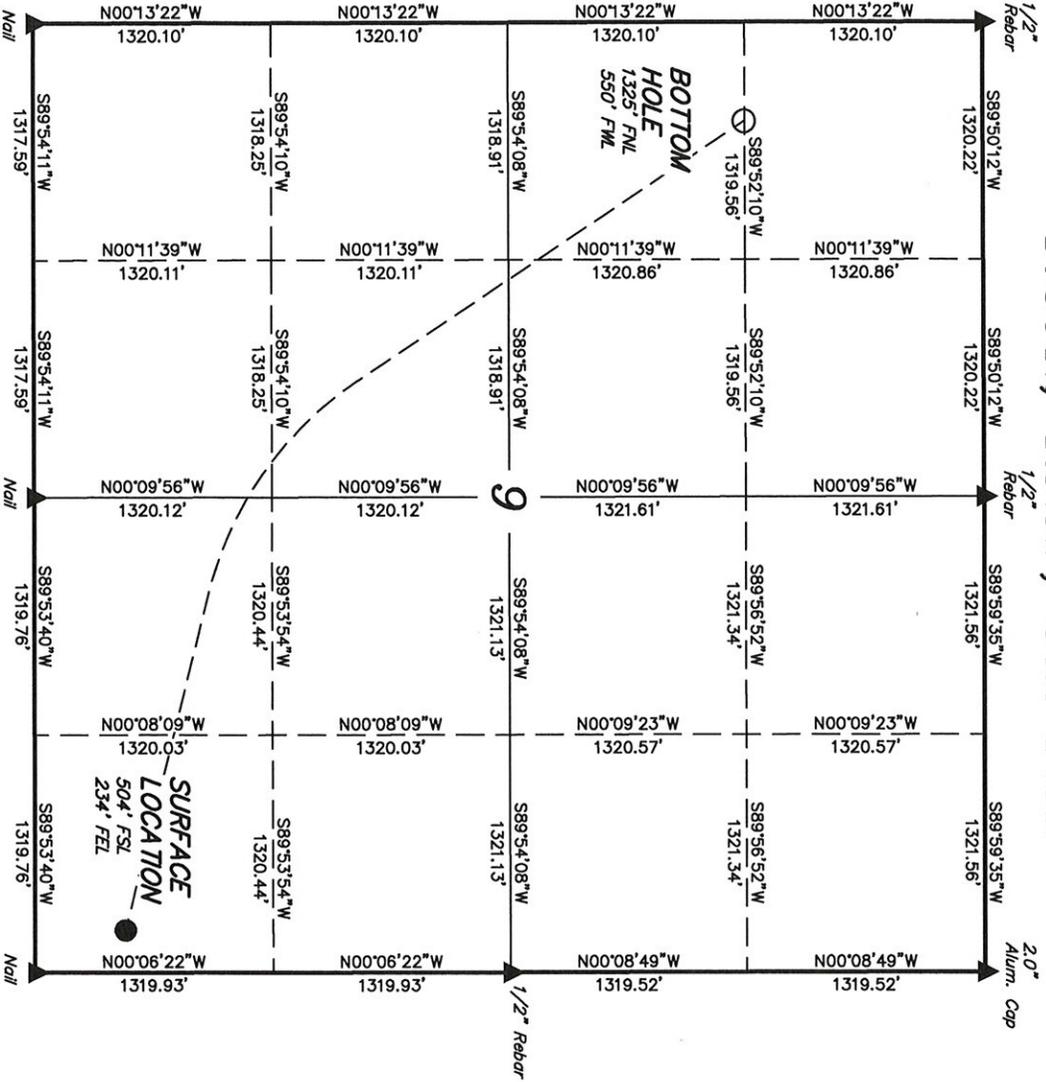


CERTIFICATE

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. O.P.U.S. Solution REF FRAME: NAD_83(CORS96)(EPOCH: 2002.0000)]

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|--|--|
| NAD 83 (TARGET BOTTOM HOLE) | NAD 83 (SURFACE LOCATION) |
| LATITUDE = 47°49'46.37" (47.829547) | LATITUDE = 47°49'12.32" (47.820089) |
| LONGITUDE = 102°28'09.96" (102.469433) | LONGITUDE = 102°27'04.01" (102.451114) |

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|--|--|
| NAD 27 (TARGET BOTTOM HOLE) | NAD 27 (SURFACE LOCATION) |
| LATITUDE = 47°49'46.33" (47.829536) | LATITUDE = 47°49'12.28" (47.820078) |
| LONGITUDE = 102°28'08.30" (102.468972) | LONGITUDE = 102°27'02.35" (102.450653) |

| | |
|-------------------------------------|-----------------------------------|
| NAD 27 UTM 13N (TARGET BOTTOM HOLE) | NAD 27 UTM 13N (SURFACE LOCATION) |
| N: 17389194.59 E: 2261886.35 | N: 17385894.05 E: 2266497.84 |

LEGEND:

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

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(435) 789-1017

| | | |
|------------------|-------------------------|----------------------|
| SCALE 1" = 1000' | DATE SURVEYED: 08-26-11 | DATE DRAWN: 09-23-11 |
|------------------|-------------------------|----------------------|

| | |
|-----------------------|------------------------|
| PARTY P. T. G.C. D.P. | REFERENCES G.L.O. PLAT |
|-----------------------|------------------------|

| | |
|--------------|--------------------------------|
| WEATHER WARM | FILE DAKOTA-3 E&P COMPANY, LLC |
|--------------|--------------------------------|

WELL LOCATION PLAT

T150N, R92W, 5th P.M.

DAKOTA-3 E&P COMPANY, LLC

Well location, BRUNSELL #16-9HD, located as shown in the SE 1/4 SE 1/4 of Section 9, T150N, R92W, 5th P.M., Mountrail County, North Dakota.

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



SCALE

VERTICAL CONTROL DATUM: NAVD88

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
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REGISTRATION NO. 4654
STATE OF NORTH DAKOTA

UNTAH ENGINEERING & LAND SURVEYING

85 SOUTH 200 EAST - VERNAL, UTAH 84078

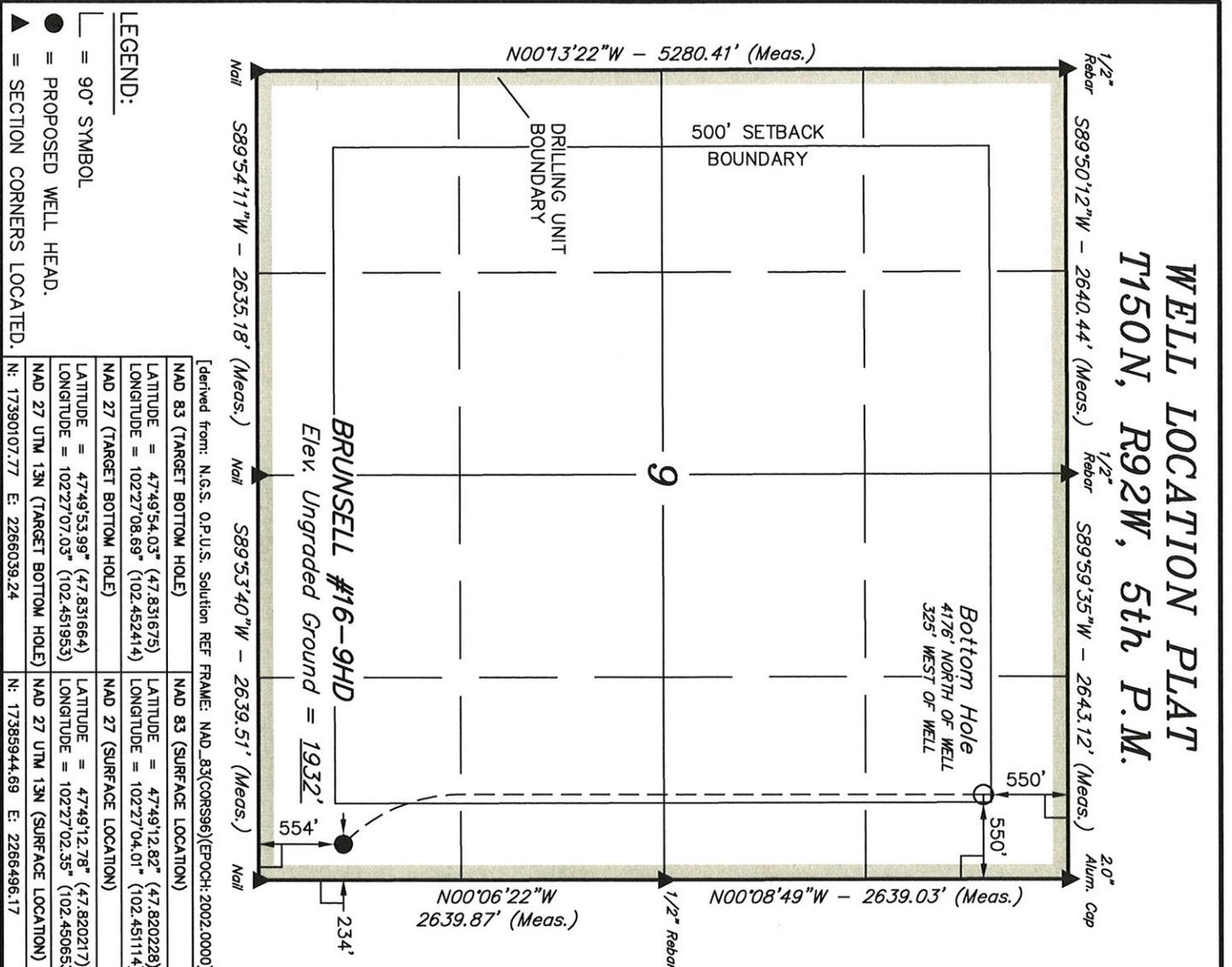
(435) 789-1017

SCALE 1" = 1000'

PARTY P.T. G.C. D.P.

WEATHER WARM

FILE DAKOTA-3 E&P COMPANY, LLC



LEGEND:

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

[derived from: N.G.S. O.P.U.S. Solution REF FRAME: NAD_83(CORS96)(EPOCH:2002.0000)]

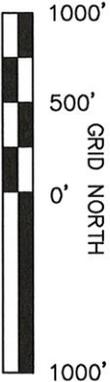
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| N: 17390107.77 E: 2266039.24 | N: 17365944.69 E: 2266496.17 |

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

DAKOTA-3 E&P COMPANY, LLC

Well location, BRUNSELL #16-9HD, located as shown in the SE 1/4 SE 1/4 of Section 9, T150N, R92W, 5th P.M., Mountrail County, North Dakota.

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



VERTICAL CONTROL DATUM: NAVD88

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

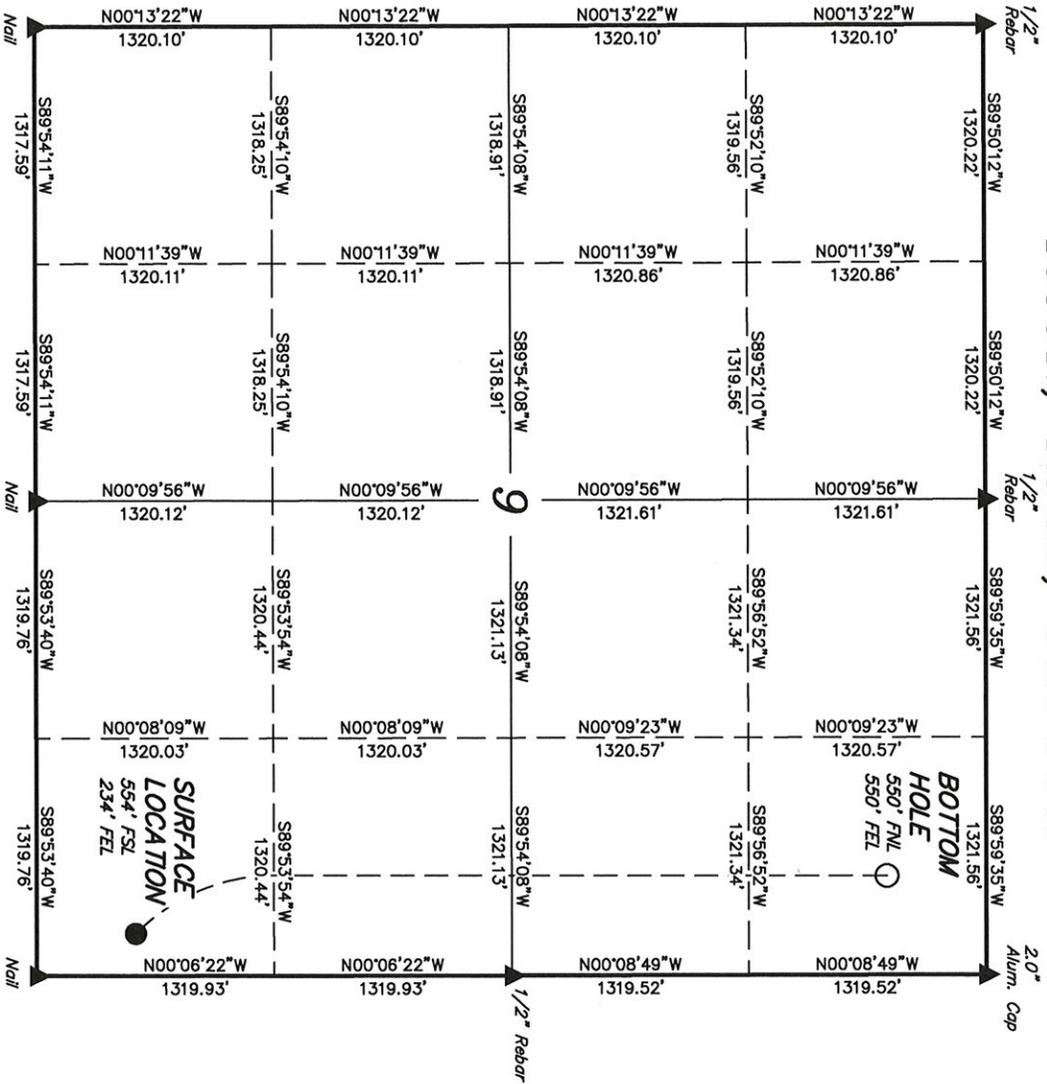
UNTAH ENGINEERING & LAND SURVEYING

85 SOUTH 200 EAST - VERNAL, UTAH 84078
(435) 789-1017

SCALE 1" = 1000'
DATE SURVEYED: 08-26-11 DATE DRAWN: 09-23-11

PARTY P.T. G.C. D.P.P.
REFERENCES G.L.O. PLAT

WEATHER WARM
FILE DAKOTA-3 E&P COMPANY, LLC



LEGEND:

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

[derived from: N.G.S. O.P.U.S. Solution REF FRAME: NAD_83(CORS96)(EPOCH:2002.0000)]

| | |
|--|--|
| NAD 83 (TARGET BOTTOM HOLE) | NAD 83 (SURFACE LOCATION) |
| LATITUDE = 47°49'54.03" (47.831675) | LATITUDE = 47°49'12.82" (47.820228) |
| LONGITUDE = 102°27'08.69" (102.452414) | LONGITUDE = 102°27'04.01" (102.451114) |
| NAD 27 (TARGET BOTTOM HOLE) | NAD 27 (SURFACE LOCATION) |
| LATITUDE = 47°49'53.99" (47.831664) | LATITUDE = 47°49'12.78" (47.820217) |
| LONGITUDE = 102°27'07.03" (102.451953) | LONGITUDE = 102°27'02.35" (102.450653) |
| NAD 27 UTM 13N (TARGET BOTTOM HOLE) | NAD 27 UTM 13N (SURFACE LOCATION) |
| N: 17390107.77 E: 2266039.24 | N: 17385944.69 E: 2266496.17 |

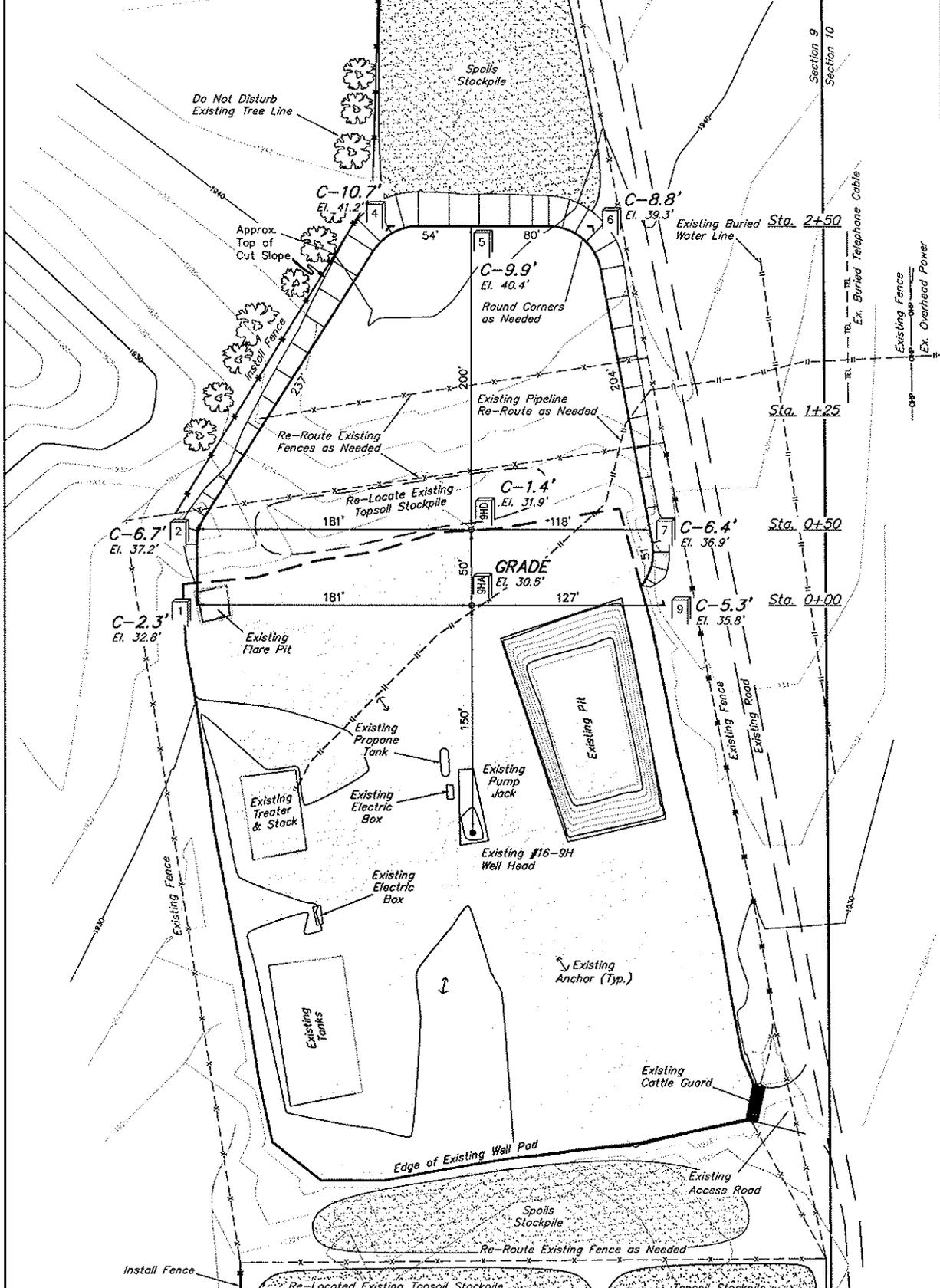
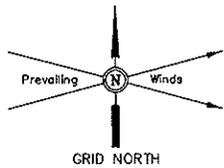
DAKOTA-3 E&P COMPANY, LLC

PAD LAYOUT FOR

BRUNSELL #16-9HA & #16-9HD
SECTION 9, T150N, R92W, 5th P.M.
SE 1/4 SE 1/4

FIGURE #1

SCALE: 1" = 60'
DATE: 09-23-11
DRAWN BY: D.P.



Elev. Graded Ground At #16-9HA Loc. Stake = 1930.5'
FINISHED GRADE ELEV. AT #16-9HA LOC. STAKE = 1930.5'

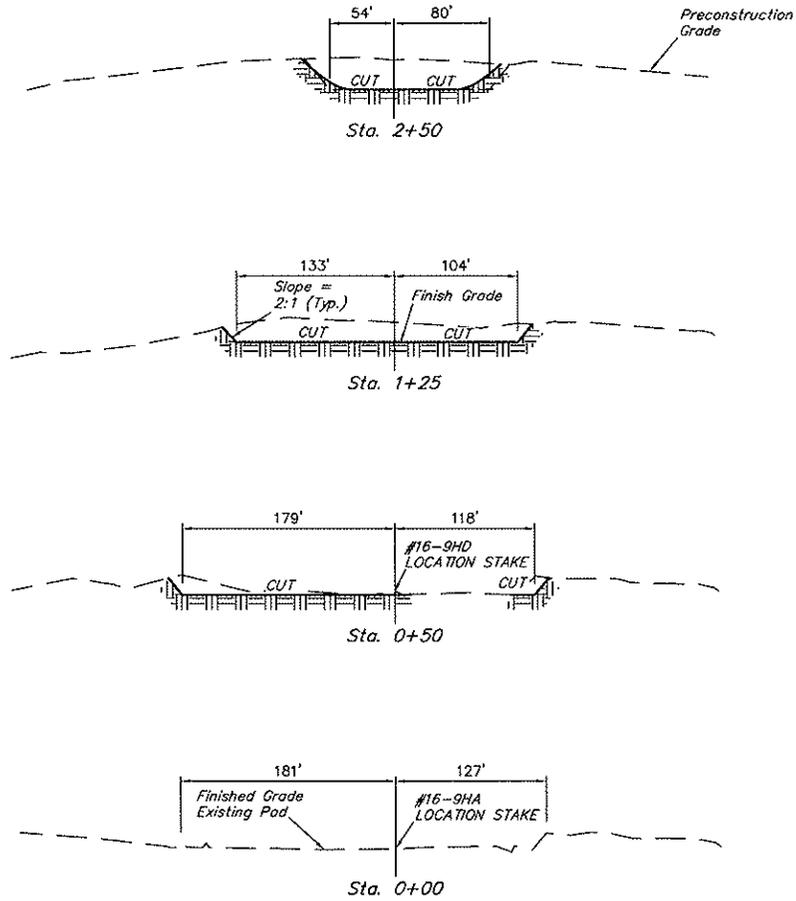
UINTAH ENGINEERING & LAND SURVEYING
86 So. 200 East • Vernal, Utah 84078 • (435) 788-1017

DAKOTA-3 E&P COMPANY, LLC

FIGURE #2

X-Section Scale
1" = 40'
1" = 100'
DATE: 09-23-11
DRAWN BY: D.P.

TYPICAL CROSS SECTIONS FOR
BRUNSELL #16-9HA & #16-9HD
SECTION 9, T150N, R92W, 5th P.M.
SE 1/4 SE 1/4



APPROXIMATE YARDAGES

| | | |
|-------------------------|---|-----------------------|
| (6") Topsoil Stripping | = | 1,040 Cu. Yds. |
| (New Construction Only) | | |
| Remaining Location | = | 10,540 Cu. Yds. |
| TOTAL CUT | = | 11,580 CU.YDS. |
| FILL | = | 20 CU.YDS. |

* NOTE:
FILL QUANTITY INCLUDES
5% FOR COMPACTION

| | | |
|--------------------------------|---|-----------------|
| EXCESS MATERIAL | = | 11,560 Cu. Yds. |
| Topsoil | = | 1,040 Cu. Yds. |
| EXCESS UNBALANCE | = | 10,520 Cu. Yds. |
| (After Interim Rehabilitation) | | |

APPROXIMATE ACREAGES

| | |
|--|------------------------|
| (1456-B) EXISTING WELL SITE AREA OF LOSS | = ± 4.363 ACRES |
| (1456-B) NEW CONSTRUCTION WELL SITE AREA OF LOSS | = ± 2.104 ACRES |
| PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC | |
| & ABOVE GROUND APPURTENANCES | |
| RIGHT-OF-WAY AREA OF LOSS | = ± 1.033 ACRES |
| TOTAL | = ± 7.500 ACRES |

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85 So. 200 East • Vernal, Utah 84078 • (435) 789-1017

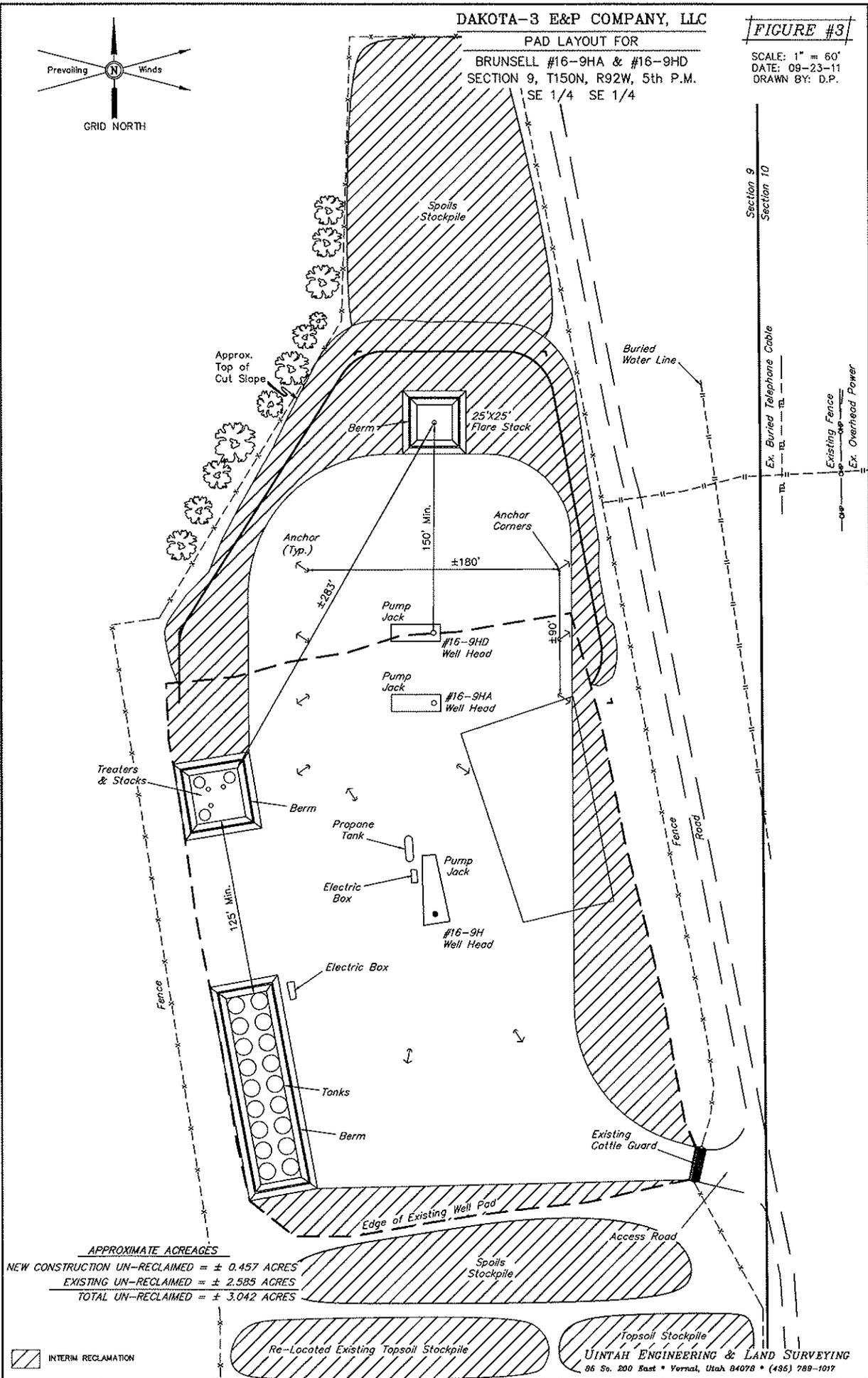
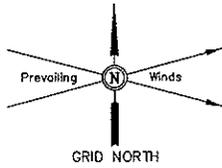
DAKOTA-3 E&P COMPANY, LLC

PAD LAYOUT FOR

BRUNSELL #16-9HA & #16-9HD
SECTION 9, T150N, R92W, 5th P.M.
SE 1/4 SE 1/4

FIGURE #3

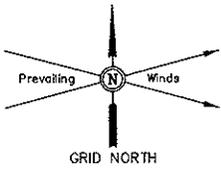
SCALE: 1" = 60'
DATE: 09-23-11
DRAWN BY: D.P.



APPROXIMATE ACREAGES
 NEW CONSTRUCTION UN-RECLAIMED = ± 0.457 ACRES
 EXISTING UN-RECLAIMED = ± 2.585 ACRES
 TOTAL UN-RECLAIMED = ± 3.042 ACRES

INTERIM RECLAMATION

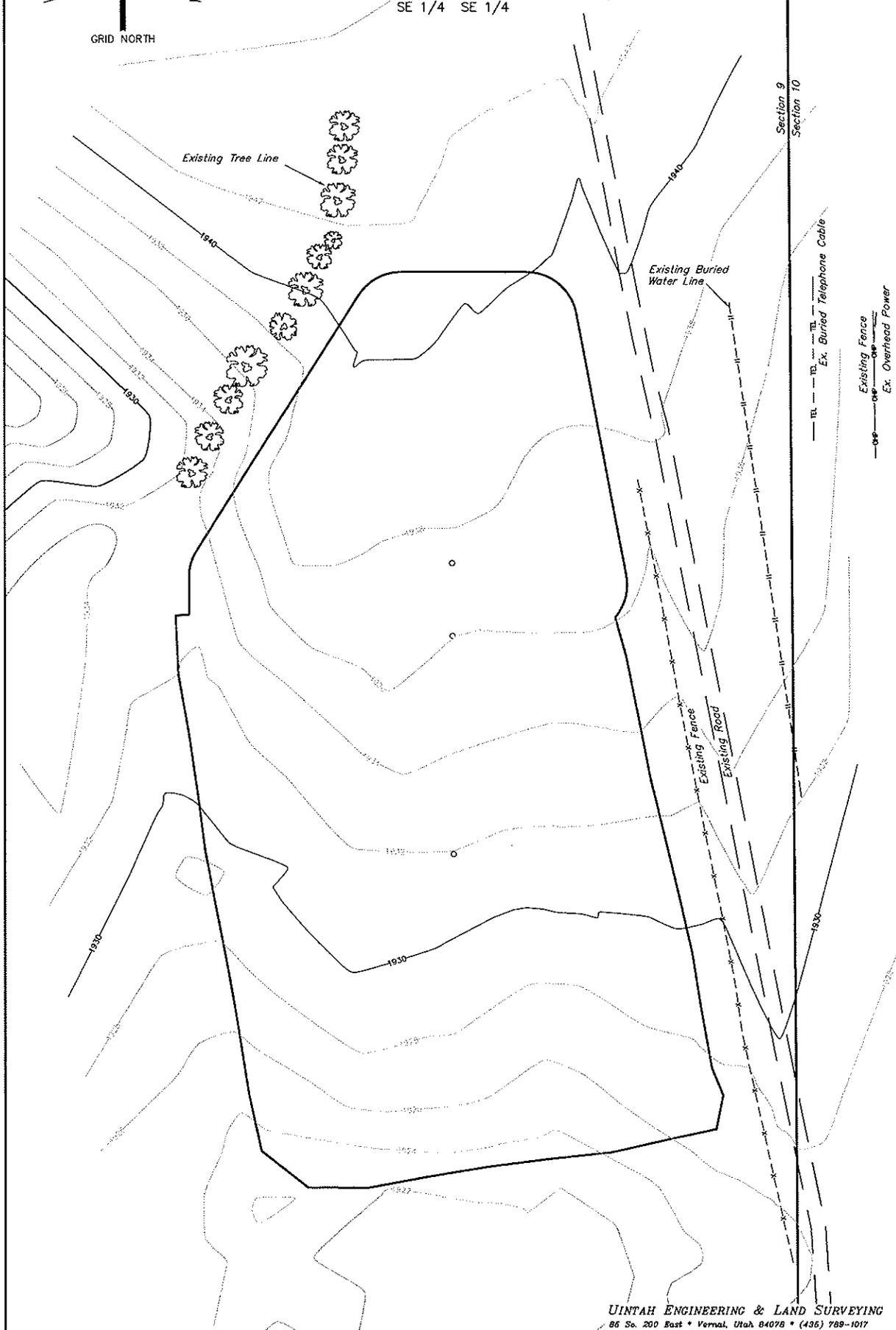
UINTAH ENGINEERING & LAND SURVEYING
 95 So. 200 East • Vernal, Utah 84078 • (435) 789-1017



DAKOTA-3 E&P COMPANY, LLC
 FINAL RECLAMATION
 BRUNSELL #16-9HA & #16-9HD
 SECTION 9, T150N, R92W, 5th P.M.
 SE 1/4 SE 1/4

FIGURE #4

SCALE: 1" = 60'
 DATE: 09-23-11
 DRAWN BY: D.P.



Sec. 9

LATERAL "B" PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY DESCRIPTION
 A 130' WIDE RIGHT-OF-WAY 65' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

LATERAL "A" PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY DESCRIPTION
 A 130' WIDE RIGHT-OF-WAY 85' ON THE RIGHT SIDE AND 45' ON THE LEFT SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

LATERAL "C" BEGINNING OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+00 (at Edge of Existing Road)

LATERAL "B" END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+35.28 (at Edge of Surface Use Area)

LATERAL "A" END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+00 (at Edge of Existing Road)



Sec. 10

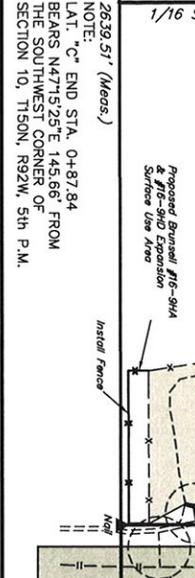
LATERAL "B" END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES ON TRIBAL LANDS RIGHT-OF-WAY P.O.S.L. 1+14.16 (at Section Line)

LATERAL "A" END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 2+22.93 (at Existing Pipeline)

LATERAL "C" END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+87.84

LATERAL "B" END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+87.84

LATERAL "A" END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+87.84



DAKOTA-3 E&P COMPANY, LLC
SEC. 9, T150N, R92W, 5th P.M., MOUNTAIN COUNTY, NORTH DAKOTA
LOCATED IN
SECTION 9, T150N, R92W, 5th P.M., MOUNTAIN COUNTY, NORTH DAKOTA
(FOR BRUNSELL #16-9H, #16-9HA & #16-9HD)
APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS

LINE TABLE

| LINE | BEARING | LENGTH |
|------|-------------|---------|
| L1 | N79°42'07"E | 99.24' |
| L2 | N87°14'57"E | 14.92' |
| L3 | N87°14'57"E | 108.77' |
| L4 | S79°23'32"W | 35.28' |
| L5 | N87°43'24"E | 87.84' |

RIGHT-OF-WAY LENGTHS

| DESCRIPTION | FEET | ACRES | RODS |
|-------------|--------|-------|-------|
| 1456-B | 149.44 | 0.446 | 9.06 |
| UNKNOWN FEE | 196.61 | 0.587 | 11.92 |
| TOTAL | 346.05 | 1.033 | 20.97 |

CERTIFICATE
 I HEREBY CERTIFY THAT THIS PLAN CORRECTLY 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

REVISIONS: 09-23-11 D.P.

UNTAH ENGINEERING & LAND SURVEYING
 85 SOUTH • 200 EAST • (405) 789-1017
 VERNAL, UTAH - 84078

SCALE: 1" = 300'

DATE: 06-02-09

PARTY: R.P. T. D. P.M.

REFERENCES: G.L.O. PLAT

WEATHER: WARM

FILE: 4 9 4 2 6

DAKOTA-3 E&P COMPANY, LLC
BRUNSELL #16-9H, #16-9HA & #16-9HD
PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES
RIGHTS-OF-WAY
SECTION 9, T150N, R92W, 5th P.M.

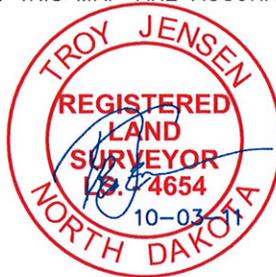
TOTAL PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE
GROUND APPURTENANCES RIGHTS-OF-WAY ON TRIBAL LANDS

TOTAL LENGTH OF RIGHTS-OF-WAY IS 149.44' OR 0.028 MILES. WIDTH OF RIGHT-OF-WAY
IS 130' (65' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE, OR 45' ON THE LEFT SIDE
AND 85' ON THE RIGHT SIDE). CONTAINS 0.446 ACRES MORE OR LESS.

ENGINEER'S AFFIDAVIT

STATE OF MONTANA)
) SS
COUNTY OF RICHLAND

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 SURFACE USE AREA AND PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHTS-OF-WAY AS DESCRIBED AND SHOWN ON THIS MAP, THAT THIS MAP WAS PREPARED UNDER HIS DIRECTION FROM SAID FIELD NOTES; AND THAT SAID RIGHTS-OF-WAY, 0.028 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN ON THIS MAP ARE ACCURATELY REPRESENTED.



A handwritten signature of Troy Jensen in blue ink, written over a horizontal line.

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, HERINAFTER 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 THESE PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHTS-OF-WAY, 0.028 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN, THAT SAID PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHTS-OF-WAY ARE 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 RIGHTS-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.

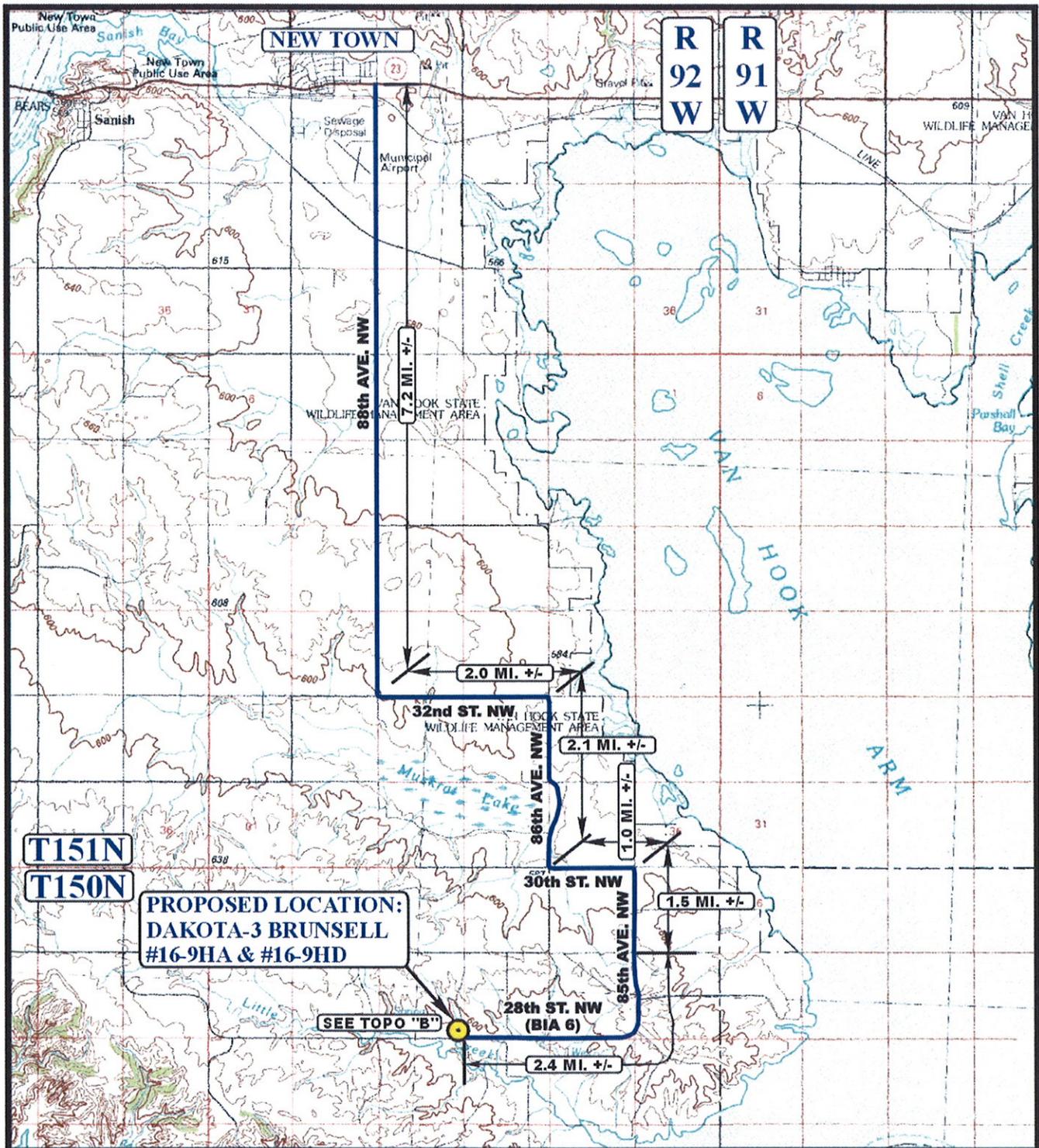
APPLICANT

TITLE

DAKOTA-3 E&P COMPANY, LLC
BRUNSELL #16-9HA & #16-9HD
SECTION 9, 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 86TH AVE NW TO THE SOUTH; TURN RIGHT AND PROCEED IN A SOUTHERLY DIRECTION APPROXIMATELY 2.1 MILES TO THE JUNCTION OF THIS ROAD AND 30TH ST NW TO THE EAST; TURN LEFT AND PROCEED IN AN EASTERLY DIRECTION APPROXIMATELY 1.0 MILES TO THE JUNCTION OF THIS ROAD AND 85TH AVE NW TO THE SOUTH; TURN RIGHT AND PROCEED IN A SOUTHERLY DIRECTION APPROXIMATELY 1.5 MILES TO THE JUNCTION OF THIS ROAD AND 28TH ST NW TO THE SOUTH; PROCEED IN A SOUTHERLY, THEN WESTERLY DIRECTION APPROXIMATELY 2.4 MILES TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE NORTHWEST; TURN RIGHT AND PROCEED IN A NORTHWESTERLY DIRECTION APPROXIMATELY 170' TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE WEST; TURN LEFT AND PROCEED IN A WESTERLY DIRECTION APPROXIMATELY 40' TO THE PROPOSED LOCATION.

TOTAL DISTANCE FROM NEW TOWN, NORTH DAKOTA TO THE PROPOSED WELL LOCATION IS APPROXIMATELY 16.2 MILES.



**PROPOSED LOCATION:
DAKOTA-3 BRUNSELL
#16-9HA & #16-9HD**

SEE TOPO "B"

LEGEND:

● PROPOSED LOCATION

N

DAKOTA-3 E&P COMPANY, LLC

**BRUNSELL #16-9HA & #16-9HD
SECTION 9, T150N, R92W, 5th P.M.
SE 1/4 SE 1/4**

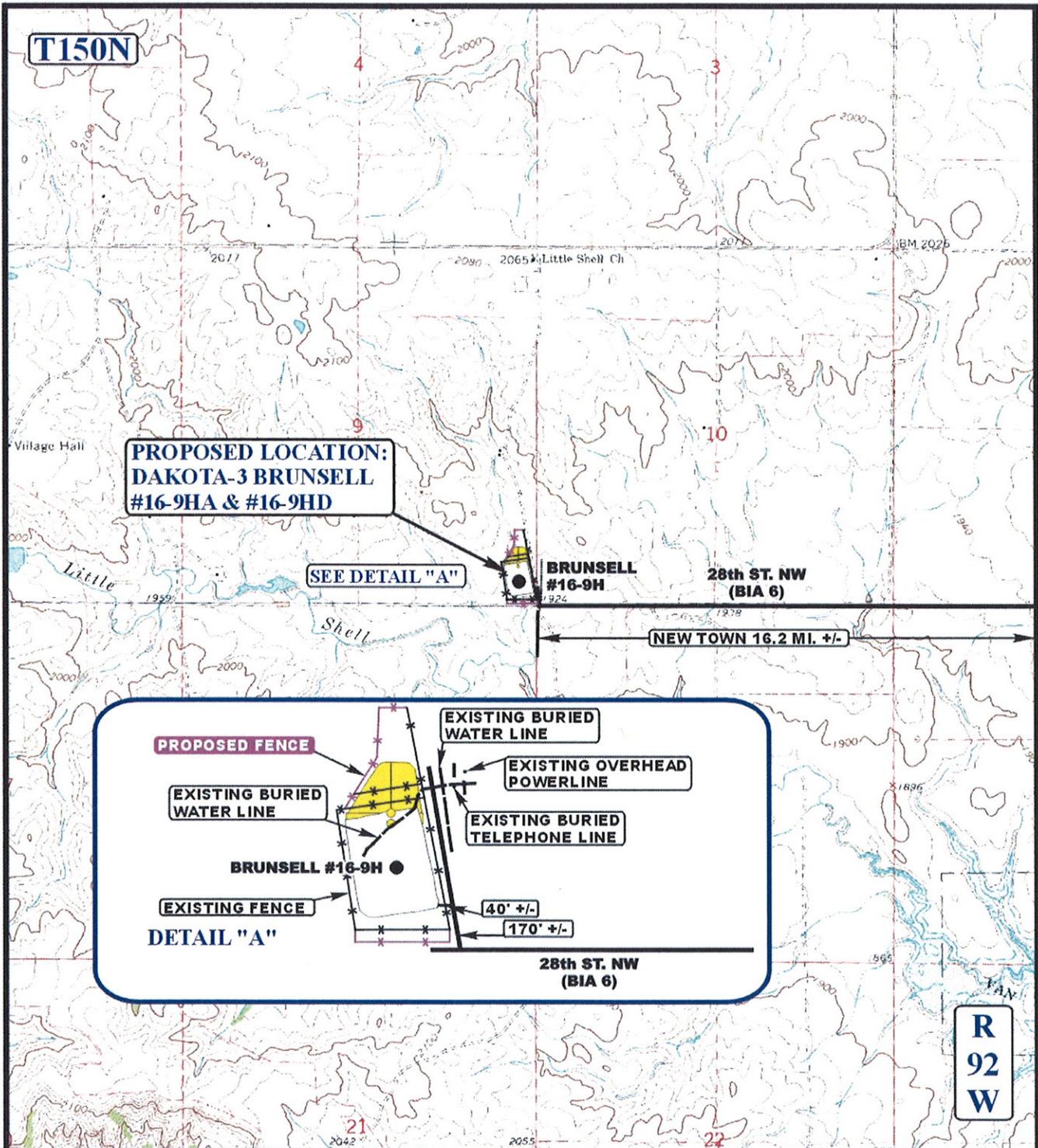
UEIS Uintah Engineering & Land Surveying
85 South 200 East Vernal, Utah 84078
(435) 789-1017 * FAX (435) 789-1813

**ACCESS ROAD
MAP**

| | | |
|--------------------|------------------|-------------------|
| 09 MONTH | 30 DAY | 11 YEAR |
|--------------------|------------------|-------------------|

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





R
92
W

LEGEND:

- EXISTING ROAD
- PROPOSED ACCESS ROAD
- EXISTING FENCE
- PROPOSED FENCE
- EXISTING BURIED WATER LINE



DAKOTA-3 E&P COMPANY, LLC

BRUNSELL #16-9HA & #16-9HD
SECTION 9, T150N, R92W, 5th P.M.
SE 1/4 SE 1/4



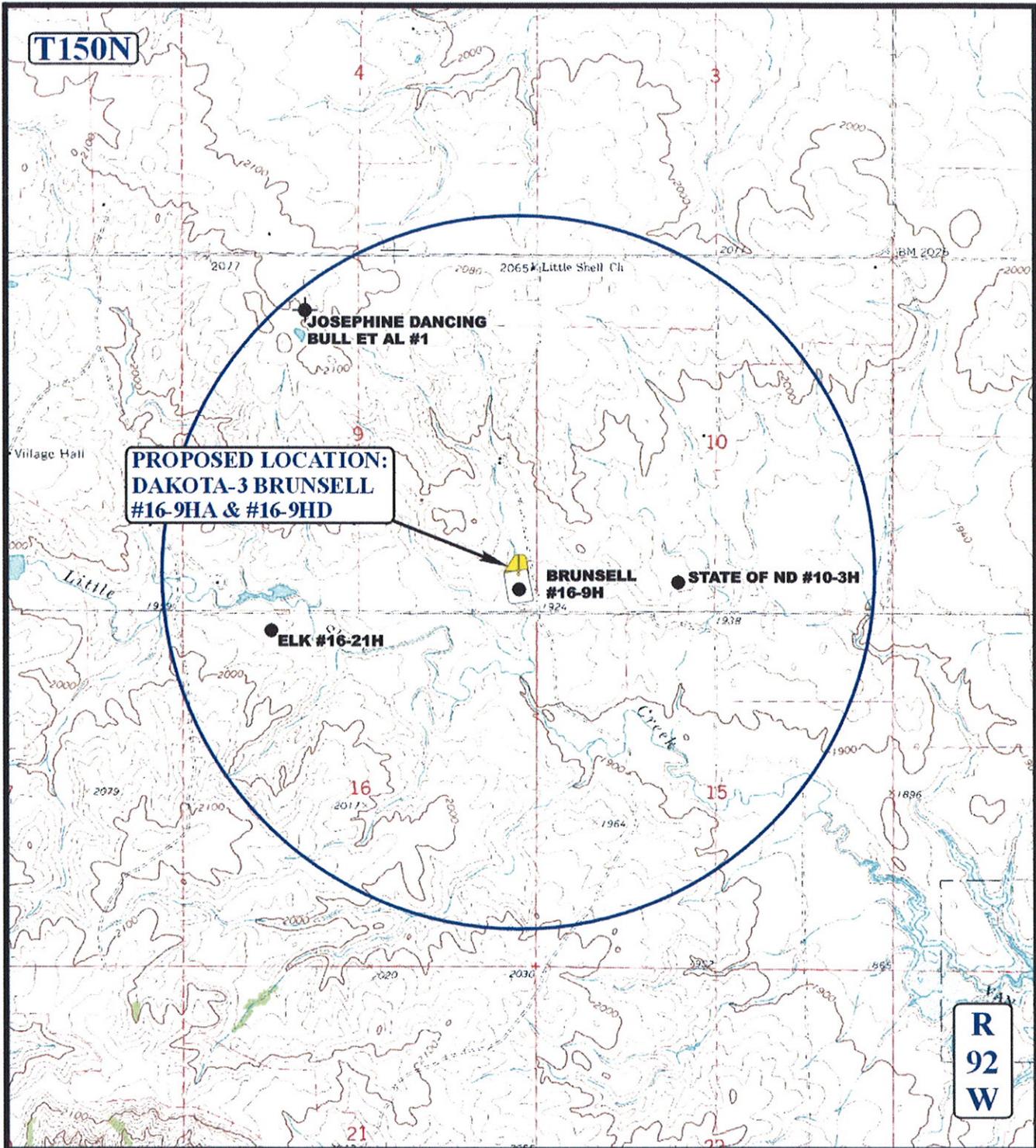
Uintah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
 (435) 789-1017 * FAX (435) 789-1813

ACCESS ROAD
MAP

09 30 11
 MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: S.F. REVISED: 00-00-00





R
92
W

LEGEND:

- ⊘ DISPOSAL WELLS
- PRODUCING WELLS
- SHUT IN WELLS
- ABANDONED WELLS
- TEMPORARILY ABANDONED



DAKOTA-3 E&P COMPANY, LLC

BRUNSELL #16-9HA & #16-9HD
SECTION 9, T150N, R92W, 5th P.M.
SE 1/4 SE 1/4



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

TOPOGRAPHIC 09 30 11
MAP MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: S.F. REVISED: 00-00-00



Notice of Availability and Appeal Rights

Dakota-3 E&P: Addendum to Environmental Assessment(s) to Authorize
Right-of-Way Expansion and Reroute to the
East Van Hook Gathering System

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Authorize Land Use for the Right-of-Way Expansion and Reroute on the East Van Hook Gathering System 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 March 13, 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.

