



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 22 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 to expand the previously approved well pad for the Elk #16-21H well bore an additional 230 feet on the west side of the original pad (Figure 1). The pad expansion will allow for two additional well bores (Elk #16-21HX and Elk #16-21HW) to be drilled on the site.

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

WPX Energy Williston, LLC

*Addendum to Environmental Assessment(s) to Authorize
Well Pad Expansion of the Elk #16-21H*

*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 Elk #16-21H well bore an additional 230 feet on the west side of the original pad (Figure 1). The pad expansion will allow for two additional well bores (Elk #16-21HX and Elk #16-21HW) to be drilled on the site. Developments have been proposed across land held in trust by the United States in Mountrail County, North Dakota. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

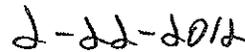
The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing EA, as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect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



Regional Director



Date

ENVIRONMENTAL ASSESSMENT
Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



WPX Energy Williston, LLC

Addendum to Environmental Assessment to Authorize
Well Pad Expansion of the Elk #16-21H

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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Appendices

APPENDIX A Plats, Drawings, and Diagrams for the Revised Elk #16-21H Well Pad

1.0 Purpose and Need of Action

WPX Energy Williston, Inc. (WPX), formerly Dakota-3 E&P Company, LLC (D-3), 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 WPX to expand the previously approved well pad for the Elk #16-21H well bore an additional 230 feet on the west side of the original pad (Figure 1). The pad expansion will allow for two additional well bores (Elk #16-21HX and Elk #16-21HW) to be drilled on the site.

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 Elk #16-21H well pad is located in the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 16, Township 150 North, Range 92 West, in Mountrail County, North Dakota.

4.0 Scope of Work for Proposed Action

WPX proposes to expand the approved well pad working surface for the Elk #16-21H approximately 230 feet to the west. The proposed expansion area is currently a native prairie pasture. The original proposed pad site and access road have been built and was being drilled at time of surveys. The total pad surface use (total surface disturbance) for the three well bores will be 13.025 acres. The relative large size of the disturbance is due to the required large cut in the southwest corner. Therefore large amounts of topsoil and subsoil will be excavated on the south and west sides of pad, although interim reclamation will reduce the pad size to less than 4 acres or approximately 1.2 acres per well. Additional heater treaters and tanks will be erected near existing facilities on pad and containment structures expanded. The Elk #16-21H will connect to the Van Hook Gathering System as specifically outlined in the Central VHGS Environmental Assessment Addendum (BIA, 2011).

5.0 Cultural and Natural Resource Surveys

Carlson McCain, Inc. (Carlson McCain) was the lead for the natural resource evaluation with cultural resource surveys conducted by SWCA Environmental Consultants (SWCA). Additional resource surveys of around the proposed expanded site was performed on July 20, 2011. Right-of-Way on-site inspection with final plats was also 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).

SWCA conducted a Class III archaeological resources inventory of a 67.59-acre survey parcel for the proposed Elk #16-21H well pad and access road/utility corridor expansion on July 19, 2011. The survey centered on an existing 3.26-acre well pad and a 300-foot wide survey corridor centered on the existing 74-foot long access road centerline. Acreage surveyed for the project includes 67.59 acres for the proposed 2-acre well pad expansion. The existing access road/utility corridor is 74-feet long with a 300-foot wide survey corridor and was included within the 67.59 acre well pad inventory. The access road will be widened for use as a utility corridor. In total, 67.59 non-overlapping acres were inventoried for the project.

A cultural resource inventory of this pipeline route was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 67.59 acres were inventoried on between July 19 and 21, 2011 (Herson and Reinhart 2012). One archaeological site was located that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of no historic properties affected for this undertaking, as the archaeological site will be avoided. This determination was communicated to the THPO on January 23, 2012; however the THPO did not respond within the allotted 30 day comment period.

The well site is located on native prairie uplands above Little Shell Creek. The expansion area is located to the west side of current pad which has a 3.9%, south facing slope. Kentucky bluegrass (*Poa pratensis*), western wheatgrass (*Agropyron smithii*) and green needlegrass (*Stipa viridula*) are the dominate vegetation species at the proposed site. Blue grama (*Bouteloua gracillis*) is also present across area. Scattered forb species included white sage (*Artemisia ludoviciana*), fringed sagebrush (*Artemisia frigida*), purple prairie clover (*Dalea purpureum*), blanket flower (*Gaillardia aristata*), stiff sunflower (*Helianthus rigida*) and Missouri goldenrod (*Solidago missouriensis*). Smooth brome (*Bromus inermis*) is found in the roadside ditch. Canada thistle (*Cirsium arvensis*) was found on spoil piles at time of survey. Residual cover was high at the time of the survey.

The initial pad site and access route resulted in approximately 6.7 total acres of new disturbance. Interim reclamation has occurred on the original pad site. The expansion will disturb additional 6.3 acres of previously undisturbed grasslands.

Wildlife species surveys conducted did not reveal any nesting migratory birds or raptors at the time. Suitable raptor and migratory bird nesting habitat is found near the area. WPX commits to degrade

migratory bird habitat at the project site outside of the breeding season by mowing and/or clearing and grubbing to discourage nesting, and maintain the habitat in a degraded state until construction is completed. If construction will occur within the migratory bird nesting season of February 1-July 15, and habitat degradation has not been accomplished, surveys for migratory birds and their active nests (nests containing eggs or young) will be conducted within five days of commencement of construction activities. If birds or their nests are found during surveys, the Service would be contacted with a proposal for realigning the work or maintaining adequate buffers to prevent the take of migratory birds.

Topsoil depth across site is approximately 18 inches. Soil stockpiles will be expanded around the west and south side of the pad and a shallow ditch will be constructed to divert surface water around pad. Surface water runoff at the Elk #16-21H well site will flow 350 feet to the northeast before reaching Little Shell Creek. Little Shell Creek then meanders approximately three miles to the south and east before reaching the shores of Lake Sakakawea.

Use of a closed-loop drilling system will be used due to the close proximity of the proposed well pad to Shell Creek. Silt fence and/or other erosion control devices will be used during construction to control erosion and siltation.

WPX, as a standard BMP on all pads, constructs an 18 inch containment berm on top of the pad to contain surface water from transferring off the pad. WPX and BIA resource officers will conduct monitoring of the berm and all other potential erosion areas periodically to ensure proper functioning condition.

It is BIA policy and WPX is committed to having a good faith effort towards interim reclamation started within six months of the additional disturbance. The 18 inch containment berm will remain and 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.

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

Environmental Assessment: Zenergy Operating Company, LLC, D-3 Elk #16-21H, D-3 Olson #1-12H. November, 2009. Finding of No Significant Impact: Zenergy Operating Company, LLC, D-3 Elk #16-21H, D-3 Olson #1-12H. January 2010.

7.0 Other Relevant Documentation

Herson, 2011. A Class I and Class III Cultural Resource Inventory of the Elk #16-21H Well Pad Expansion and Utility Corridor, Fort Berthold Indian Reservation, Mountrail County, North Dakota. Report submittal to BIA: January 19, 2012.

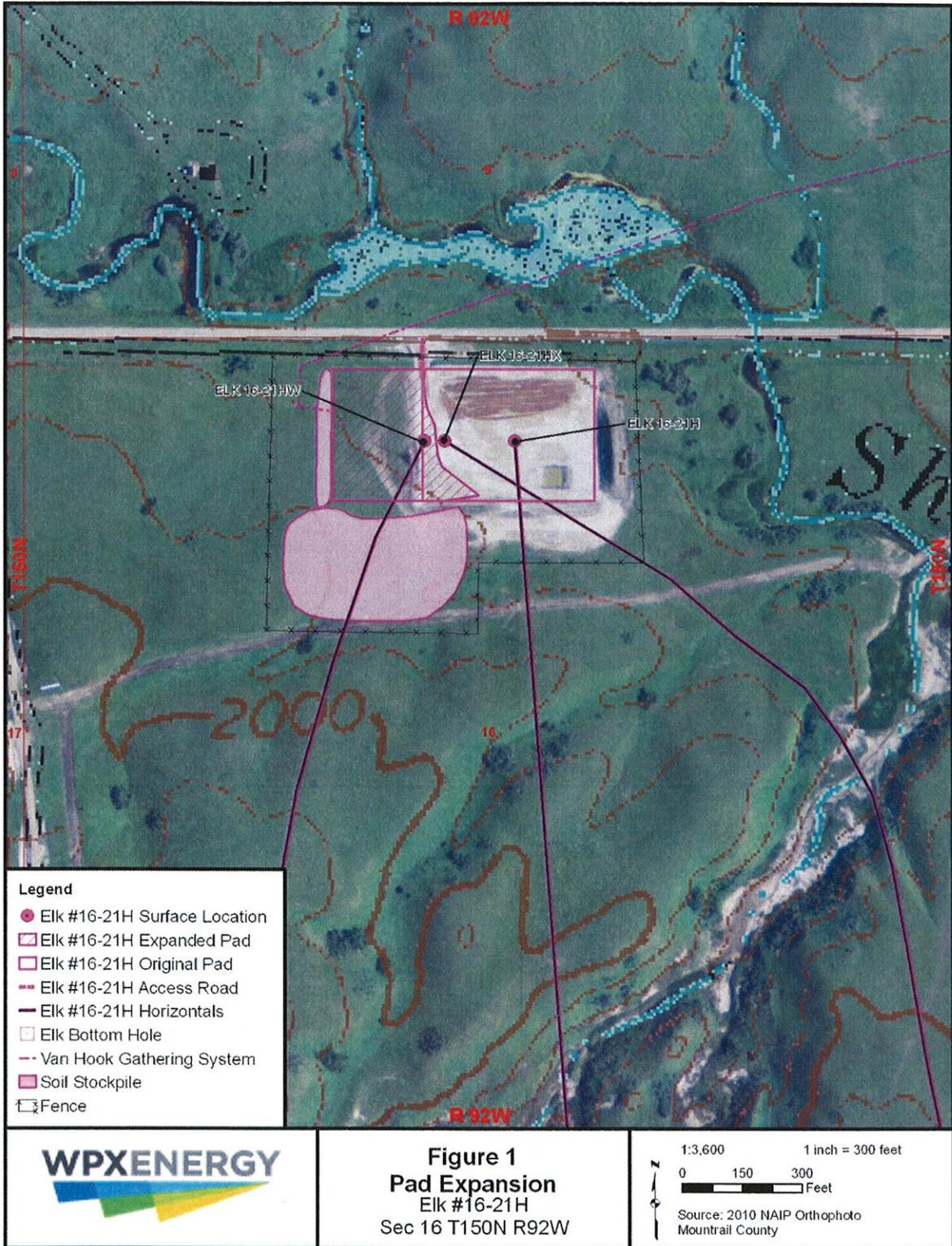
BIA, 2011. Environmental Assessment Addendum: Dakota-3 Exploration and Production, LLC, Central Van Hook Gathering System (VHGS) November, 2011. FONSI issued December 29, 2011.

8.0 NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document, *Environmental Assessment: Zenergy Operating Company, LLC, D-3 Elk #16-21H, D-3 Olson #1-12H. (November, 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. Elk #16-21H Expanded Pad



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Figure 2. Photograph of expansion area east side of existing Elk pad.
Pad will extend into native prairie pasture.

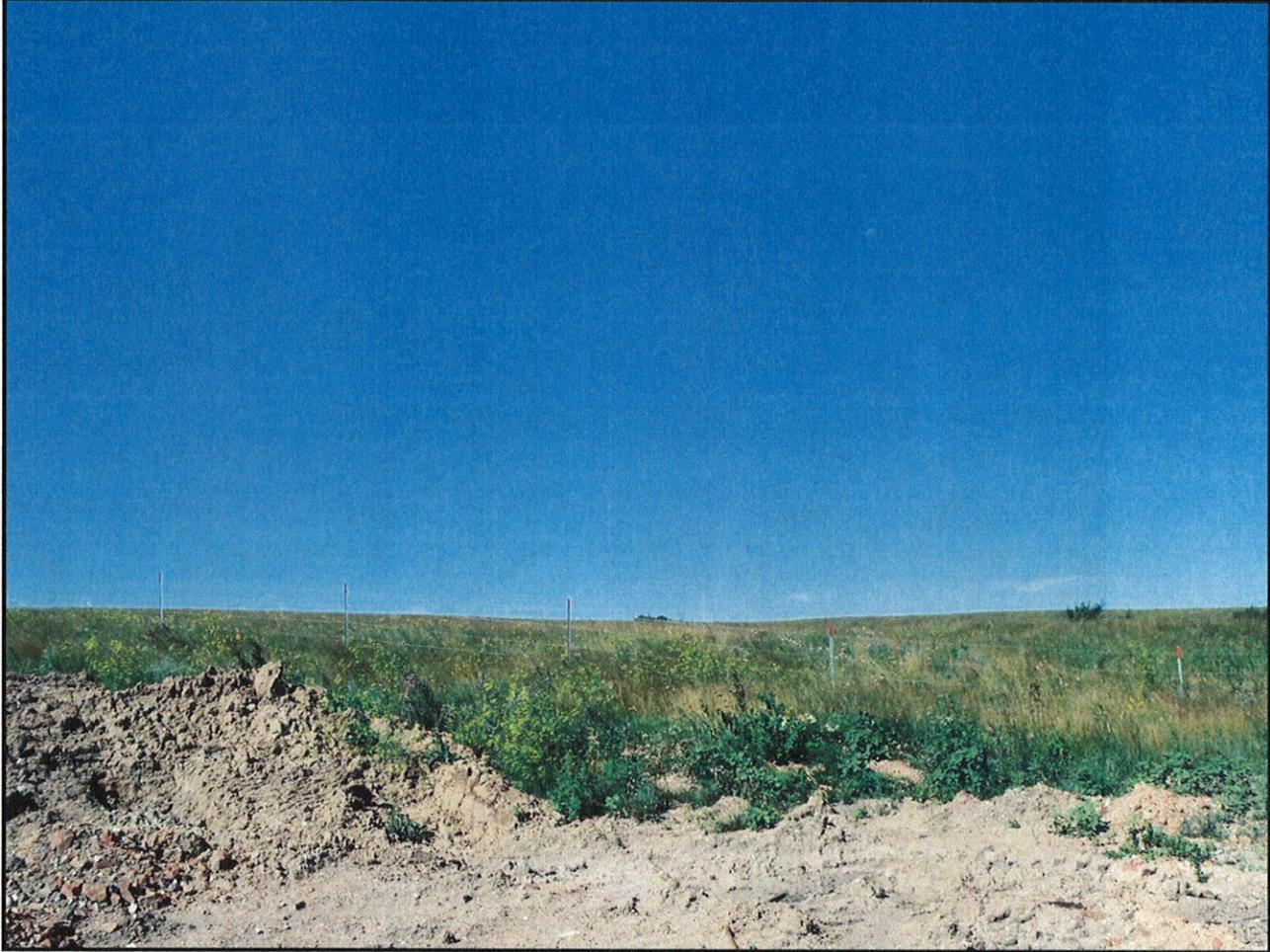
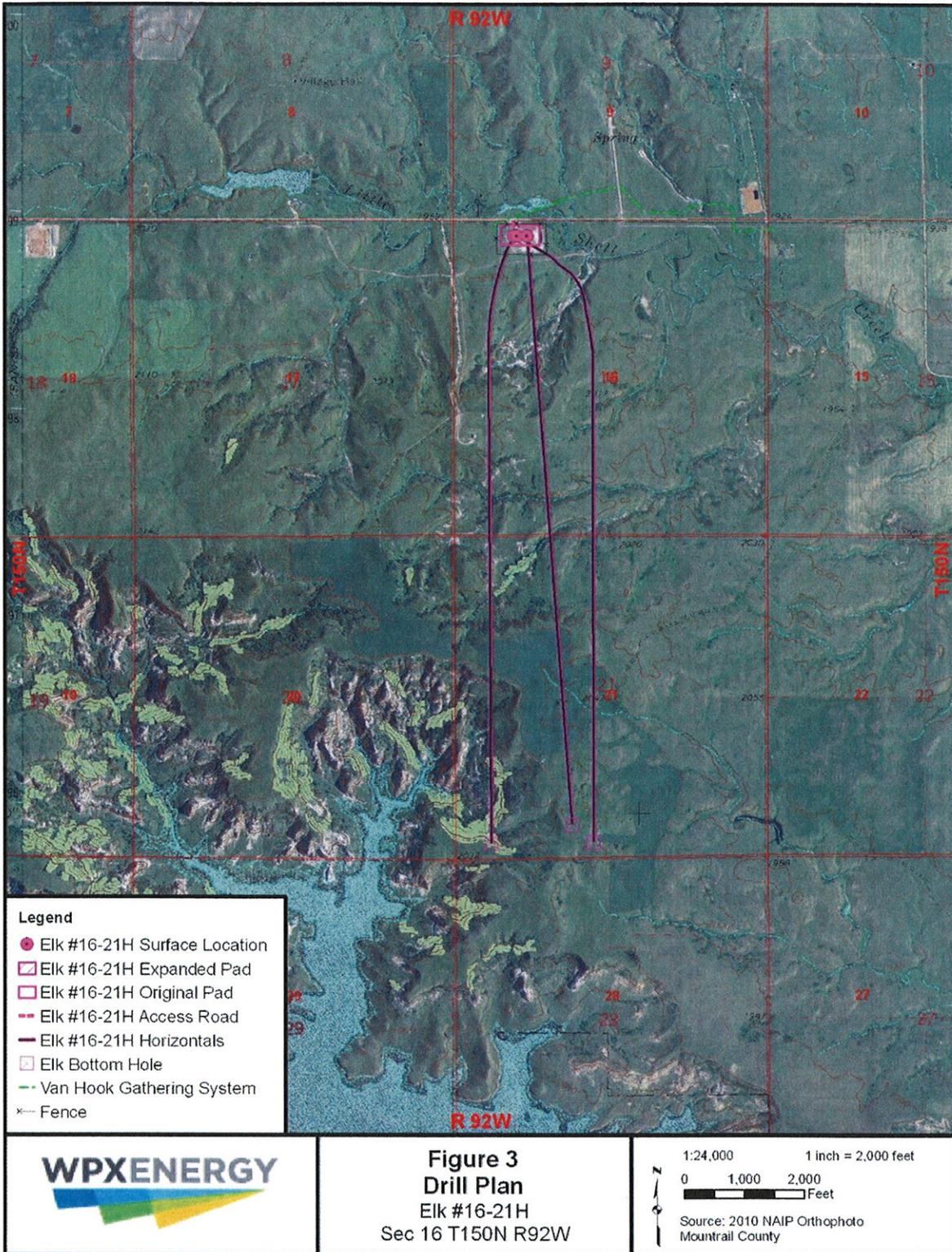


Figure 3. Elk #16-21H Expanded Drilling Plan



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IN REPLY REFER TO:
DESCRM
MC-208

JAN 23 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 a proposed well pad and utility corridor expansion in Mountrail County, North Dakota. Approximately 67.59 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. One archaeological site (32MN919) was located that 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).

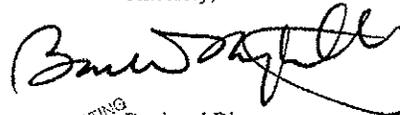
As the surface management agency, and as provided for in 36 CFR 800.5, we have reached a determination of **no historic properties affected** for this undertaking, as the archaeological site will be avoided. Catalogued as **BIA Case Number AAO-2054/FB/12**, the proposed undertaking, location, and project dimensions are described in the following report:

Herson, Chandler S., and Damien S. Reinhart
(2012) A Class I and Class III Cultural Resource Inventory of the Elk #16-21H Well Pad and Utility Corridor 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 Elk #16-21H Well Pad**

DAKOTA-3 E&P COMPANY, LLC
ELK #16-21HX & #16-21HW
 LOCATED IN MOUNTRAIL COUNTY, NORTH DAKOTA
 SECTION 16, T150N, R92W, 5th P.M.

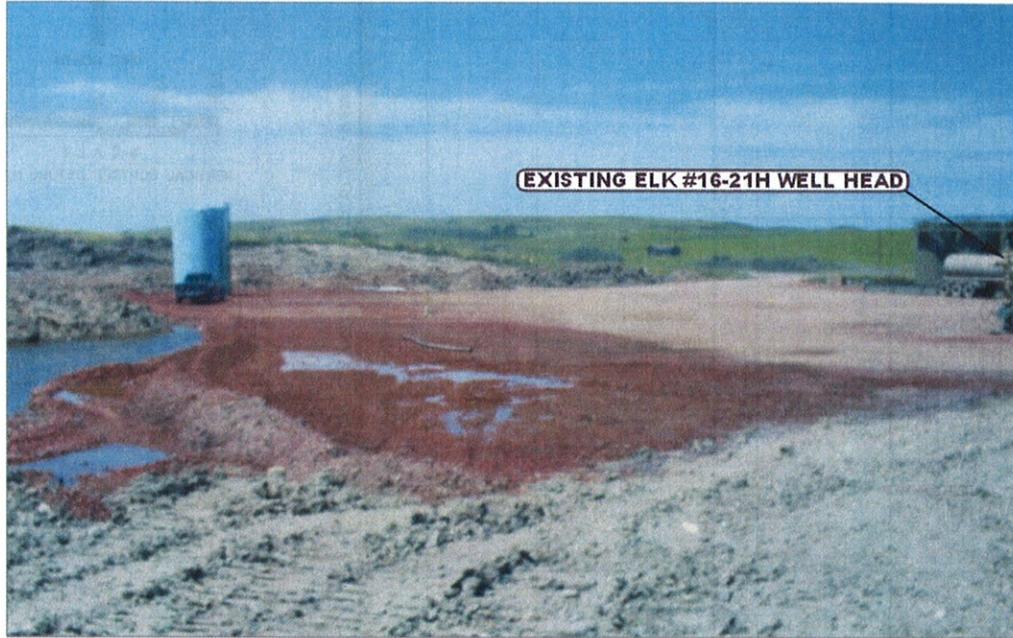


PHOTO: VIEW FROM SOUTHWEST CORNER OF EXISTING PAD

CAMERA ANGLE: NORTHEASTERLY

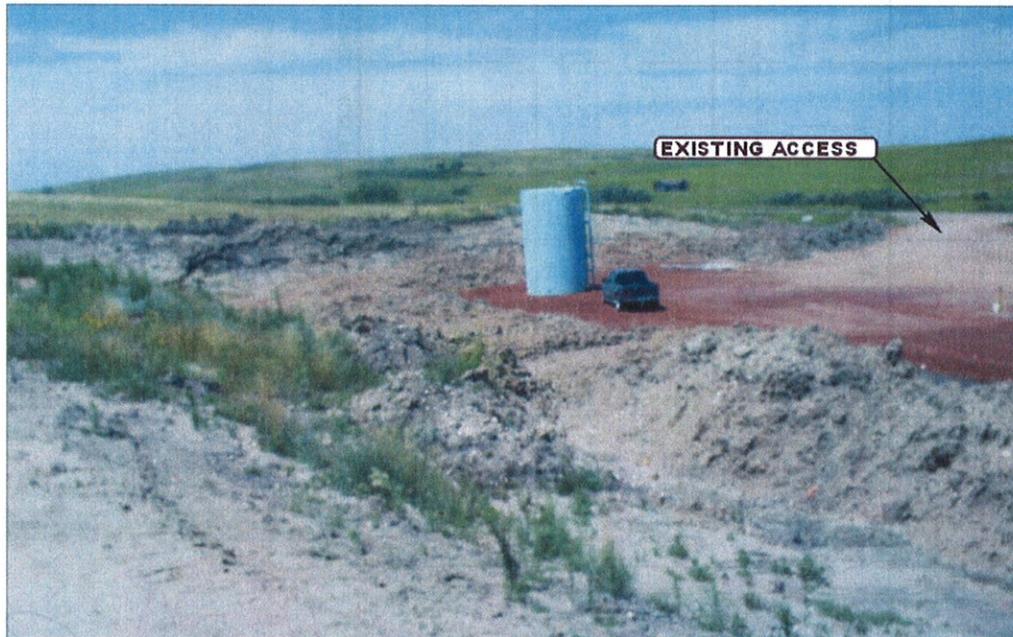


PHOTO: VIEW FROM SOUTHEAST CORNER OF EXISTING PAD

CAMERA ANGLE: NORTHWESTERLY



- Since 1964 -

UELS

Uintah Engineering & Land Surveying
 85 South 200 East Vernal, Utah 84078
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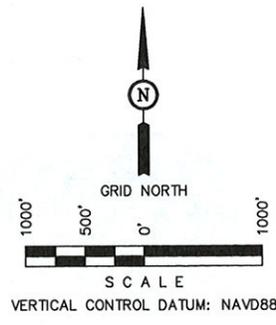
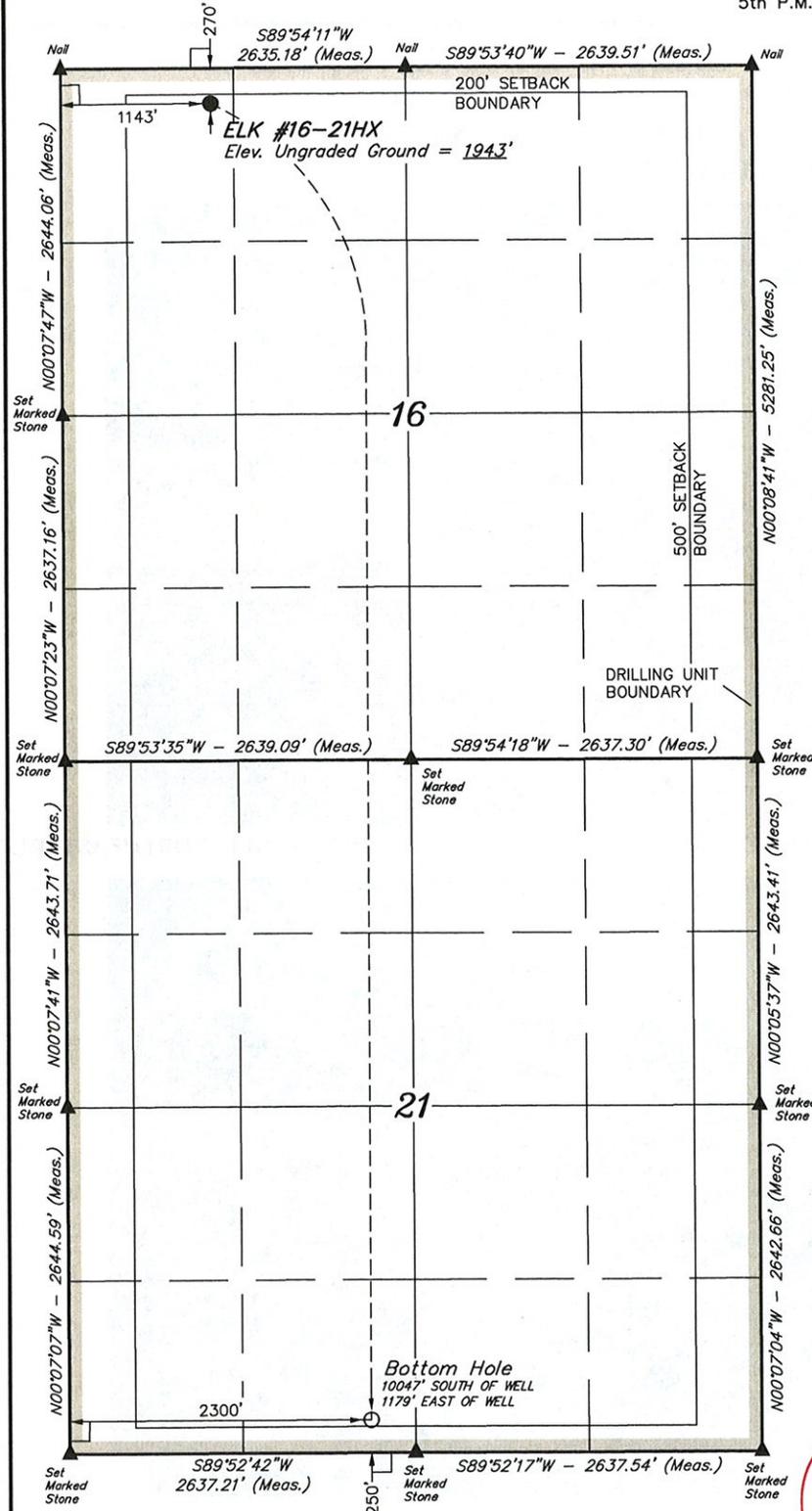
LOCATION PHOTOS			11	02	09	PHOTO
			MONTH	DAY	YEAR	
TAKEN BY: P.T.	DRAWN BY: J.H.	REV: C.A.G.08-17-11				

WELL LOCATION PLAT

T150N, R92W, 5th P.M.

DAKOTA-3 E&P COMPANY, LLC

Well location, ELK #16-21HX, located as shown in NW 1/4 NW 1/4 of Section 16, 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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LONGITUDE = 102°27'44.03" (102.462231)	LONGITUDE = 102°28'01.12" (102.466978)
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LATITUDE = 47°47'25.48" (47.790411)	LATITUDE = 47°49'04.63" (47.817953)
LONGITUDE = 102°27'42.37" (102.461769)	LONGITUDE = 102°27'59.46" (102.466517)
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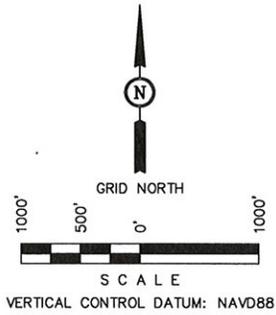
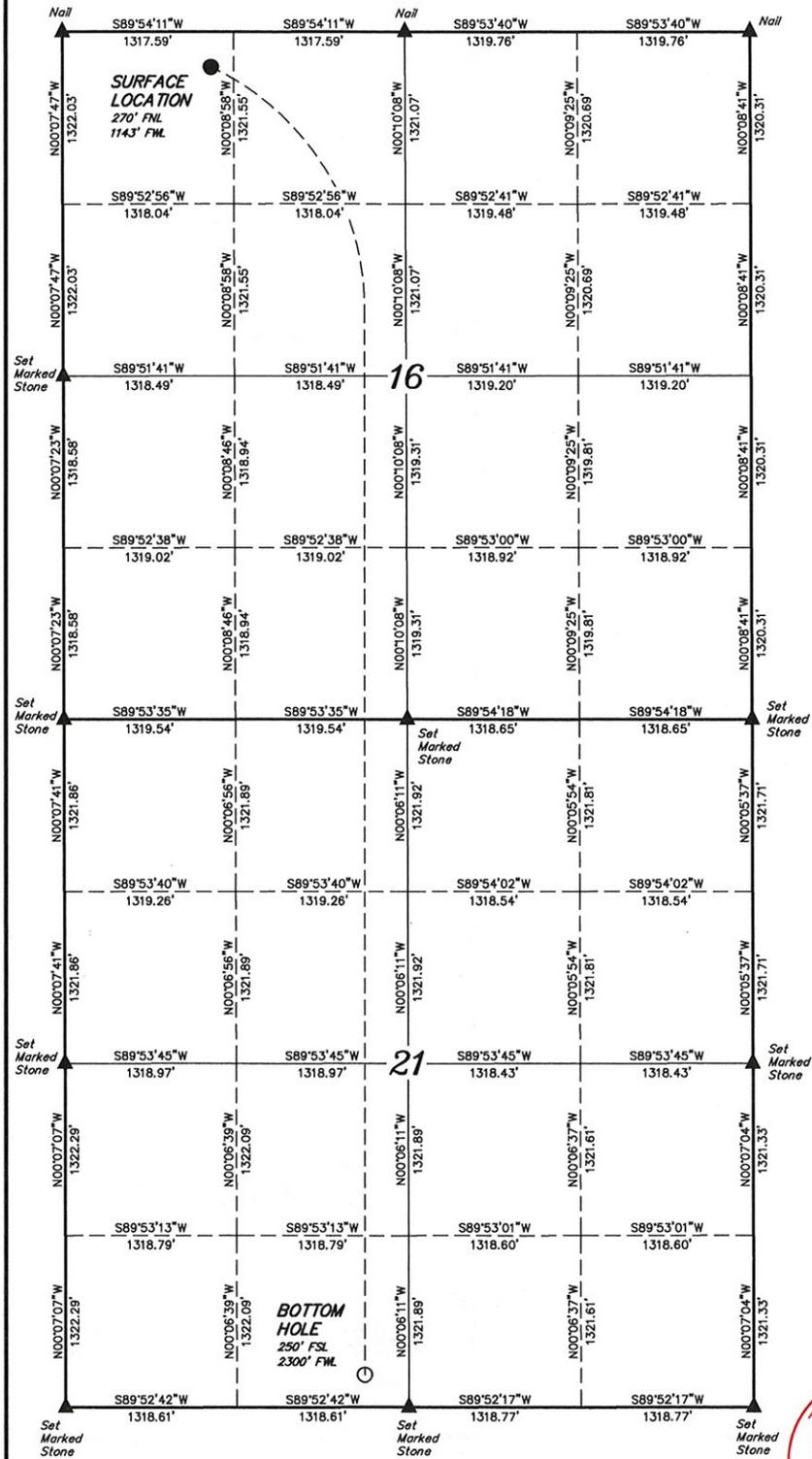
- LEGEND:**
- = 90° SYMBOL
 - = PROPOSED WELL HEAD.
 - ▲ = SECTION CORNERS LOCATED.

UNTAEH ENGINEERING & LAND SURVEYING		
85 SOUTH 200 EAST - VERNAL, UTAH 84078		
(435) 780-1017		
SCALE 1" = 1000'	DATE SURVEYED: 07-29-11	DATE DRAWN: 08-25-11
PARTY P.T. G.C. S.L.	REFERENCES G.L.O. PLAT	FILE
WEATHER WARM	DAKOTA-3 E&P COMPANY, LLC	

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

DAKOTA-3 E&P COMPANY, LLC

Well location, ELK #16-21HX, located as shown in NW 1/4 NW 1/4 of Section 16, T150N, R92W, 5th P.M., Mountrail County, North Dakota.



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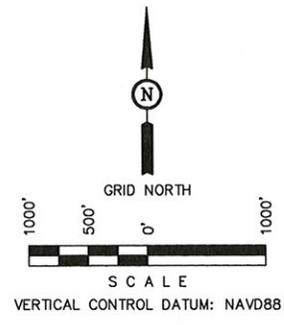
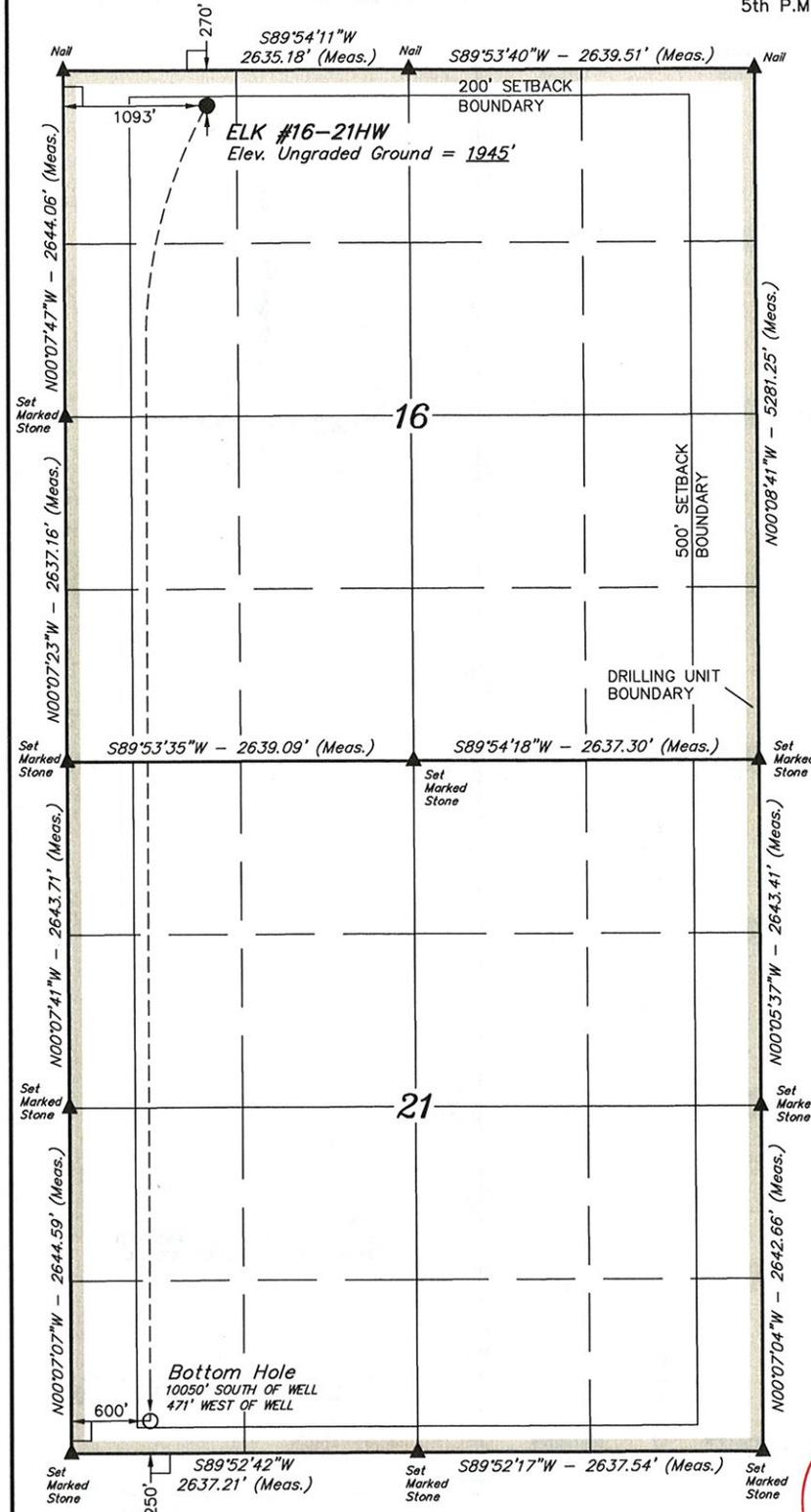
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UINTAH ENGINEERING & LAND SURVEYING 85 SOUTH 200 EAST - VERNAL, UTAH 84078 (435) 789-1017		
SCALE	DATE SURVEYED:	DATE DRAWN:
1" = 1000'	07-29-11	08-25-11
PARTY	REFERENCES	
P.T. G.C. S.L.	G.L.O. PLAT	
WEATHER	FILE	
WARM	DAKOTA-3 E&P COMPANY, LLC	

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

DAKOTA-3 E&P COMPANY, LLC

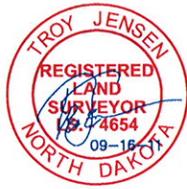
Well location, ELK #16-21HW, located as shown in NW 1/4 NW 1/4 of Section 16, T150N, R92W, 5th P.M., Mountrail County, North Dakota.



NOTE:
DRILLING PATH HAS BEEN PROVIDED
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CERTIFICATE

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

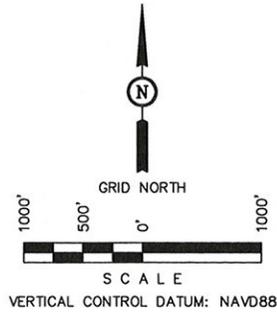
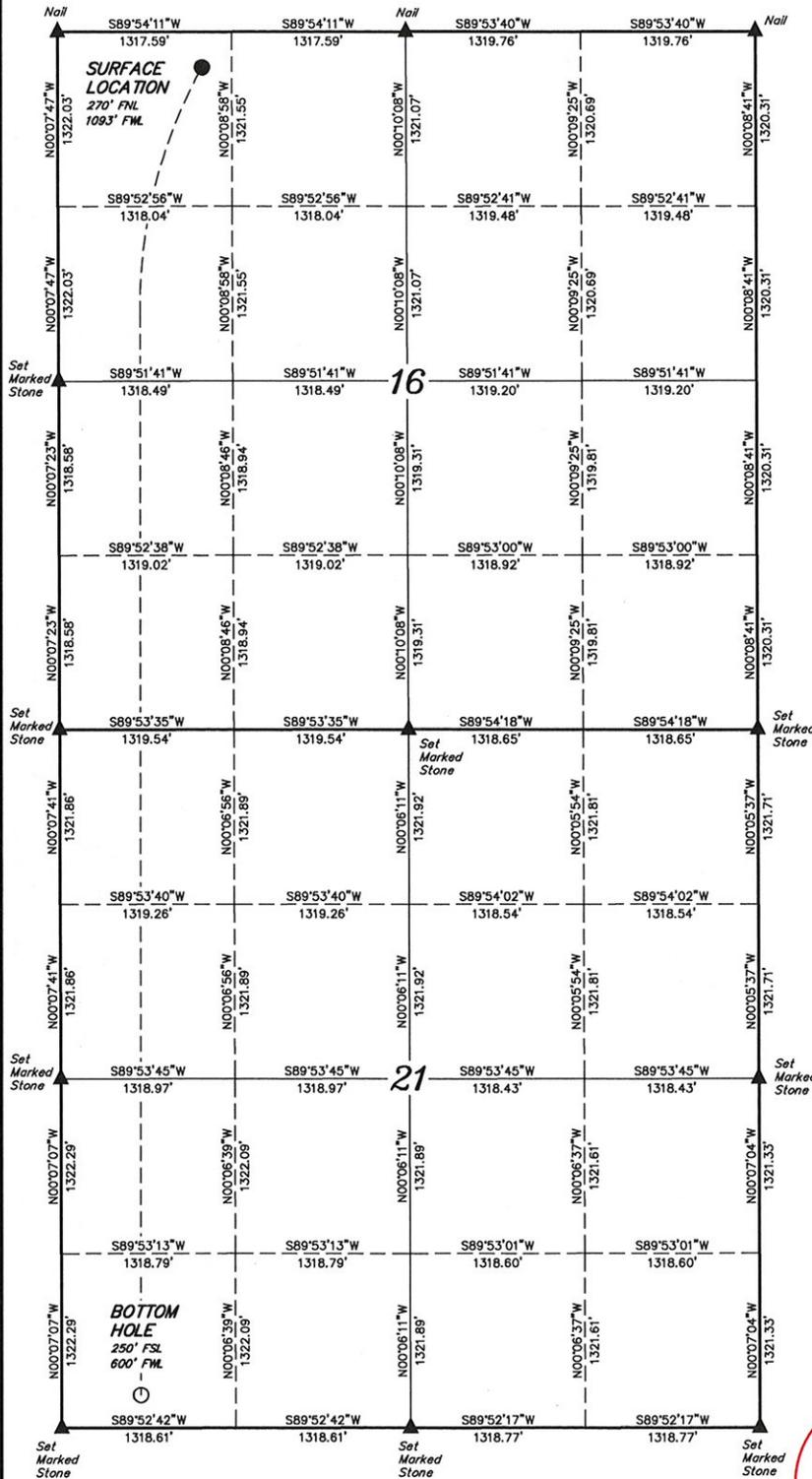
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NAD 27 UTM 13N (TARGET BOTTOM HOLE)	NAD 27 UTM 13N (SURFACE LOCATION)
N: 17374931.106 E: 2282424.773	N: 17384989.488 E: 2282577.969

UINTAH ENGINEERING & LAND SURVEYING 85 SOUTH 200 EAST - VERNAL, UTAH 84078 (435) 789-1017		
SCALE 1" = 1000'	DATE SURVEYED: 07-29-11	DATE DRAWN: 08-25-11
PARTY P.T. G.C. S.L.	REFERENCES G.L.O. PLAT	FILE DAKOTA-3 E&P COMAPNY, LLC
WEATHER WARM		

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

DAKOTA-3 E&P COMPANY, LLC

Well location, ELK #16-21HW, located as shown
in NW 1/4 NW 1/4 of Section 16, 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

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)]

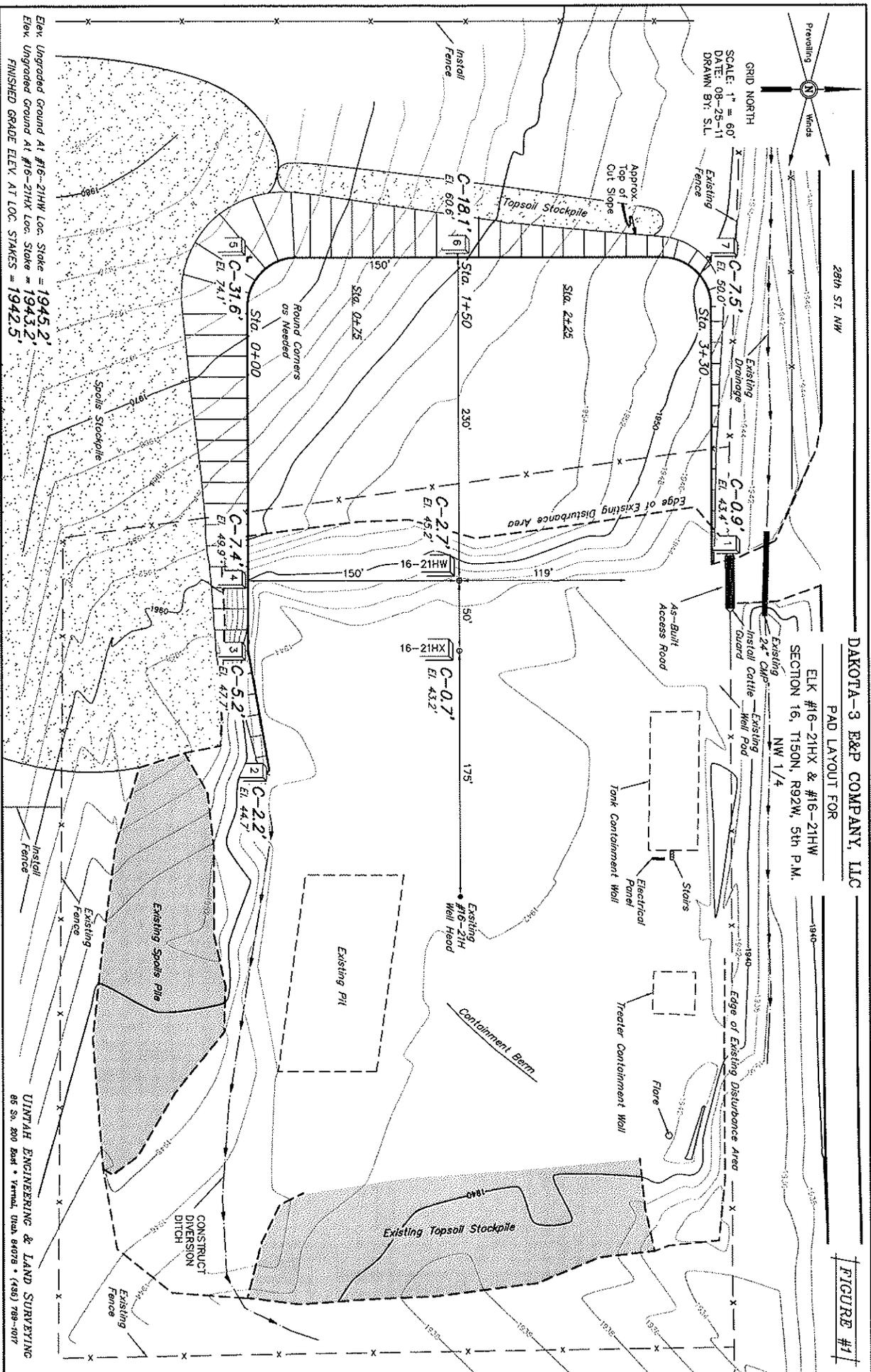
NAD 83 (TARGET BOTTOM HOLE)	NAD 83 (SURFACE LOCATION)
LATITUDE = 47°47'25.51" (47.790419)	LATITUDE = 47°49'04.87" (47.817984)
LONGITUDE = 102°28'08.92" (102.469144)	LONGITUDE = 102°28'01.85" (102.467181)
NAD 27 (TARGET BOTTOM HOLE)	NAD 27 (SURFACE LOCATION)
LATITUDE = 47°47'25.47" (47.790408)	LATITUDE = 47°49'04.63" (47.817953)
LONGITUDE = 102°28'07.28" (102.468883)	LONGITUDE = 102°28'00.19" (102.466719)
NAD 27 UTM 13N (TARGET BOTTOM HOLE)	NAD 27 UTM 13N (SURFACE LOCATION)
N: 17374931.106 E: 2282424.773	N: 17384989.488 E: 2262577.969

UNTAE ENGINEERING & LAND SURVEYING 85 SOUTH 200 EAST - VERNAL, UTAH 84078 (435) 789-1017		
SCALE 1" = 1000'	DATE SURVEYED: 07-29-11	DATE DRAWN: 08-25-11
PARTY P.T. G.C. S.L.	REFERENCES G.L.O. PLAT	FILE DAKOTA-3 E&P COMPANY, LLC
WEATHER WARM		

DAKOTA-3 E&P COMPANY, LLC
 PAD LAYOUT FOR

ELK #16-21HX & #16-21HW
 SECTION 16, T150N, R92W, 5th P.M.
 NW 1/4

FIGURE #1



GRID NORTH
 SCALE: 1" = 60'
 DATE: 08-25-11
 DRAWN BY: S.L.

Elev. Upgraded Ground At #16-21HW Loc. Stake = 1945.2'
 Elev. Upgraded Ground At #16-21HX Loc. Stake = 1943.2'
 FINISHED GRADE ELEV. AT LOC. STAKES = 1942.5'

UNTAH ENGINEERING & LAND SURVEYING
 85 S. 200 East • Vermilion, Utah 84078 • (435) 788-0817

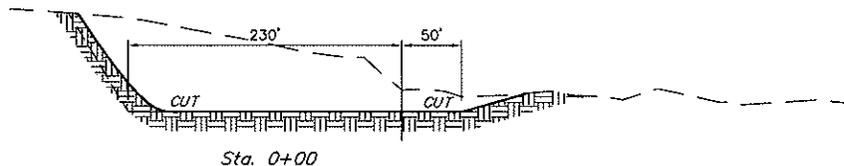
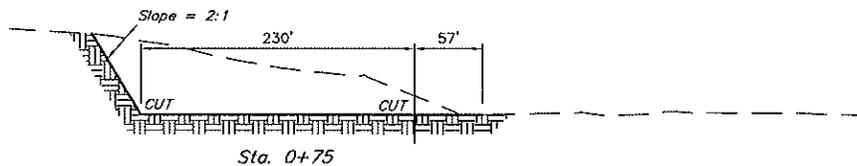
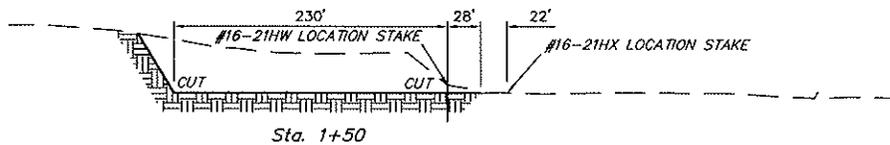
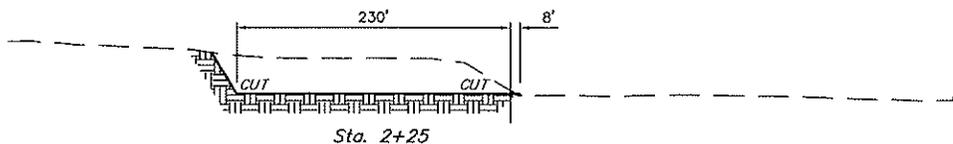
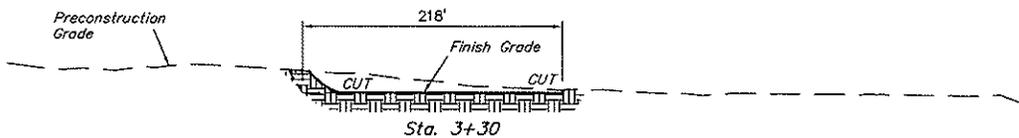
DAKOTA-3 E&P COMPANY, LLC

TYPICAL CROSS SECTIONS FOR

ELK #16-21HX & #16-21HW
SECTION 16, T150N, R92W, 5th P.M.
NW 1/4

FIGURE #2

1" = 40'
X-Section
Scale
1" = 100'
DATE: 08-25-11
DRAWN BY: S.L.



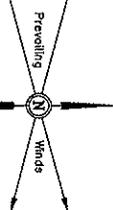
* NOTE:
FILL QUANTITY INCLUDES
5% FOR COMPACTION

APPROXIMATE YARDAGES

(6") Topsoil Stripping	=	2,110 Cu. Yds.
Remaining Location	=	43,670 Cu. Yds.
TOTAL CUT	=	45,780 CU.YDS.
FILL	=	20 CU.YDS.

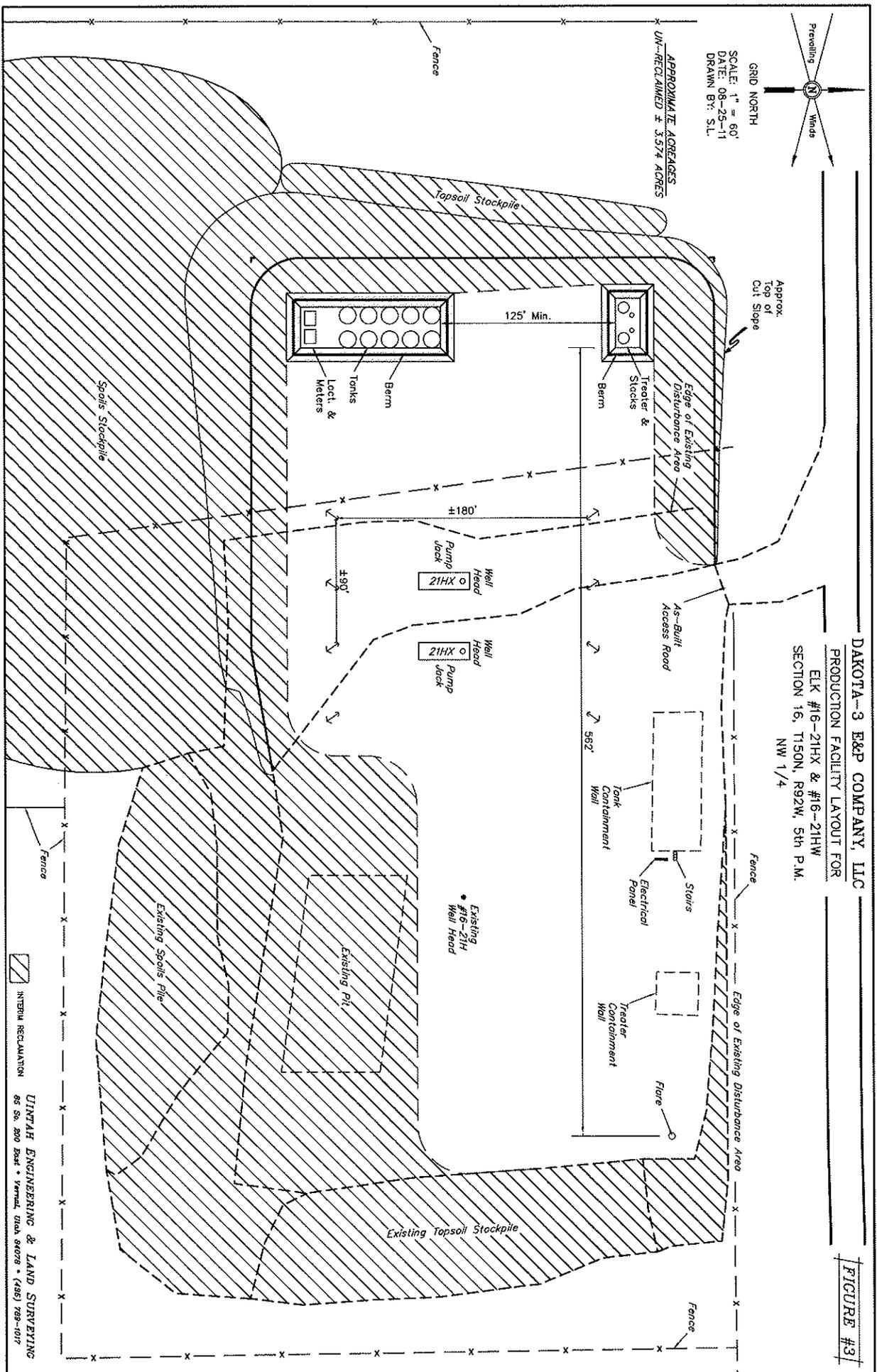
EXCESS MATERIAL	=	45,760 Cu. Yds.
Topsoil Backfill	=	2,110 Cu. Yds.
EXCESS UNBALANCE (After Interim Rehabilitation)	=	43,650 Cu. Yds.

APPROXIMATE ACREAGES
WELL SITE DISTURBANCE = ± 13.026 ACRES



SCALE: 1" = 60'
 DATE: 08-25-11
 DRAWN BY: S.L.

APPROXIMATE ACREAGES:
 UN-RECLAIMED ± 3.574 ACRES

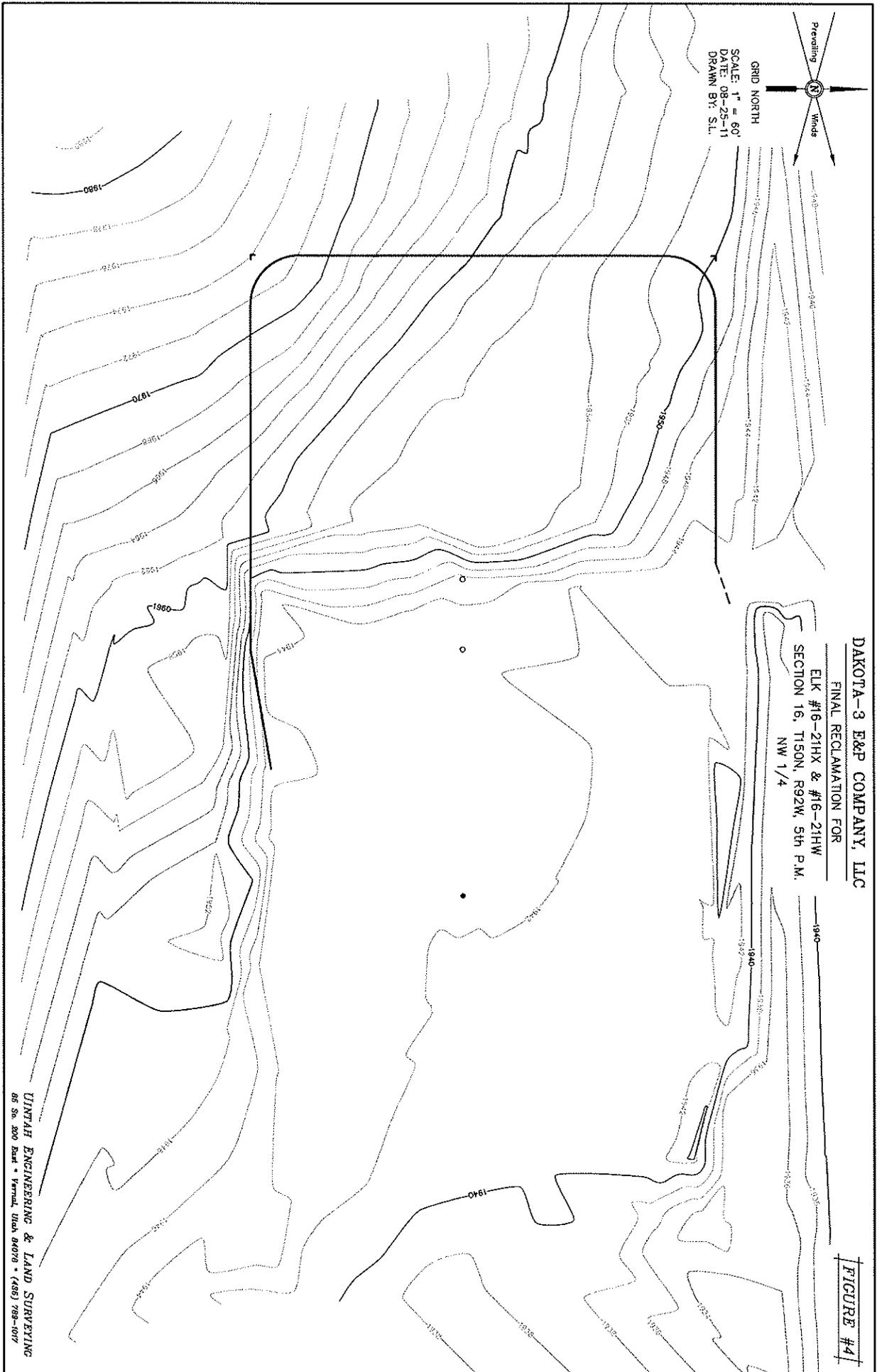
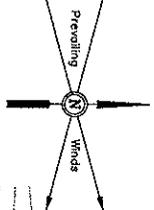


DAKOTA-3 E&P COMPANY, LLC
 PRODUCTION FACILITY LAYOUT FOR
 ELK #16-21HX & #16-21HW
 SECTION 16, T150N, R92W, 5th P.M.
 NW 1/4

FIGURE #3

UNTAH ENGINEERING & LAND SURVEYING
 65 S. 200 East • Vermont, Utah 84078 • (435) 789-1017

GRID NORTH
SCALE: 1" = 60'
DATE: 08-25-11
DRAWN BY: S.L.



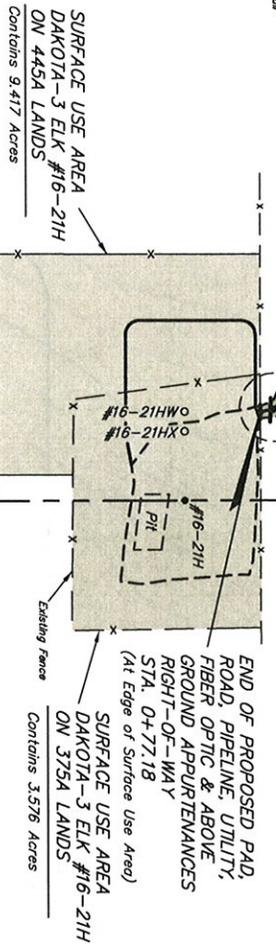
DAKOTA-3 E&P COMPANY, LLC
FINAL RECLAMATION FOR
ELK #16-21HX & #16-21HW
SECTION 16, T150N, R92W, 5th P.M.
NW 1/4

FIGURE #4

UTAH ENGINEERING & LAND SURVEYING
85 So. 200 East • Vermd, Utah 84078 • (435) 799-0177

BEGINNING OF PROPOSED PAD, ROAD PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+400 (At 28th ST. NW)

28th ST. NW
 589'54.11' W - 263.518' (Meas.)
 See Detail #1 - Below Right



RIGHT-OF-WAY LENGTHS			
PROPERTY OWNER	FEET	ACRES	RODS
445A	7718	0.230	4.68

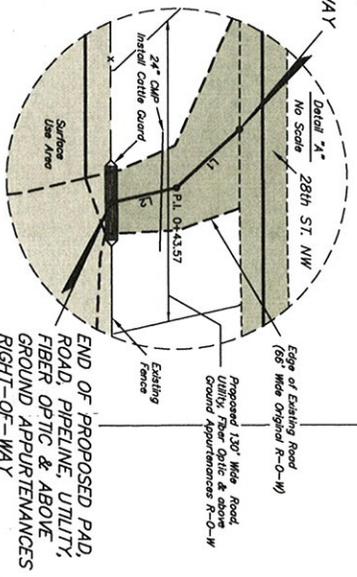
BEGINNING STA. 0+00 BEARS S89°28'00"E 1057.49' FROM THE NORTHWEST CORNER OF SECTION 16, T150N, R92W, 5th P.M.
 END STA. 0+77.18 BEARS S86°05'52"E 1096.84' FROM THE NORTHWEST CORNER OF SECTION 16, T150N, R92W, 5th P.M.

LINE	DIRECTION	LENGTH
L1	S42°45'35"E	43.57'
L2	S12°30'04"E	33.62'

N00°07'47"W - 2644.06' (Meas.)

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:
 BEGINNING AT A POINT IN THE NW 1/4 NW 1/4 OF SECTION 16, T150N, R92W, 5th P.M., WHICH BEARS S89°28'00"E 1057.49' FROM THE NORTHWEST CORNER OF SAID SECTION 16, THENCE S42°45'35"E 43.57', THENCE S12°30'04"E 33.62' TO A POINT IN THE NW 1/4 NW 1/4 OF SAID SECTION 16, WHICH BEARS S86°05'52"E 1096.84' FROM THE NORTHWEST CORNER OF SAID SECTION 16. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 0.230 ACRES MORE OR LESS.



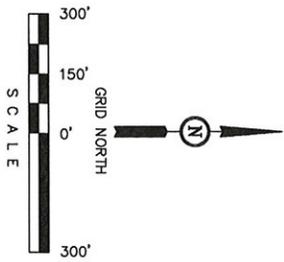
END OF PROPOSED PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY STA. 0+77.18 (At Edge of Surface Use Area)

1/4 Section Line

Sec. 16

DAKOTA-3 E&P COMPANY, LLC
 PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS
 (For ELK #16-21HX & #16-21HW)

LOCATED IN SECTION 16, T150N, R92W, 5th P.M., MOUNTAIN COUNTY, NORTH DAKOTA



REGISTERED LAND SURVEYOR
 STATE OF NORTH DAKOTA

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.

CERTIFICATE

SCALE	1" = 300'	DATE	09-08-11
PARTY	P.M.	G.C.	S.L.
WEATHER	WARM	REFERENCES	G.L.O. PLAT
		FILE	5 1 0 6 7

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

DAKOTA-3 E&P COMPANY, LLC
ELK #16-21HW, #16-21HX
PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE
GROUND APPURTENANCES RIGHT-OF-WAY
SECTION 16, T150N, R92W, 5th P.M.

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

TOTAL LENGTH OF RIGHT-OF-WAY IS 77.18' OR 0.015 MILES. WIDTH OF RIGHT-OF-WAY IS
130' (65' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE). CONTAINS 0.230 ACRES
MORE OR LESS.

ENGINEER'S AFFIDAVIT

STATE OF MONTANA }
COUNTY OF RICHLAND } SS

TROY JENSEN, BEING FIRST DULY SWORN DEPOSES AND STATES THAT HE IS THE REGISTERED LAND SURVEYOR, FOR DAKOTA-3 E&P COMPANY, LLC, THAT THESE SURVEYS WERE MADE BY HIM (OR UNDER HIS SUPERVISION): THAT HE HAS EXAMINED THE FIELD NOTES OF THE SURVEYS OF THE PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY AS DESCRIBED AND SHOWN ON THIS MAP, THAT THIS MAP WAS PREPARED UNDER HIS DIRECTION FROM SAID FIELD NOTES; AND THAT SAID RIGHT-OF-WAY, 0.015 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN ON THIS MAP IS ACCURATELY REPRESENTED.




REGISTERED LAND SURVEYOR
REGISTRATION NO. 4654
STATE OF NORTH DAKOTA

APPLICANT'S CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT I AM THE WILLISTON BASIN LAND MANAGER FOR DAKOTA-3 E&P COMPANY, LLC, HEREINAFTER DESIGNATED THE APPLICANT; THAT TROY JENSEN WHO SUBSCRIBED TO THE FOREGOING AFFIDAVIT, IS EMPLOYED BY THE APPLICANT AS A LAND SURVEYOR AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THIS PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY, 0.015 MILES IN LENGTH BEGINNING AT STA. 0+00 AND ENDING AT STA. 0+77.18, THAT SAID PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC & ABOVE GROUND APPURTENANCES ROAD RIGHT-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 RIGHT-OF-WAY THEREBY SHOWN; AND THAT THE MAP HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENTS, THEREON AND THEREOVER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

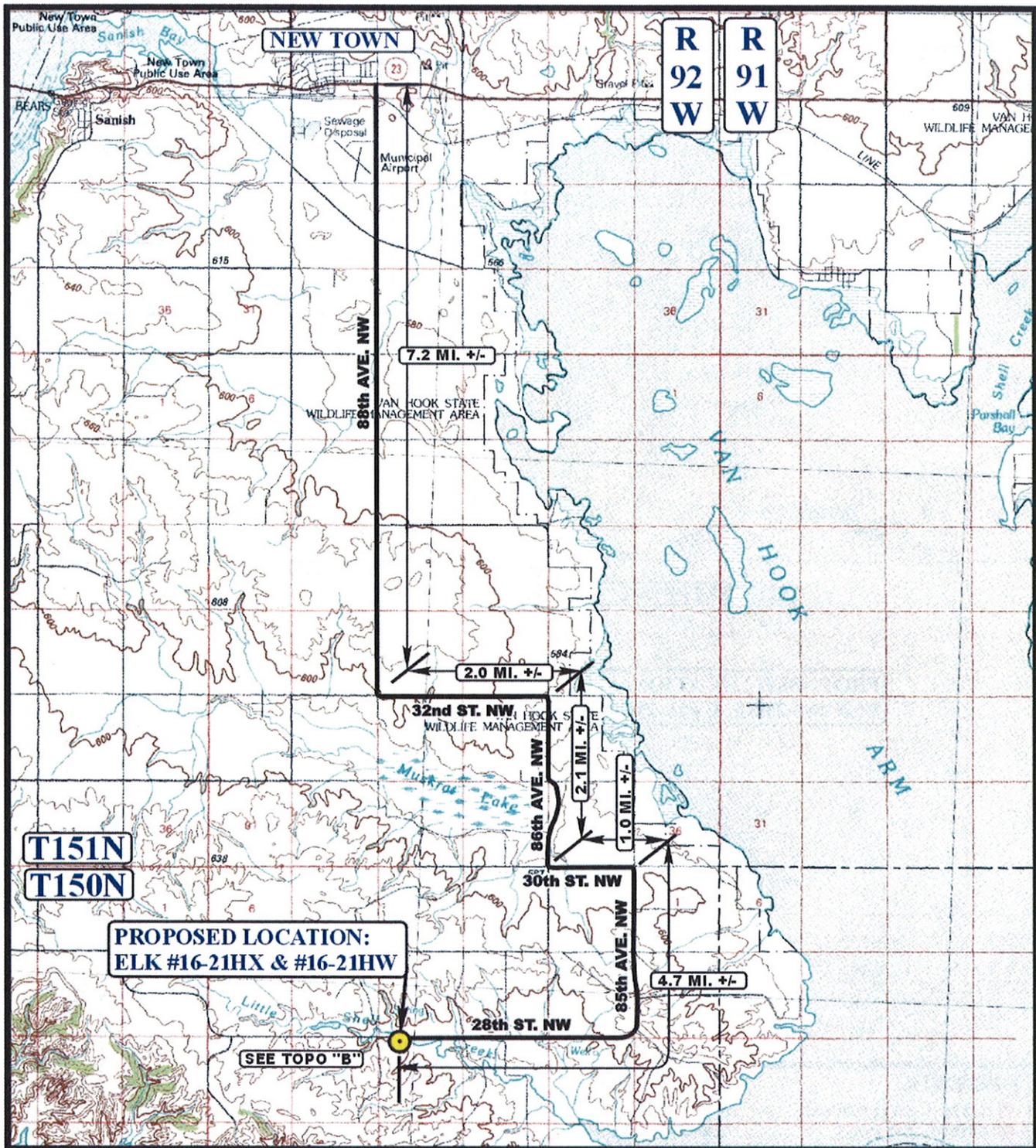
APPLICANT

TITLE

DAKOTA-3 E&P COMPANY, LLC
ELK #16-21HX & #16-21HW
SECTION 16, 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, THEN WESTERLY DIRECTION APPROXIMATELY 4.7 MILES TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE SOUTH; TURN LEFT AND PROCEED IN A SOUTHERLY DIRECTION APPROXIMATELY 78' TO THE PROPOSED LOCATION.

TOTAL DISTANCE FROM MANDAREE, NORTH DAKOTA TO THE PROPOSED WELL LOCATION IS APPROXIMATELY 17.0 MILES.



**PROPOSED LOCATION:
ELK #16-21HX & #16-21HW**

SEE TOPO "B"

LEGEND:

PROPOSED LOCATION

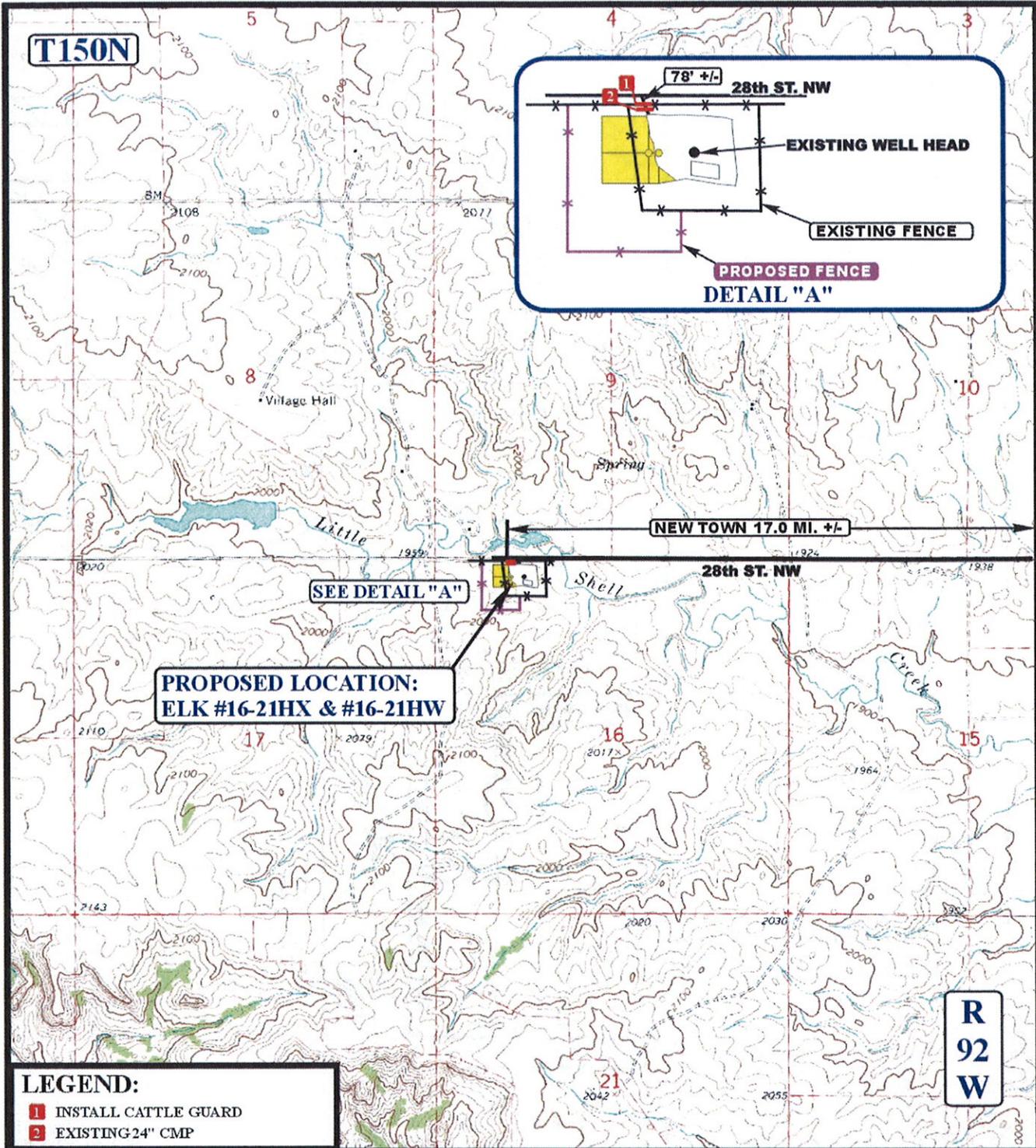


DAKOTA-3 E&P COMPANY, LLC

**ELK #16-21HX & #16-21HW
SECTION 16, T150N, R92W, 5th P.M.
NW 1/4**

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

**ACCESS ROAD
MAP** **10 27 09**
MONTH DAY YEAR
SCALE: 1:100,000 DRAWN BY: J.H. REV: C.A.G 08-17-11 **A**
TOPO



LEGEND:

- 1 INSTALL CATTLE GUARD
- 2 EXISTING 24" CMP

LEGEND:

- EXISTING ROAD
- - - PROPOSED ACCESS ROAD
- * * * * EXISTING FENCE
- * * * * PROPOSED FENCE

DAKOTA-3 E&P COMPANY, LLC

ELK #16-21HX & #16-21HW
SECTION 16, T150N, R92W, 5th P.M.
NW 1/4



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

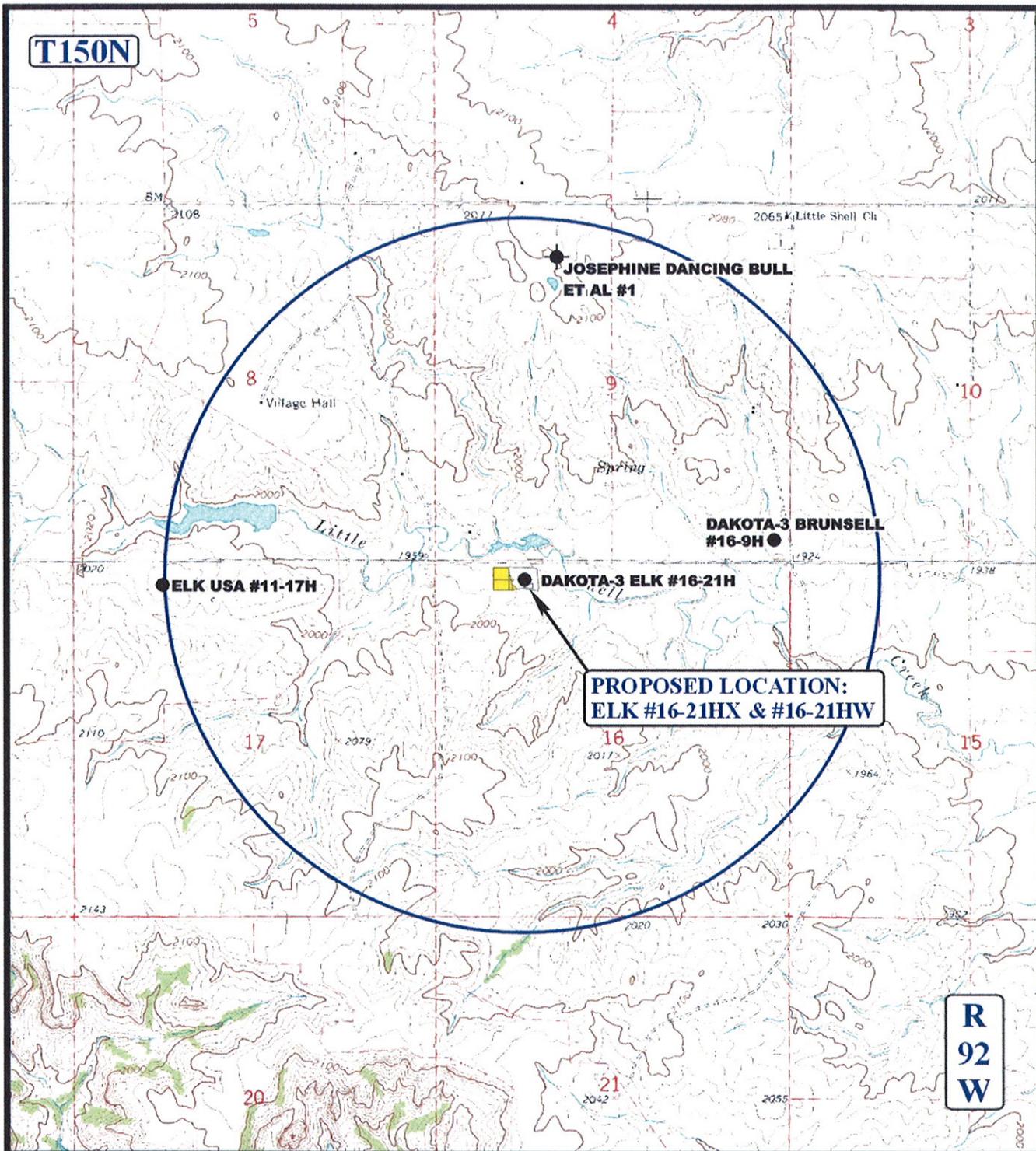


ACCESS ROAD
M A P

10	27	09
MONTH	DAY	YEAR

SCALE: 1" = 2000' DRAWN BY: J.H. REV: C.A.G. 08-17-11





T150N

**R
92
W**

LEGEND:

- ⊗ DISPOSAL WELLS
- PRODUCING WELLS
- SHUT IN WELLS
- ◆ ABANDONED WELLS
- TEMPORARILY ABANDONED

DAKOTA-3 E&P COMPANY, LLC

ELK #16-21HX & #16-21HW
SECTION 16, T150N, R92W, 5th P.M.
NW 1/4



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



**TOPOGRAPHIC
MAP**

11 02 09
 MONTH DAY YEAR

SCALE: 1" = 2000'

DRAWN BY: J.H. REV: C.A.G 08-17-11



Notice of Availability and Appeal Rights

WPX Energy Williston, LLC

Addendum to Environmental Assessment to Authorize
Well Pad Expansion of the Elk #16-21H

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to the expansion of the previously approved well pad for the Elk #16-21H well bore an additional 230 feet on the west side of the original pad as shown in the attached map. The pad expansion will allow for two additional well bores (Elk #16-21HX and Elk #16-21HW) to be drilled on the site. . Construction by WPX is expected to begin in the spring of 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 22, 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.

