



# 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

MAR 08 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 expansion of the previously authorized TAT #14-2H well pad to accommodate the addition of two oil and gas wells on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the EA Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

### Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)  
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)  
Derek Enderud, BLM, Bureau of Land Management (with attachment)  
Mike Madson, SWCA (with attachment)  
Eric Wortman, EPA (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 to Authorize Land Use for the Expansion of  
the TAT #14-2H Well Pad to Accommodate Two Additional Surface Locations*

*Fort Berthold Indian Reservation  
Dunn County, North Dakota*

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for the construction and installation associated with the expansion of the previously authorized TAT #14-2H well pad to accommodate the addition of two oil and gas wells on the Fort Berthold Indian Reservation (FBIR). The well pad is located in the SE¼ SW¼ of Section 2, Township (T) 149 North (N), Range (R) 93 West (W), Dunn 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.



ACTING Regional Director

3-8-12

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 Land Use for the Expansion of  
the TAT #14-2H Well Pad to Accommodate Two Additional Surface Locations**

**Fort Berthold Indian Reservation**

**March 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. Purpose and Need for the Proposed Action**

The purpose of the proposed action is to authorize land use by WPX Energy Williston, LLC (WPX) for the construction and installation associated with the expansion of the previously authorized TAT #14-2H well pad to accommodate the addition of two oil and gas wells. Developments have been proposed on land held in trust by the United States within the Fort Berthold Indian Reservation, Dunn County, North Dakota.

The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments and 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 Nation and to individual tribal members.

## **2. Authorities**

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

## **3. Legal Land Description for Proposed Action**

The well pad is located approximately 5.51 miles east of Mandaree, North Dakota, in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township (T) 149 North (N), Range (R) 93 West (W), Dunn County, North Dakota (Figure 1). The new wells will be designated as #2-35HB and #2-35HW due to their revised top and bottom hole locations. The approximate location of each well's proposed bottom hole is provided below:

- **TAT #2-35HB:** 10,310 feet north of the surface location, in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, T149N, R93W, Dunn County (Figure 1).
- **TAT #2-35HW:** 10,310 feet north and 250 feet west of the surface location, in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, T149N, R93W, Dunn County (Figure 1).

## **4. Scope of Work for Proposed Action**

WPX proposes to increase the size of the approved well pad to accommodate two additional oil and gas wells. Figure 1 and Appendix A provide a detailed project area map and plat schematics for the proposed wells. The expansion of the approved well pad to accommodate the proposed wells would disturb approximately 3.02 acres. The two proposed TAT #2-35H wells would each use a 1,280-acre spacing unit. The technical drilling specifications would be similar to those of the approved TAT #14-2H well, with the exception of the enlarged spacing unit, which is covered in a previous Environmental Assessment (see Section 8: Applicable NEPA Documents).

## **5. Resource Surveys**

SWCA Environmental Consultants (SWCA) conducted natural resource surveys for wetlands, threatened and endangered species and habitat, migratory birds and active nests, and bald and golden eagles and their nests at the well pad location and surrounding area on August 23, 2011. Those in attendance during the on-site agreed the location selected would limit the potential impacts to sensitive resources. No primary or secondary indications of protected species occurrences were observed during the field surveys.

A cultural resource inventory of this well pad expansion was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 27.04 acres were inventoried between August 18 and 23, 2011 (Reinhart and Lechert 2012). One previously recorded archaeological site was revisited that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for this undertaking, as the archaeological site is outside the project Area of Potential Effect. This determination was communicated to the THPO on February 8, 2012; however the THPO did not respond within the allotted 30 day comment period.

Reinhart, Damien S., and Stephanie Lechert

(2012) A Class I and Class III Cultural Resource Inventory of the TAT #14-2H Well Pad Expansion, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for WPX Energy Williston, LLC, Tulsa, OK.

## **6. Potential Effects to Cultural and Natural Resources**

Potential direct impacts to cultural resources would occur as a result of disturbance and/or the loss of sites eligible for the NHPA. All potential impacts as a result of the proposed action were mitigated via field survey and subsequent avoidance of any eligible cultural resource sites.

Potential direct impacts to natural resources may include the loss of native vegetation and wildlife habitat, soil disturbance, and erosion during construction that may adversely affect air and water quality. Impacts would be mitigated by using best management practices, such as using secondary containment on areas where there are steep inclines and drainages, and using matting and straw waddles on those steep areas during construction to minimize erosion. Specifically, the southern edge of the well pad expansion area is near a drainage. Straw waddles would be placed, and matting would be installed, so as to prevent erosion into this drainage. In addition to the berm added as standard BMP, secondary containment in the form of fill would be placed to prevent any event from moving off site.

In total, construction disturbance would affect approximately 3.02 acres. Potential indirect effects of the proposal could include release of sediment or fluids from the well pad, construction noise or traffic disturbance of general wildlife, and possible introduction of

noxious weeds. Potential cumulative impacts of the proposal plus other foreseeable future oil and gas development on the Fort Berthold Indian Reservation could include habitat fragmentation from construction of other well pads and roads. The cumulative effect of the changed action is anticipated to be negligible. Any potential direct effects would be mitigated by surveying for and avoiding any eligible cultural resource sites; implementing an approved stormwater pollution prevention plan and erosion control devices; avoiding any wetlands and any federally listed threatened or endangered species or designated critical habitat; avoiding nesting migratory birds; and completing reclamation using appropriate native vegetation.

Any potential indirect effects would be mitigated by; stockpiling and re-using topsoil for reclamation; implementing best management practices for controlling introduction of noxious weeds; and minimizing the length of time between drilling and reclamation.

Based on the resource surveys, evaluation of potential effects and mitigation measures, and consistency with the applicable NEPA documents, no significant direct, indirect, or cumulative impacts to natural and cultural resources are anticipated as a result of the changes proposed in this addendum.

## **7. Reclamation**

### **Interim Reclamation**

Reclamation would continue over the life of the well pad and would include the return of topsoil, and contouring and seeding of native vegetation. Initial reclamation would be required 6 months after construction, if environmentally feasible, and then following any maintenance work or additions of infrastructure. Reclamation would be required before final abandonment of the decommissioned well pad. A successful reclamation would at all times be the responsibility of the operator.

The portions of the well pad expansion area not used for functionality would be back-filled, assuming frozen or saturated soils are not present. Topsoil piles would be stored on site during construction. If construction is to occur during winter, WPX would partially use non-frozen back-fill soil to the extent possible and cover with straw. Topsoil would be distributed as soon as practicable after the soil has defrosted. Topsoil piles would be covered to eliminate the potential for rill erosion and subsequent loss of soil during spring snow melt and precipitation events.

Applicable short- and long-term best management practices would be used to minimize and control erosion in disturbed areas. To reduce compaction, the well pad expansion area would be plowed before the stockpiled topsoil is distributed.

The disturbed areas would be reclaimed and contoured as soon as possible after construction is complete (fall/spring). The disturbed area outside of the working well pad would be covered with stockpiled topsoil and reseeded with a seed mixture determined by the BIA. WPX would control noxious weeds by approved chemical or mechanical methods. If seeding does not occur due to growing season constraints, WPX would deploy approved weed-free hay. The presence of hay would reduce the potential for excessive erosion as a result of spring snow melt and precipitation.

The pad expansion would be monitored for erosion, subsidence, or noxious weeds. In areas where problems are found to occur, reclamation efforts would continue until the BIA feels the expansion is successfully reclaimed. Reclamation is considered successful when:

- seeded areas are established;
- adjacent vegetative communities spread back into the disturbed areas; and
- noxious weeds are under control.

If after two growing seasons the new seeding is not successful, the BIA may require additional efforts to establish vegetation. The BIA has developed a weed management plan to treat known or likely to occur noxious weed species.

### **Final Reclamation**

Final reclamation would occur when the well pad is decommissioned. All disturbed areas would be reclaimed, reflecting the BIA's view of oil and gas exploration and production as temporary intrusions on the landscape. All facilities would be leveled or backfilled as necessary, scarified, recontoured, and seeded. Exceptions to these reclamation measures might occur if the BIA approves assignment of an access road either to the BIA roads inventory or to concurring surface allottees.

## **8. Applicable National Environmental Policy Act (NEPA) Document(s)**

*Environmental Assessment: Zenergy Operating Company, LLC, Dakota-3 TAT (714A) #2-1H, Dakota-3 Clark Fox #15-17H, and Dakota-3 TAT (1922) #14-2H (December 2008)*

## **9. NEPA Adequacy Criteria**

This document has identified the above-mentioned previously prepared NEPA document, which adequately describes the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria.

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA document, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA document. The analysis is still valid in light of new studies or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.

7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.



**Figure 1. Map of the Approved TAT #14-2H Well Pad Location and Proposed Expansion Area.**

*Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the TAT #14-2H Well Pad to Accommodate Two Additional Surface Locations (March 2012)*



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 08 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 oil well pad expansion in Dunn County, North Dakota. Approximately 27.04 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 (32DU990) was revisited 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 is outside the project Area of Potential Effect. Catalogued as **BIA Case Number AAO-2065/FB/12**, the proposed undertaking, location, and project dimensions are described in the following report:

Reinhart, Damien S., and Stephanie Lechert  
(2012) A Class I and Class III Cultural Resource Inventory of the TAT #14-2H Well Pad Expansion, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for WPX Energy Williston, LLC, Tulsa, OK.

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

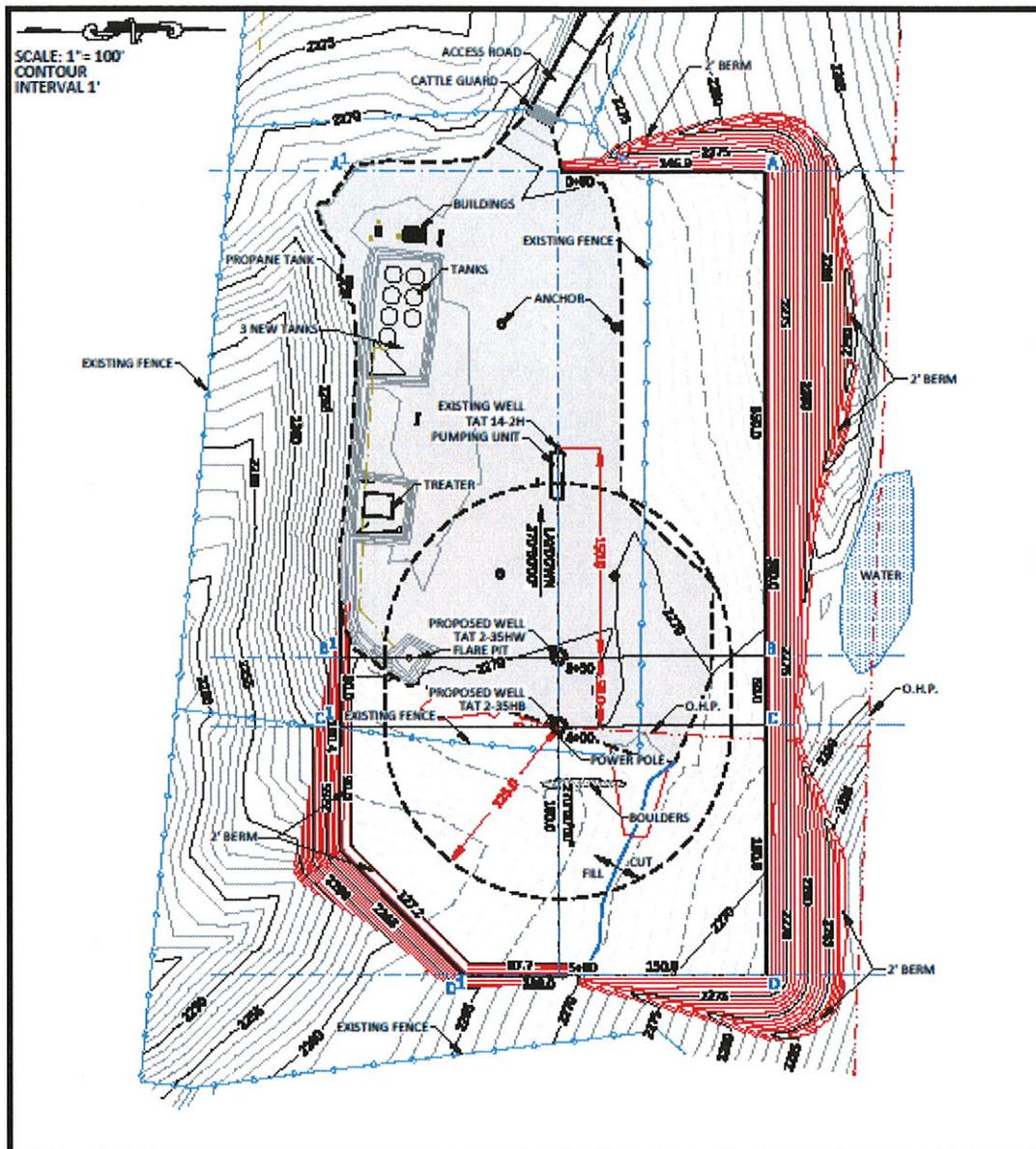
Enclosure

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

**APPENDIX A**

Plats, Drawings, and Diagrams for the proposed TAT #2-35HB and #2-35HW  
well locations

Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the TAT #14-2H Well Pad to Accommodate Two Additional Surface Locations (March 2012)



**CONFIDENTIALITY NOTES:**  
The information contained in this plat is legally privileged and confidential information intended only for the use of the recipients. If you are not the intended recipients, you are hereby notified that any use, dissemination, distribution or copying of this information is strictly prohibited.

|                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                 |            |                |             |                  |              |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |
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|  <p><b>WILLIAM H. SMITH &amp; ASSOCIATES P.C.</b><br/>SURVEYING CONSULTANTS<br/>550 EAST SECOND NORTH GREEN RIVER, WY<br/>PHONE: 307-475-3638 307-475-3639<br/>www.williamhsmith.com</p> | <p><b>CONSTRUCTION DATA</b></p> <table border="1"> <tr><td>CUT SLOPE:</td><td>2:1</td></tr> <tr><td>FILL SLOPE:</td><td>2:1</td></tr> <tr><td>TOTAL CUT:</td><td>13,736 CU. YDS.</td></tr> <tr><td>TOTAL FILL +30% SHRINK:</td><td>13,250 CU. YDS.</td></tr> <tr><td>TOP SOIL AT 6"</td><td>2,433 CU. YDS.</td></tr> <tr><td>SPOIL:</td><td>-1,947 CU. YDS.</td></tr> <tr><td>DISTURBED AREA:</td><td>131,384 SQ. FT.</td></tr> <tr><td>OBSTURBED AREA:</td><td>3.02 ACRES</td></tr> </table> |                                                                                                                                                                                                 | CUT SLOPE: | 2:1            | FILL SLOPE: | 2:1              | TOTAL CUT:   | 13,736 CU. YDS. | TOTAL FILL +30% SHRINK: | 13,250 CU. YDS. | TOP SOIL AT 6" | 2,433 CU. YDS. | SPOIL: | -1,947 CU. YDS. | DISTURBED AREA: | 131,384 SQ. FT. | OBSTURBED AREA: | 3.02 ACRES | <p><b>LOCATION:</b><br/>DAKOTA-3 TAT<br/>2-35HB &amp; 2-35HW<br/>SE1/4 SW1/4, SEC. 2,<br/>T149N, R93W,<br/>DUNN COUNTY,<br/>NORTH DAKOTA</p> | <p><b>DAKOTA-3 E&amp;P COMPANY LLC</b><br/>A SUBSIDIARY OF WILLIAMS</p> |
|                                                                                                                                                                                                                                                                             | CUT SLOPE:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2:1                                                                                                                                                                                             |            |                |             |                  |              |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |
| FILL SLOPE:                                                                                                                                                                                                                                                                 | 2:1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                 |            |                |             |                  |              |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |
| TOTAL CUT:                                                                                                                                                                                                                                                                  | 13,736 CU. YDS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                 |            |                |             |                  |              |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |
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| TOP SOIL AT 6"                                                                                                                                                                                                                                                              | 2,433 CU. YDS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                 |            |                |             |                  |              |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |
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| OBSTURBED AREA:                                                                                                                                                                                                                                                             | 3.02 ACRES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                 |            |                |             |                  |              |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |
| <p>DRAWN BY: GJT<br/>PROJECT NO: N/A<br/>REVISIONS: ADDITIONAL WELL 02/20/2012</p>                                                                                                                                                                                          | <p>CHECKED BY: WHD<br/>JOB NO: 2011500</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>PAD EXTENSION LAYOUT</b><br/><b>OPTION 1</b></p> <table border="1"> <tr><td>SCALE: 1"=100'</td><td>EXHIBIT "A"</td></tr> <tr><td>DATE: 08/31/2011</td><td>SHEET 1 OF 3</td></tr> </table> |            | SCALE: 1"=100' | EXHIBIT "A" | DATE: 08/31/2011 | SHEET 1 OF 3 |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |
| SCALE: 1"=100'                                                                                                                                                                                                                                                              | EXHIBIT "A"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                 |            |                |             |                  |              |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |
| DATE: 08/31/2011                                                                                                                                                                                                                                                            | SHEET 1 OF 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                 |            |                |             |                  |              |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                              |                                                                         |

**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 Land Use for the Expansion of  
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**Fort Berthold Indian Reservation**

**March 2012**

For information contact:  
Bureau of Indian Affairs, Great Plains Regional Office  
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115 4th Avenue SE, Aberdeen, South Dakota 57401  
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**Appendix**

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The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments and 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 Nation and to individual tribal members.

## **2. Authorities**

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

## **3. Legal Land Description for Proposed Action**

The well pad is located approximately 5.51 miles east of Mandaree, North Dakota, in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township (T) 149 North (N), Range (R) 93 West (W), Dunn County, North Dakota (Figure 1). The new wells will be designated as #2-35HB and #2-35HW due to their revised top and bottom hole locations. The approximate location of each well's proposed bottom hole is provided below:

- **TAT #2-35HB:** 10,310 feet north of the surface location, in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, T149N, R93W, Dunn County (Figure 1).
- **TAT #2-35HW:** 10,310 feet north and 250 feet west of the surface location, in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, T149N, R93W, Dunn County (Figure 1).

## **4. Scope of Work for Proposed Action**

WPX proposes to increase the size of the approved well pad to accommodate two additional oil and gas wells. Figure 1 and Appendix A provide a detailed project area map and plat schematics for the proposed wells. The expansion of the approved well pad to accommodate the proposed wells would disturb approximately 3.02 acres. The two proposed TAT #2-35H wells would each use a 1,280-acre spacing unit. The technical drilling specifications would be similar to those of the approved TAT #14-2H well, with the exception of the enlarged spacing unit, which is covered in a previous Environmental Assessment (see Section 8: Applicable NEPA Documents).

## **5. Resource Surveys**

SWCA Environmental Consultants (SWCA) conducted natural resource surveys for wetlands, threatened and endangered species and habitat, migratory birds and active nests, and bald and golden eagles and their nests at the well pad location and surrounding area on August 23, 2011. Those in attendance during the on-site agreed the location selected would limit the potential impacts to sensitive resources. No primary or secondary indications of protected species occurrences were observed during the field surveys.

A cultural resource inventory of this well pad expansion was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 27.04 acres were inventoried between August 18 and 23, 2011 (Reinhart and Lechert 2012). One previously recorded archaeological site was revisited that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for this undertaking, as the archaeological site is outside the project Area of Potential Effect. This determination was communicated to the THPO on February 8, 2012; however the THPO did not respond within the allotted 30 day comment period.

Reinhart, Damien S., and Stephanie Lechert

(2012) A Class I and Class III Cultural Resource Inventory of the TAT #14-2H Well Pad Expansion, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for WPX Energy Williston, LLC, Tulsa, OK.

## **6. Potential Effects to Cultural and Natural Resources**

Potential direct impacts to cultural resources would occur as a result of disturbance and/or the loss of sites eligible for the NHPA. All potential impacts as a result of the proposed action were mitigated via field survey and subsequent avoidance of any eligible cultural resource sites.

Potential direct impacts to natural resources may include the loss of native vegetation and wildlife habitat, soil disturbance, and erosion during construction that may adversely affect air and water quality. Impacts would be mitigated by using best management practices, such as using secondary containment on areas where there are steep inclines and drainages, and using matting and straw waddles on those steep areas during construction to minimize erosion. Specifically, the southern edge of the well pad expansion area is near a drainage. Straw waddles would be placed, and matting would be installed, so as to prevent erosion into this drainage. In addition to the berm added as standard BMP, secondary containment in the form of fill would be placed to prevent any event from moving off site.

In total, construction disturbance would affect approximately 3.02 acres. Potential indirect effects of the proposal could include release of sediment or fluids from the well pad, construction noise or traffic disturbance of general wildlife, and possible introduction of

noxious weeds. Potential cumulative impacts of the proposal plus other foreseeable future oil and gas development on the Fort Berthold Indian Reservation could include habitat fragmentation from construction of other well pads and roads. The cumulative effect of the changed action is anticipated to be negligible. Any potential direct effects would be mitigated by surveying for and avoiding any eligible cultural resource sites; implementing an approved stormwater pollution prevention plan and erosion control devices; avoiding any wetlands and any federally listed threatened or endangered species or designated critical habitat; avoiding nesting migratory birds; and completing reclamation using appropriate native vegetation.

Any potential indirect effects would be mitigated by; stockpiling and re-using topsoil for reclamation; implementing best management practices for controlling introduction of noxious weeds; and minimizing the length of time between drilling and reclamation.

Based on the resource surveys, evaluation of potential effects and mitigation measures, and consistency with the applicable NEPA documents, no significant direct, indirect, or cumulative impacts to natural and cultural resources are anticipated as a result of the changes proposed in this addendum.

## **7. Reclamation**

### **Interim Reclamation**

Reclamation would continue over the life of the well pad and would include the return of topsoil, and contouring and seeding of native vegetation. Initial reclamation would be required 6 months after construction, if environmentally feasible, and then following any maintenance work or additions of infrastructure. Reclamation would be required before final abandonment of the decommissioned well pad. A successful reclamation would at all times be the responsibility of the operator.

The portions of the well pad expansion area not used for functionality would be back-filled, assuming frozen or saturated soils are not present. Topsoil piles would be stored on site during construction. If construction is to occur during winter, WPX would partially use non-frozen back-fill soil to the extent possible and cover with straw. Topsoil would be distributed as soon as practicable after the soil has defrosted. Topsoil piles would be covered to eliminate the potential for rill erosion and subsequent loss of soil during spring snow melt and precipitation events.

Applicable short- and long-term best management practices would be used to minimize and control erosion in disturbed areas. To reduce compaction, the well pad expansion area would be plowed before the stockpiled topsoil is distributed.

The disturbed areas would be reclaimed and contoured as soon as possible after construction is complete (fall/spring). The disturbed area outside of the working well pad would be covered with stockpiled topsoil and reseeded with a seed mixture determined by the BIA. WPX would control noxious weeds by approved chemical or mechanical methods. If seeding does not occur due to growing season constraints, WPX would deploy approved weed-free hay. The presence of hay would reduce the potential for excessive erosion as a result of spring snow melt and precipitation.

The pad expansion would be monitored for erosion, subsidence, or noxious weeds. In areas where problems are found to occur, reclamation efforts would continue until the BIA feels the expansion is successfully reclaimed. Reclamation is considered successful when:

- seeded areas are established;
- adjacent vegetative communities spread back into the disturbed areas; and
- noxious weeds are under control.

If after two growing seasons the new seeding is not successful, the BIA may require additional efforts to establish vegetation. The BIA has developed a weed management plan to treat known or likely to occur noxious weed species.

### **Final Reclamation**

Final reclamation would occur when the well pad is decommissioned. All disturbed areas would be reclaimed, reflecting the BIA's view of oil and gas exploration and production as temporary intrusions on the landscape. All facilities would be leveled or backfilled as necessary, scarified, recontoured, and seeded. Exceptions to these reclamation measures might occur if the BIA approves assignment of an access road either to the BIA roads inventory or to concurring surface allottees.

## **8. Applicable National Environmental Policy Act (NEPA) Document(s)**

*Environmental Assessment: Zenergy Operating Company, LLC, Dakota-3 TAT (714A) #2-1H, Dakota-3 Clark Fox #15-17H, and Dakota-3 TAT (1922) #14-2H (December 2008)*

## **9. NEPA Adequacy Criteria**

This document has identified the above-mentioned previously prepared NEPA document, which adequately describes the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria.

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA document, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA document. The analysis is still valid in light of new studies or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.

7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.



**Figure 1. Map of the Approved TAT #14-2H Well Pad Location and Proposed Expansion Area.**

*Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the TAT #14-2H Well Pad to Accommodate Two Additional Surface Locations (March 2012)*



IN REPLY REFER TO:  
DESCRM  
MC-208

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



FEB 08 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 oil well pad expansion in Dunn County, North Dakota. Approximately 27.04 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 (32DU990) was revisited 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 is outside the project Area of Potential Effect. Catalogued as **BIA Case Number AAO-2065/FB/12**, the proposed undertaking, location, and project dimensions are described in the following report:

Reinhart, Damien S., and Stephanie Lechert  
(2012) A Class I and Class III Cultural Resource Inventory of the TAT #14-2H Well Pad Expansion, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for WPX Energy Williston, LLC, Tulsa, OK.

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

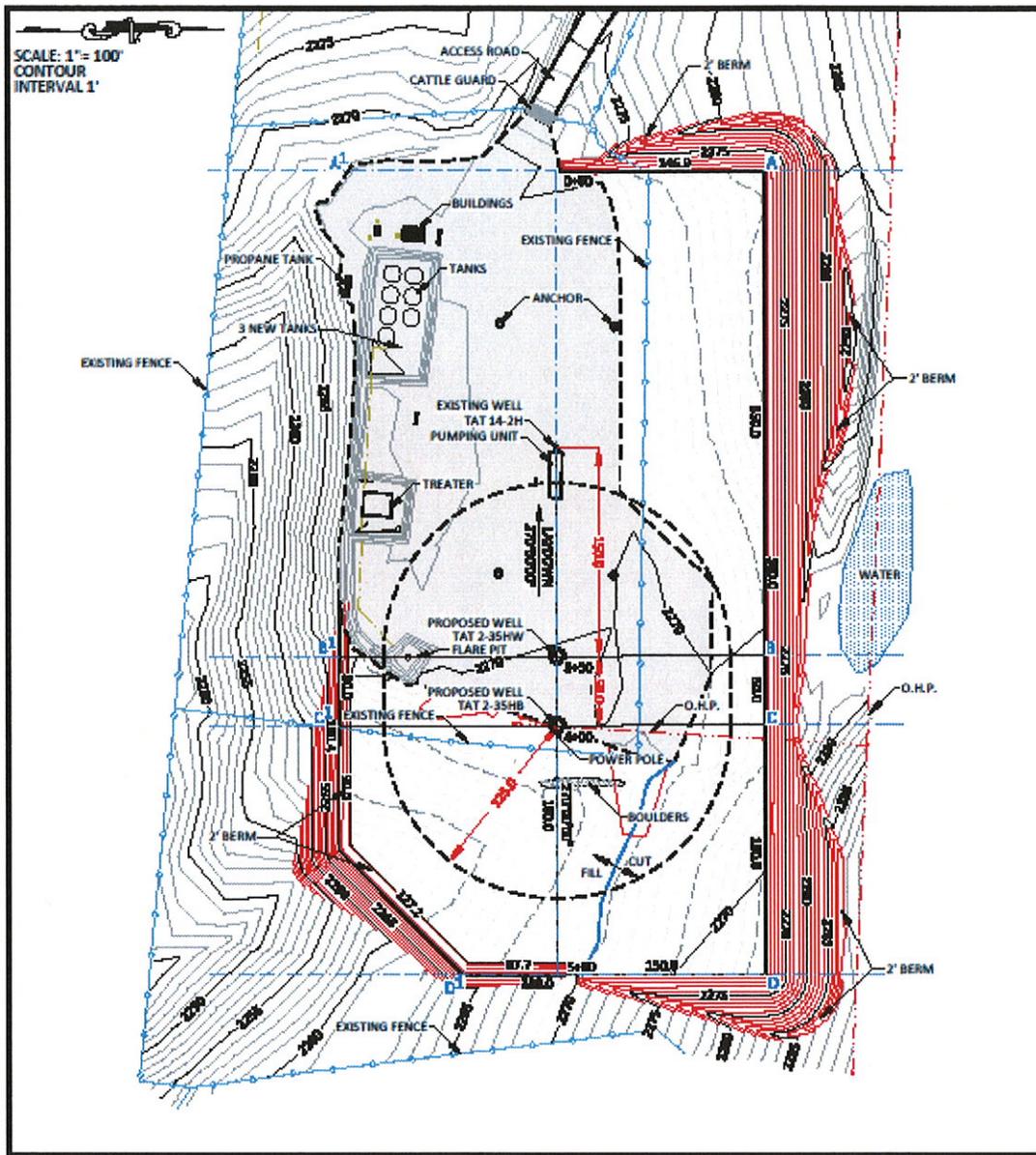
Enclosure

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

**APPENDIX A**

Plats, Drawings, and Diagrams for the proposed TAT #2-35HB and #2-35HW  
well locations

Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the TAT #14-2H Well Pad to Accommodate Two Additional Surface Locations (March 2012)



**CONFIDENTIALITY NOTES:**  
 The information contained in this plat is legally privileged and confidential information intended only for the use of the recipients. If you are not the intended recipients, you are hereby notified that any use, dissemination, distribution or copying of this information is strictly prohibited.

|                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                   |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------|-----|-------------|-----|------------|-----------------|-------------------------|-----------------|----------------|----------------|--------|-----------------|-----------------|-----------------|-----------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
|  <p><b>WILLIAM H. SMITH &amp; ASSOCIATES P.C.</b><br/>         SURVEYING CONSULTANTS<br/>         250 EAST SECOND NORTH GREEN RIVER, WY<br/>         PHONE: 307-875-9438<br/>         307-875-9439<br/> <a href="http://www.williamhsmithpc.com">www.williamhsmithpc.com</a></p> | <p><b>CONSTRUCTION DATA</b></p> <table border="1"> <tr><td>CUT SLOPE:</td><td>2:1</td></tr> <tr><td>FILL SLOPE:</td><td>2:1</td></tr> <tr><td>TOTAL CUT:</td><td>13,736 CU. YDS.</td></tr> <tr><td>TOTAL FILL +30% SHRINK:</td><td>13,250 CU. YDS.</td></tr> <tr><td>TOP SOIL AT 6"</td><td>2,433 CU. YDS.</td></tr> <tr><td>SPOIL:</td><td>-1,947 CU. YDS.</td></tr> <tr><td>DISTURBED AREA:</td><td>151,384 SQ. FT.</td></tr> <tr><td>DISTURBED AREA:</td><td>3.02 ACRES</td></tr> </table> |                                                                                                                   | CUT SLOPE: | 2:1 | FILL SLOPE: | 2:1 | TOTAL CUT: | 13,736 CU. YDS. | TOTAL FILL +30% SHRINK: | 13,250 CU. YDS. | TOP SOIL AT 6" | 2,433 CU. YDS. | SPOIL: | -1,947 CU. YDS. | DISTURBED AREA: | 151,384 SQ. FT. | DISTURBED AREA: | 3.02 ACRES | <p><b>LOCATION:</b><br/> <b>DAKOTA-3 TAT</b><br/> <b>2-35HB &amp; 2-35HW</b><br/>         SE1/4 SW1/4, SEC. 2,<br/>         T149N, R93W,<br/>         DUNN COUNTY,<br/>         NORTH DAKOTA</p> | <p><b>DAKOTA-3 E&amp;P COMPANY LLC</b><br/>         A SUBSIDIARY OF WILLIAMS</p> |
|                                                                                                                                                                                                                                                                                                                                                                     | CUT SLOPE:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2:1                                                                                                               |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
| FILL SLOPE:                                                                                                                                                                                                                                                                                                                                                         | 2:1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                   |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
| TOTAL CUT:                                                                                                                                                                                                                                                                                                                                                          | 13,736 CU. YDS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                   |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
| TOTAL FILL +30% SHRINK:                                                                                                                                                                                                                                                                                                                                             | 13,250 CU. YDS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                   |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
| TOP SOIL AT 6"                                                                                                                                                                                                                                                                                                                                                      | 2,433 CU. YDS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                   |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
| SPOIL:                                                                                                                                                                                                                                                                                                                                                              | -1,947 CU. YDS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                   |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
| DISTURBED AREA:                                                                                                                                                                                                                                                                                                                                                     | 151,384 SQ. FT.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                   |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
| DISTURBED AREA:                                                                                                                                                                                                                                                                                                                                                     | 3.02 ACRES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                   |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |
| <p>DRAWN BY: GJT<br/>         PROJECT NO: N/A<br/>         REVISIONS: ADDITIONAL WELL 01/20/2012</p>                                                                                                                                                                                                                                                                | <p>CHECKED BY: WHD<br/>         JOB NO: 2011500</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>PAD EXTENSION LAYOUT</b><br/> <b>OPTION 1</b><br/>         SCALE: 1"=100'<br/>         DATE: 08/31/2011</p> |            |     |             |     |            |                 |                         |                 |                |                |        |                 |                 |                 |                 |            |                                                                                                                                                                                                  |                                                                                  |

# **Notice of Availability and Appeal Rights**

WPX Energy: Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the TAT #14-2H Well Pad to Accommodate Two Additional Surface Locations

**The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Authorize Land Use for the Expansion of the TAT #14-2H Well Pad to Accommodate Two Additional Surface Locations on the Fort Berthold Reservation as shown on the attached map. Construction by WPX Energy 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 April 6, 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.



**Legend**

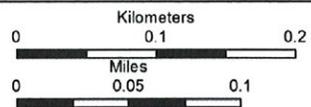
- Existing TAT #14-2H Well
- Proposed TAT #14-2H Well
- Existing TAT #14-2H Pad
- Proposed TAT #14-2H Pad Expansion
- Existing Access Road
- Existing Roads
- Sections



116 North 4th Street  
Suite 200  
Bismarck, ND 58501

Phone: 701.258.6622  
Fax: 701.258.5957

[www.swca.com](http://www.swca.com)



Base Map: Aerial Imagery  
Source: esri ArcGIS service  
Quadrangle: Mandaree NE (73)  
Township 149N & Range 93W  
Dunn County, North Dakota



Scale: 1:4,000 NAD 1983 UTM Zone 13N