



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 21 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 installation of natural gas compressor station connecting to the existing SBP Red Tipped Arrow South Lateral Pipeline within the Fort Berthold 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)
Grady Wolf, KLJ (with attachment)
Jonathon Shelman, Corps of Engineers
Jeff Hunt, Fort Berthold Agency

Finding of No Significant Impact

***Saddle Butte Pipeline, LLC (SBP)
RTA Compressor Station***

***Addendum to:
Saddle Butte Pipeline, LLC February 2011 Environmental Assessment
Red Tipped Arrow South Lateral Pipeline***

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

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the above referenced Environmental Assessment (EA). The proposal is to construct a natural gas compressor station in McKenzie County, North Dakota, on the Fort Berthold Reservation. The compressor station would connect to the existing SBP Red Tipped Arrow South Lateral Pipeline (March 8, 2011 EA/Finding of No Significant Impact (FONSI)) and be used as a gathering system and central delivery point. 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

2-21-2012
Date

ACTING

Notice of Availability and Appeal Rights

Saddle Butte Pipeline, LLC: RTA Compressor Station, Addendum to Saddle Butte Pipeline, LLC February 2011
Environmental Assessment Red Tipped Arrow South Lateral Pipeline

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum Authorizing land use for installation of natural gas compressor station connecting to the existing SBP Red Tipped Arrow South Lateral Pipeline within the Fort Berthold Indian Reservation as shown on the attached map. Construction by Saddle Butte Pipeline, LLC is expected to begin in 2012.

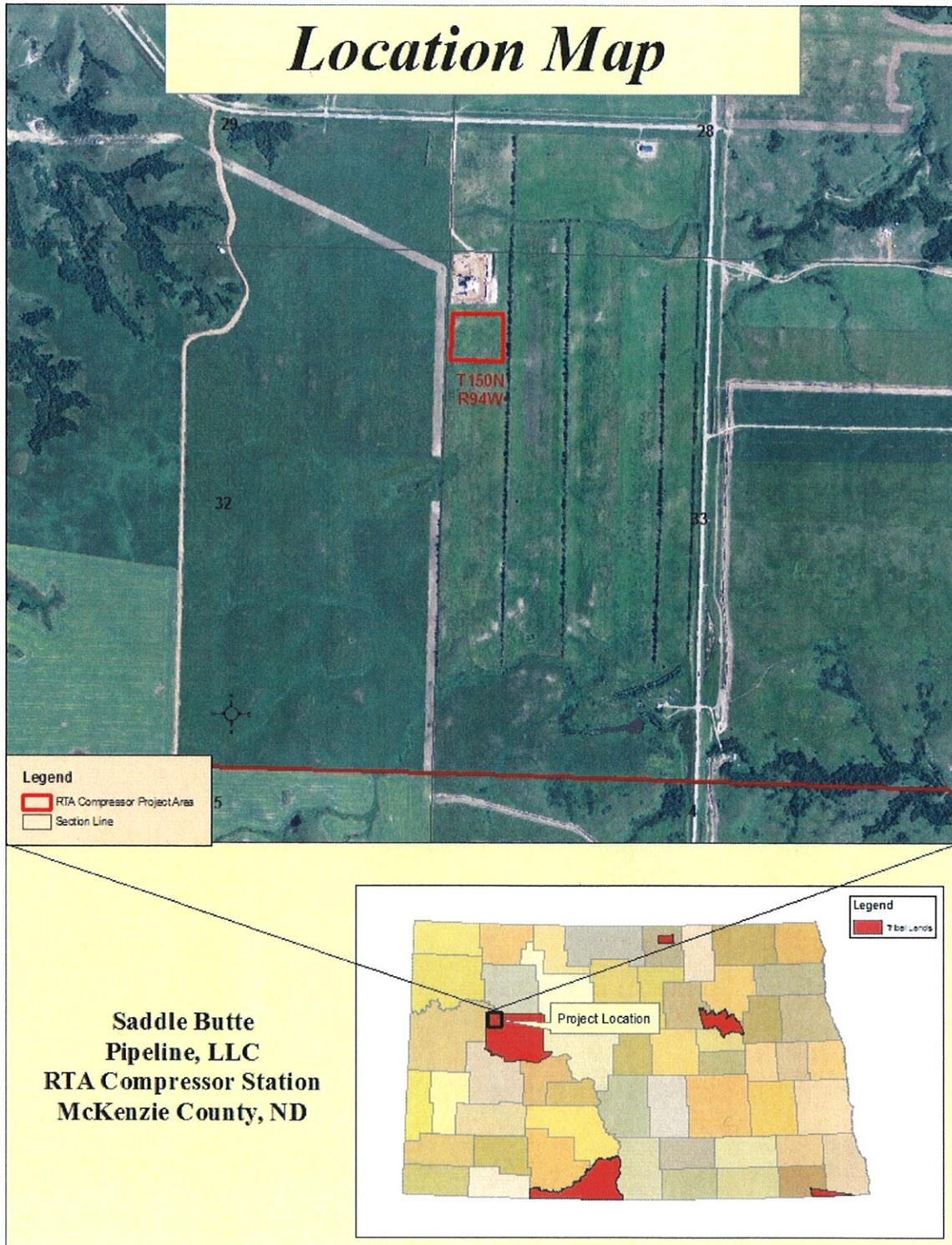
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until March 21, 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.



ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



Saddle Butte Pipeline, LLC
RTA Compressor Station

Addendum to:
Saddle Butte Pipeline, LLC February 2011 Environmental Assessment
Red Tipped Arrow South Lateral Pipeline

Fort Berthold Indian Reservation

February 2012

For information contact:
Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources
115 4th Avenue SE
Aberdeen, South Dakota 57401
605-226-7656

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1 PURPOSE AND NEED FOR THE PROPOSED ACTION

Saddle Butte Pipeline, LLC (SBP) proposes to construct a natural gas compressor station in McKenzie County, North Dakota, on the Fort Berthold Indian Reservation. The compressor station would connect to the existing SBP Red Tipped Arrow South Lateral Pipeline (March 8, 2011 Environmental Assessment (EA)/Finding of No Significant Impact (FONSI)) and be used as a gathering system and central delivery point.

The proposed compressor station would be located on tribal lands and would connect to a pipeline alignment that has separately achieved a FONSI approval under the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed compressor station would be located in Section 33, T150N, R94W.

The purpose of the proposed action is to allow SBP to construct the compressor station to effectively move natural gas through their pipeline system to market.

Please refer to **Error! Reference source not found..**

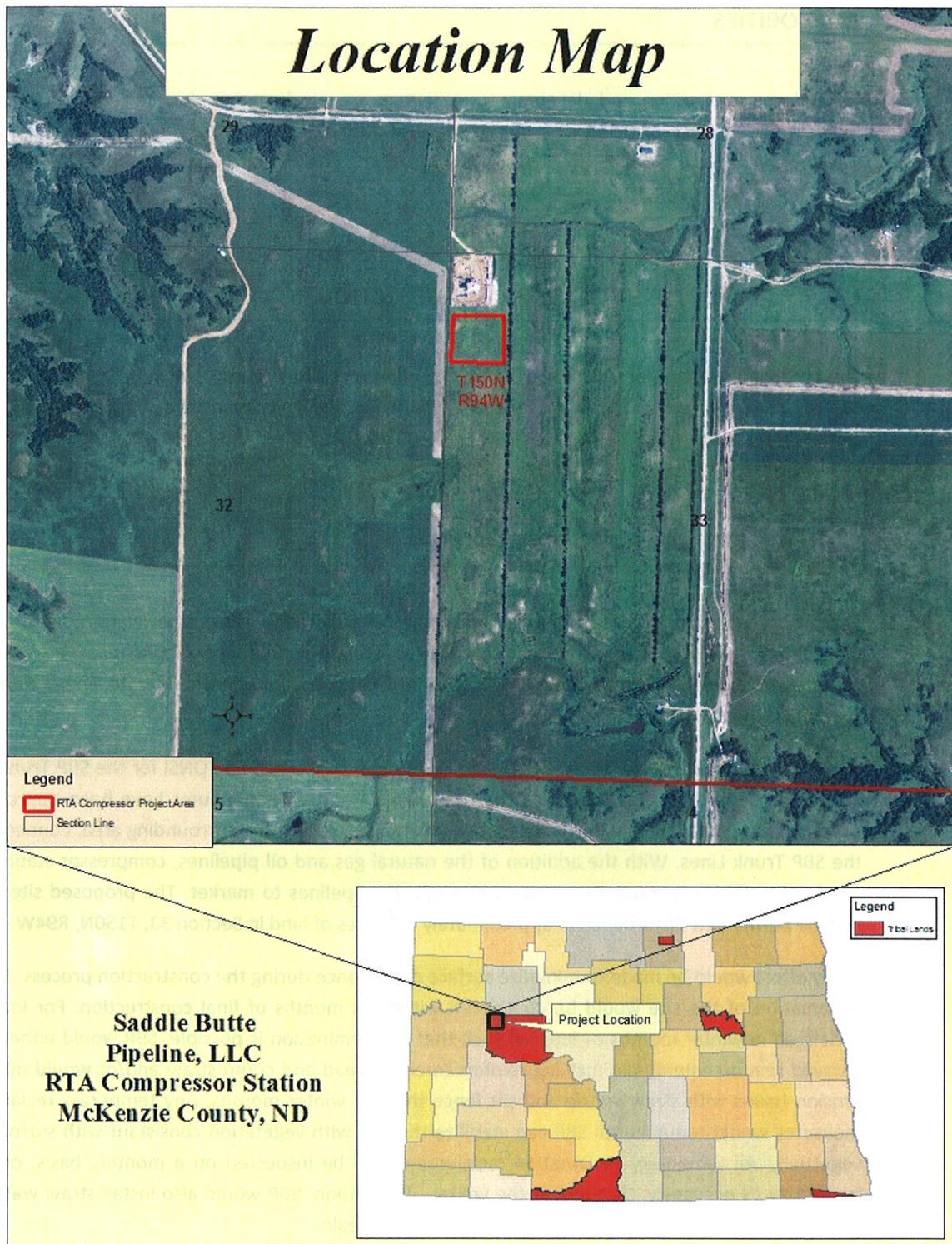


Figure 1, Project Location Map

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 OF PROPOSED ACTION

The proposed compressor station would be located in McKenzie County, North Dakota, in Section 33, T150N, R94W. Please refer to **Appendix A, Plats** for legal easement drawings of the proposed compressor station site.

4 SCOPE OF WORK FOR PROPOSED ACTION

The proposed action includes authorization by the BIA to install a compressor station on an existing natural gas pipeline. The proposed compressor station would likely consist of a generator, compressor, liquid separator tanks and associated components. Please refer to *Error! Reference source not found.*

Twenty eight miles of natural gas and oil pipelines were approved in a FONSI for the SBP Trunk Lines project on September 9, 2010. Since that time, an EA and EA addendums have been approved to construct additional lines to newly developed oil and gas wells in the surrounding area, connecting to the SBP Trunk Lines. With the addition of the natural gas and oil pipelines, compressor stations are needed to efficiently move the product through the pipelines to market. The proposed site would include permanent disturbance of approximately 4.0 acres of land in Section 33, T150N, R94W.

Every effort would be made to minimize surface disturbance during the construction process. Interim reclamation of the site would be completed within six months of final construction. For locations reclaimed in winter months or late fall such that no germination is possible, SBP would either use a sprayed reinforcement, lain matting reinforcement, spread and crimp straw and/or would minimize erosion issues with straw wattle and silt fence through winter months. Any temporary reclamation measures would remain until SBP can stabilize the site with vegetation consistent with surrounding vegetation. All temporary reclamation measures would be inspected on a monthly basis, or more frequently as necessary, throughout the winter. In addition, SBP would also install straw wattles or similar BMP's on slopes as needed to provide erosion breaks.

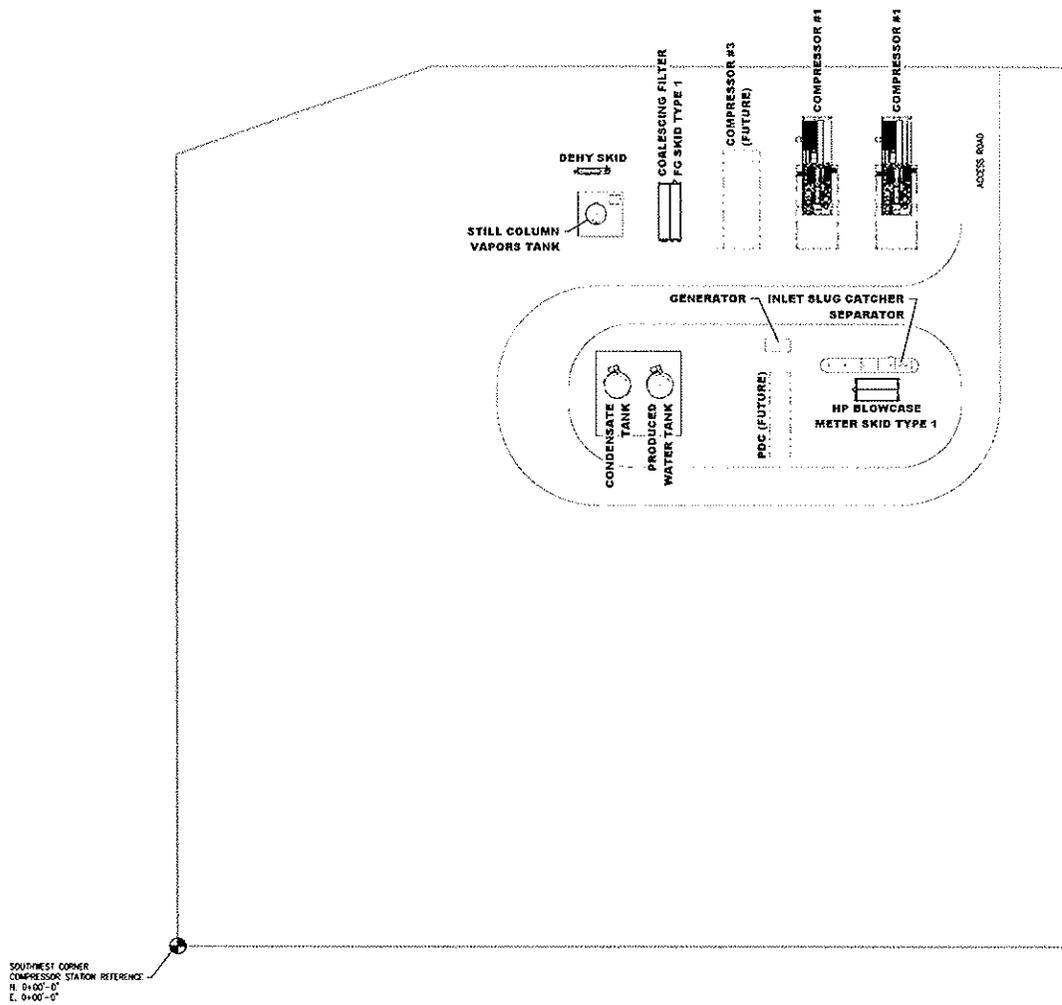


Figure 2, Compressor Station Layout

5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

The following NEPA documents have been previously approved by BIA for the proposed action:

- Saddle Butte Pipeline, LLC March 2011 Environmental Assessment Red Tipped Arrow South Lateral Pipeline

6 FIELD RESOURCE SURVEYS

An intensive, pedestrian resource survey of the proposed compressor station site was conducted on November 17, 2011 by Kadrmas, Lee & Jackson (KL&J). The purpose of this survey was to gather site-specific data and photos with regards to botanical, biological, threatened and endangered species, eagle, and water resources. Approximately four acres was surveyed. In addition, a 0.50 mile wide buffer around all areas of project disturbance was used to evaluate the presence of eagles and eagle nests. Resources were evaluated using visual inspection and pedestrian transects across the site.

The BIA EA on-site assessment of the proposed compressor station was also conducted on November 17, 2011. The BIA Environmental Protection Specialist, SBP and KL&J participated in this assessment. During this assessment, construction suitability with respect to topography, stockpiling, drainage, erosion control, and other surface issues were considered. Sections of the proposed route were adjusted in the field to avoid potential cultural resources. Those present at the on-site assessment agreed that the location, along with the minimization measures SBP plans to implement, are positioned in areas which would minimize impacts to sensitive wildlife and botanical resources.

A Class I Literature Review for the proposed site was conducted by KL&J on June 30, 2011. A Class III Cultural Resources Survey was conducted by KL&J on July 19, 2011, with a tribal monitor from the Three Affiliated Tribes Tribal Historic Preservation Office (THPO) simultaneously conducting Traditional Cultural Property Surveys. The Area of Potential Effect (APE), or area surveyed, consisted of an approximate 5.7 acre site.

7 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following discussion addresses environmental and social impacts as a result of the project expansion. Impacts are only discussed if the expansion of the project has changed the impact assessment reflected in the March 8, 2011 EA/FONSI, or to note why the impact assessment has not changed.

A. Air Quality

Natural gas compressor stations do produce air emissions. However, the installation of the compressor station would allow for a more efficient distribution of natural gas through the pipeline system. This would result in less natural gas being flared at individual well sites. Because of the reduction in flaring, no adverse impacts to air quality are expected.

B. Cultural Resources

A cultural resource inventory of this compressor station site was conducted by personnel of Kadrmas, Lee & Jackson, Inc., using an intensive pedestrian methodology. Approximately 5.7 acres were inventoried on July 20, 2011 (Macy 2011). No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for this

undertaking. This determination was communicated to the THPO on August 3, 2011; however the THPO did not respond within the allotted 30 day comment period.

Macy, Jennifer N.
(2011) RTA North Compressor Station: A Class III Cultural Resource Inventory, McKenzie County, North Dakota.
KLJ Cultural Resources for Saddle Butte Pipeline Company, Durango, CO.

If cultural resources are discovered during construction or operation, work shall immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work shall not resume until written authorization to proceed has been received from the BIA. All project workers are prohibited from collecting artifacts or disturbing cultural resources in any area under any circumstances.

C. Land Use

The proposed project area is located within a predominantly rural area; land use consists of pastureland (100 percent). The proposed project would convert approximately 4.0 acres of land from its existing use into a natural gas compressor station. Please refer to **Figure 3, Proposed Site Vegetation**. All above ground facilities and equipment would be painted shale green to blend in with the surrounding landscape. No mitigation is proposed.



Figure 3, Proposed Site Vegetation

D. Public Health and Safety

Third-party intrusions are one of the biggest contributing factors to spills. To aid in the prevention of such intrusions, SBP would fully comply with the marking requirements specified in the US Department of Transportation's rules and regulations, specifically contained in 49 CFR Parts 192 and 195. To ensure such compliance, SBP developed construction specifications to delineate the

requirements for pipeline marking in accordance with applicable laws, rules, and regulations, including the locations of such markings (e.g., road crossings, waterbody crossings, line of sight, etc.) and the manner of marking such pipelines (e.g., height of markings and signage on the markings).

SBP has committed to developing a spill response plan that would be submitted to the BIA prior to the commencement of the construction activities. The response plan would include procedures that specifically address making the appropriate contacts, isolating the incident, protecting waterways and providing contact information for all the appropriate contractors and experts necessary to facilitate a rapid response.

E. Surface Water

No significant impacts to surface water are expected to result from the proposed construction of the compressor station. The proposed project has been sited to avoid direct impacts to surface water and to minimize the disruption of drainage patterns across the landscape. Implementation of BMPs to control erosion would mitigate runoff of sediment downhill or downstream.

8 NEPA ADEQUACY CRITERIA

This document has identified one previously prepared NEPA document, *Saddle Butte Pipeline, LLC March 2011 Environmental Assessment Red Tipped Arrow South Lateral Pipeline*, which adequately describes the environmental consequences of the newly proposed actions described herein, and meets the following NEPA Adequacy Criteria:

1. The proposed actions are substantially the same actions and at the sites specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed actions in the existing NEPA documents, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. The analysis is still valid in light of new studies and/or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the proposed actions.
5. The direct and indirect impacts of the proposed actions are unchanged from those identified in the existing NEPA documents.
6. The cumulative impacts that would result from implementation of the proposed actions are unchanged from those analyzed in the existing NEPA documents.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.



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



AUG 03 2011

IN REPLY REFER TO:
DESCRM
MC-208

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 pipeline compressor station in McKenzie County and a pipeline in Dunn County, North Dakota. Approximately 34.7 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the areas depicted in the enclosed reports. No historic properties were located which appear to possess the quality of integrity and meet at least one of the criteria (36 CFR 60.4) for inclusion on the National Register of Historic Places. No properties were located that appear to qualify for protection under the American Indian Religious Freedom Act (42 USC 1996).

As the surface management agency, and as provided for in 36 CFR 800.5, we have therefore reached a determination of **no historic properties affected** for these undertakings. Catalogued as **BIA Case Number AAO-1926/FB/11**, the proposed undertakings, locations, and project dimensions are described in the following reports:

Macy, Jennifer N.

(2011a) RTA North Compressor Station: A Class III Cultural Resource Inventory, McKenzie County, North Dakota. KLJ Cultural Resources for Saddle Butte Pipeline Company, Durango, CO.

(2011b) Badgun-Moccasin Creek Extension: A Class III Cultural Resource Inventory, Dunn County, North Dakota. KLJ Cultural Resources for Saddle Butte Pipeline Company, Durango, CO.

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,

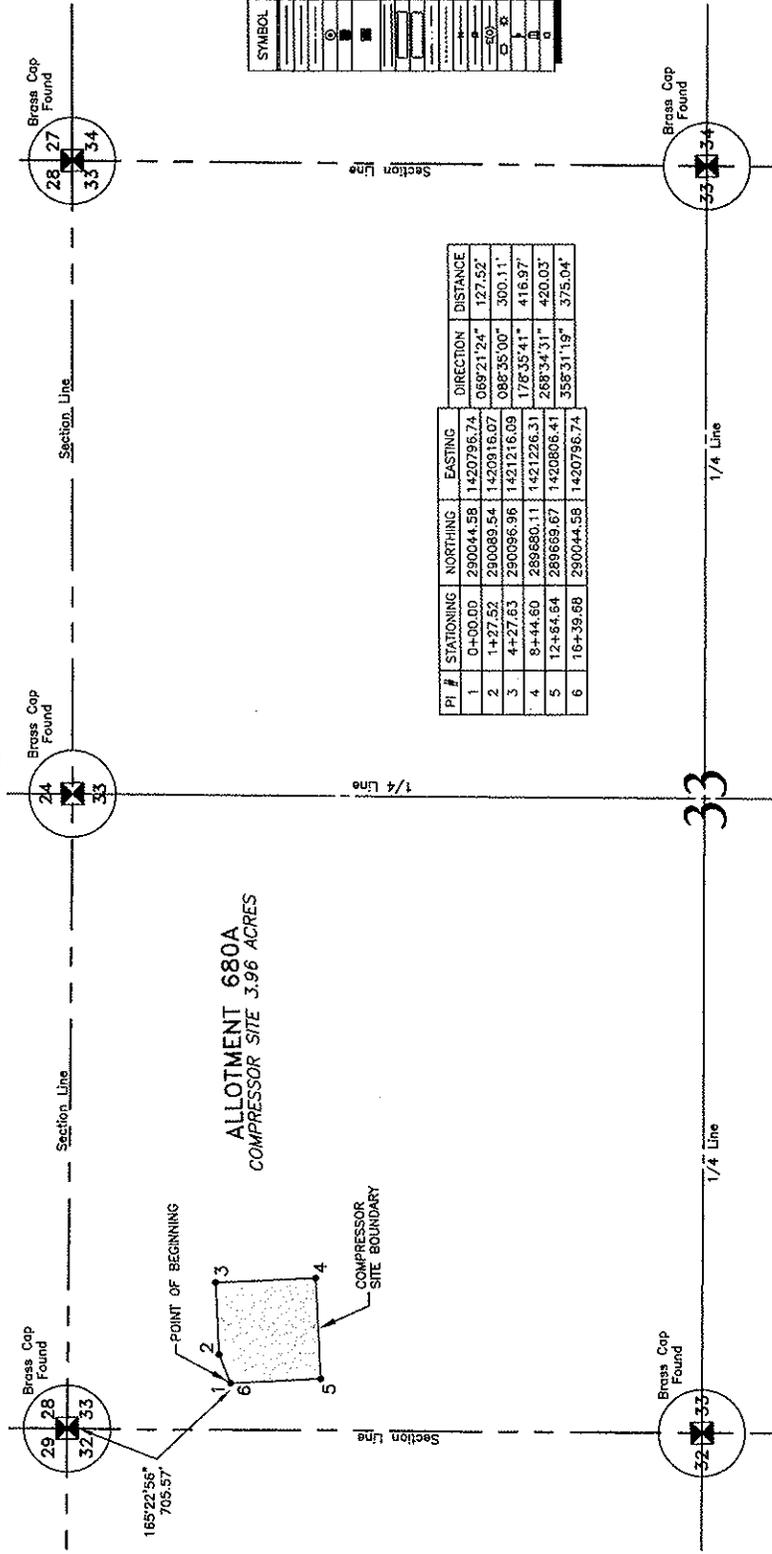
AC/IND Regional Director

Enclosures

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

Appendix A
Plats

ALLOTMENT 680A
 W1/2 OF SECTION 33, TOWNSHIP 151 NORTH, RANGE 94 WEST
 OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA
 EXHIBIT "A"



LEGEND

SYMBOL	ITEM
---	SECTION LINE
---	1/4 LINE
---	1/16 LINE
○	SECTION CORNER
○	SECTION CORNER - ORIGINAL STAKE
○	SECTION CORNER - IRON REBAR
○	WITH RES 4026 CAP SET
---	GRADED ROAD SHOULDER
---	CATTLE GUARD
---	TRIP MARK BUSHES
---	TRIP MARK LINE
---	TRIP MARK
---	BARBED WIRE FENCE
---	WALKOFF FENCE
---	OVERHEAD POWER LINE
---	POWER POLE/STREET LIGHT
---	UTILITY MARKER OR SIGN
---	TELEPHONE PNEUMATIC
---	WELL LOCATION

PI #	STATIONING	NORTHING	EASTING	DIRECTION	DISTANCE
1	0+00.00	290044.58	1420796.74	089°21'24"	127.52'
2	1+27.52	290089.54	1420916.07	088°35'00"	300.11'
3	4+27.83	290096.96	1421216.09	178°35'41"	416.97'
4	8+44.60	289680.11	1421226.31	268°34'31"	420.03'
5	12+84.64	289669.67	1420806.41	358°31'19"	375.04'
6	16+39.88	290044.58	1420796.74		

NOTE:
 Survey is based on North Dakota State Plane System, NAD83 (96), North Zone, int. Foot. Azimuths shown are Grid Azimuths, distances shown are grid distance. Combined scale factor = 1.000147240 to go from grid distance to ground distance.



Kadmas Lee & Jackson
 Registered Surveyors
 858 Main Ave, Suite 301
 Bismarck, ND 58101
 © Kadmas, Lee & Jackson, 2012
 DRAWN BY: C. MITTAM
 CHECKED BY: -
 DATE: 4/27/2012

SPP
 Souders & Pappas, LLC
 858 Main Ave, Suite 301
 Bismarck, ND 58101

RTA COMPRESSOR SITE
MCKENZIE COUNTY, NORTH DAKOTA
EASEMENTS ON AND ACROSS THE
W1/2 OF SEC. 33, T.151N., R.94W.

SHEET 1 OF 1
 DWG NO. 3710461
 JOB NO. 3710461
 SCALE: 1:800
 PAPER NUMBER 33-151-94-A
 LAYOUT: 33-151-94-A (1)