



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

SEP 13 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region 

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The Addendum authorizes land use to connect the Tara Jo USA 34-12H & TFH well pad to an existing gathering system 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 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)
Kayla Block-Torgenson (with attachment)
Carson Hood, Jr/Fred Fox, MHA Energy Division (with attachment)
Jonathon Shelman, Corps of Engineers (e-mail)
Jeff Hunt, Fort Berthold Agency (e-mail)

Finding of No Significant Impact

***ONEOK Rockies Midstream, LLC (ONEOK)
Tara Jo USA 34-12H & TFH***

Addendum to:

***February 2010 Marathon Oil Company Drilling of Galen Fox – USA #24-7H and Elk – USA #11-17H
Exploratory Oil and Gas Wells EA and March 2010 Marathon Oil Company Drilling of Crow Flies High – USA
#31-4H, Danks – USA #11-3H and TAT – USA #34-22H Exploratory Oil and Gas Wells EA***

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

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the above referenced Environmental Assessments (EA). The proposal is to acquire a 75-foot right-of-way (ROW) corridor (50 feet of temporary ROW and 25 feet of permanent ROW) for construction of approximately 3,700 feet of high density poly ethylene natural gas pipelines up to 10-inches in diameter in Mountrail County, North Dakota, on the Fort Berthold Reservation. The new line would connect Marathon's Tara Jo USA 34-12H & TFH well pad to an existing gathering system. 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

9-13-12
Date

Notice of Availability and Appeal Rights

ONEOK Rockies Midstream, LLC: Tara Jo USA 34-12H & TFH

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to the Tara Jo USA 34-12H & TFH on the Berthold Reservation as shown on the attached map. Construction by ONEOK Rockies Midstream, LLC is expected to begin in 2012.

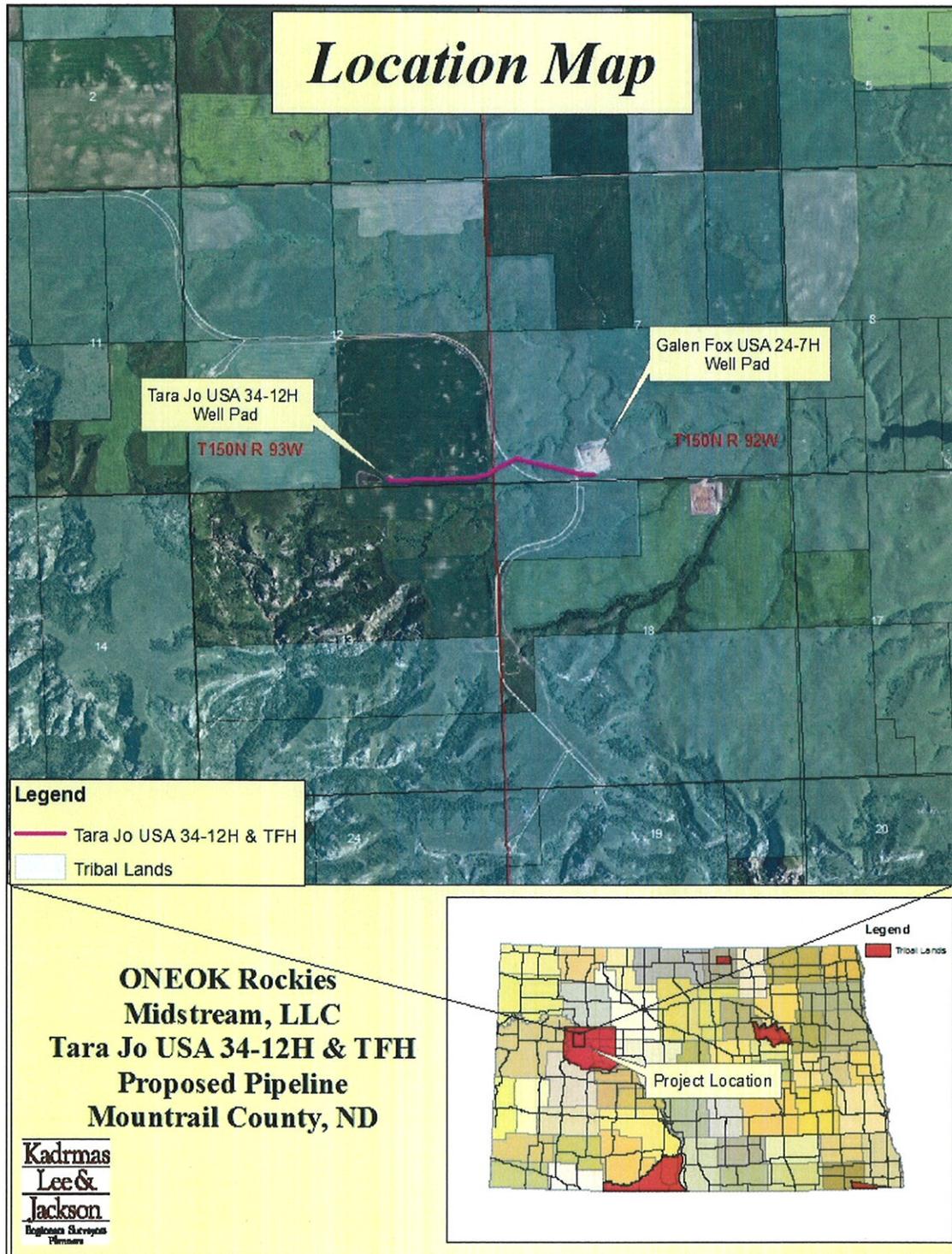
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-6570 for more information and/or copies of the EA and the Finding of No Significant 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 October 12, 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 701-627-6570.

Location Map



ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



ONEOK Rockies Midstream, LLC
Tara Jo USA 34-12H & TFH

Addendum to:

February 2010 Marathon Oil Company Drilling of Galen Fox – USA #24-7H and Elk – USA #11-17H Exploratory Oil and Gas Wells EA and March 2010 Marathon Oil Company Drillings of Crow Flies High – USA #31-4H, Danks – USA #11-3H and TAT – USA #34-22H Exploratory Oil and Gas Wells EA

Fort Berthold Indian Reservation

August 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

CONTENTS

1	Purpose and Need for the Proposed Action	1
2	Authorities	3
3	Legal Land Description of Proposed Action	3
4	Scope of Work for Proposed Action.....	3
5	Applicable National Environmental Policy Act (NEPA)/Clearance Documents	5
6	Field Resource Surveys	5
7	Assessment of Environmental Impacts	6
	A. Air Quality	6
	B. Cultural Resources	6
	C. Land Use	6
	D. Public Health and Safety	8
	E. Soils	8
	F. Surface Waters	9
8	Commitments	10
9	NEPA Adequacy Criteria.....	11

EXHIBITS

Figure 1, Project Location Map	2
Figure 2, Typical ROW Cross Section	4
Figure 3, Access Road Bore location.....	7
Figure 4, Tara Jo USA 34-12H & TFH Pipeline Route	7
Figure 5, Drainage Bore Location Map	9

APPENDIX

Appendix A Pipeline Layout and Right-of-Way Plats

1 PURPOSE AND NEED FOR THE PROPOSED ACTION

ONEOK Rockies Midstream, LLC (ONEOK) proposes to construct approximately 3,700 feet of high density poly ethylene (HDPE) natural gas pipelines within a 75-foot right-of-way (ROW) corridor (50 feet of temporary ROW and 25 feet of permanent ROW) in Mountrail County, North Dakota, on the Fort Berthold Indian Reservation. The new line would connect Marathon's Tara Jo USA 34-12H & TFH well pad to an existing gathering system. The existing lines connect into additional Marathon well pads, approved in the January 10, 2012 ONEOK Arvid Bangen USA 31-18H, Elk USA 11-17H, Danks USA 11-3H & Galen Fox USA 24-7H Gas Pipelines Environmental Assessment (EA) Addendum/Finding of No Significant Impact (FONSI).

The purpose of the proposed action is to allow ONEOK to install the proposed pipeline to transport gas from the previously approved Marathon wells to a previously approved gas pipeline, which then would transport the gas to a central facility for further transport to markets.

Installation of the proposed pipelines would further support important benefits associated with oil and gas development to the Three Affiliated Tribes. It would also aid in providing individual members of the tribes with needed employment and income. Installation of the proposed pipeline would reduce waste of valuable resources associated with continued flaring of produced gas.

Please refer to *Figure 1, Project Location Map*.

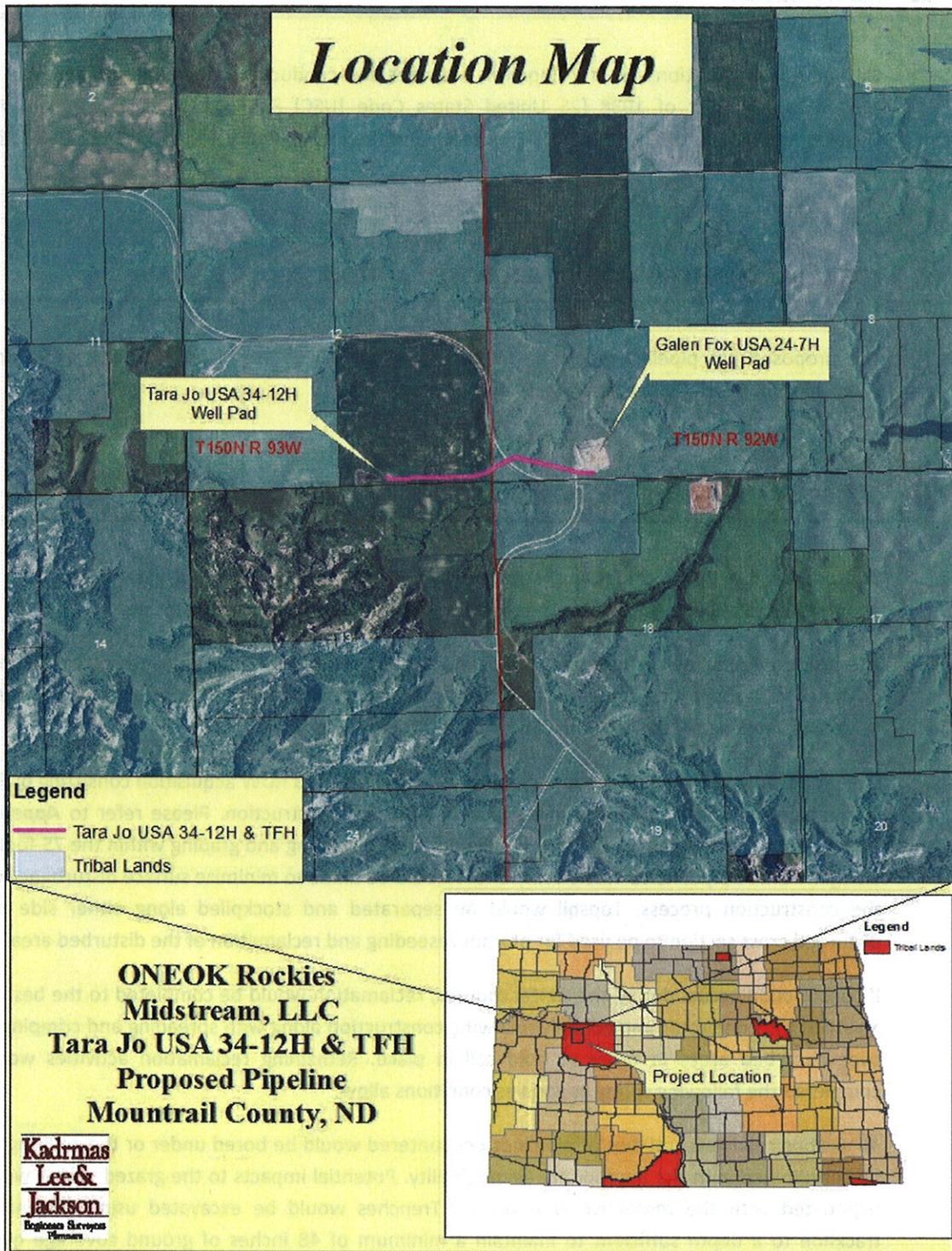


Figure 1, Project Location Map

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 gas pipeline would be located in Mountrail County, North Dakota, in Section 12, Township 150 North, Range 92 West, 5th P.M

4 SCOPE OF WORK FOR PROPOSED ACTION

The proposed action includes authorization by the BIA to install natural gas pipeline and other appurtenances above or below ground to move gas to a suitable processing location.

The proposed pipeline corridor would allow for installation of HDPE gas pipelines up to 10-inches in diameter for transporting gas, as well as above or below ground appurtenances such as installation of valve sets, launchers, receivers and cathodic protection equipment.

The proposed project would require approval for the associated ROW acquisition consisting of 25 feet of permanent ROW and 50 feet of temporary ROW for construction. Please refer to **Appendix A, Pipeline Plats**. Installation of the pipeline would require clearing and grading within the 75-foot ROW along the entire pipeline corridor. Every effort would be made to minimize surface disturbance during the construction process. Topsoil would be separated and stockpiled along either side of any disturbed cross section to be used for prompt reseeding and reclamation of the disturbed area.

If construction occurs during the winter months, reclamation would be completed to the best of the ability of the contractor immediately following construction along with spreading and crimping straw over disturbed areas in order to hold soil in place. Remaining reclamation activities would be completed the following spring as soon as conditions allow.

All existing roadways, utilities or pipelines encountered would be bored under or the crossing would be coordinated with the appropriate agency/utility. Potential impacts to the grazed prairie would be negotiated with the respective land owner. Trenches would be excavated using a trencher or trackhoe to a depth sufficient to maintain a minimum of 48 inches of ground coverage over the pipeline. Coverage would be increased to 72 inches of burial depth at roadway crossings and at any driveway crossings. Please refer to **Figure 2, Typical ROW Cross Section**. It is understood that other utilities may be present in the project area and would need to be located prior to construction as well as coordinating potential crossings with the appropriate utilities.

The proposed natural gas pipelines would be marked with above ground signs near all road and fenceline crossings. A trace wire would be buried alongside the proposed pipelines for locating purposes. Existing valve installations on the existing natural gas line and at the well connect would control the proposed pipeline segments in case of potential spills. These valve installations are typically installed every 4-5 miles along pipeline segments. ONEOK has committed to developing a spill response plan that would be submitted to the BIA prior to the commencement of construction activities.

PIPELINE CONSTRUCTION

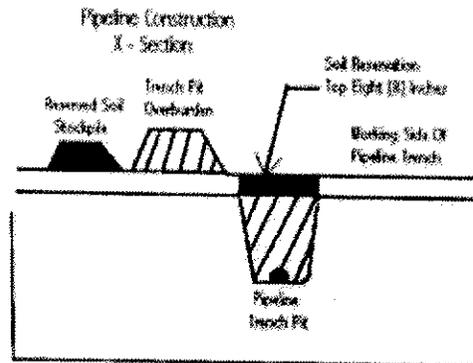


Figure 2, Typical ROW Cross Section

It is anticipated that the oil and gas field on Fort Berthold Reservation will remain active for 30 to 40 years. The proposed HDPE pipe is anticipated to have a design life extending well beyond 40 years. No maintenance of the pipeline segments due to deterioration during the life of the field is anticipated.

Quality control procedures for new pipeline segment include pressure testing each line to $1\frac{1}{4}$ times the actual maximum pressure of the proposed line. This series of pressure tests occurs for eight straight hours and is recorded and documented for each new gathering line segment.

5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)/CLEARANCE DOCUMENTS

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

- February 2010 Marathon Oil Company Drilling of Galen Fox – USA #24-7H and Elk – USA #11-17H Exploratory Oil and Gas Wells EA
- March 2010 Marathon Oil Company Drillings of Crow Flies High – USA #31-4H, Danks – USA #11-3H and TAT – USA #34-22H Exploratory Oil and Gas Wells EA
- January 2012 ONEOK Arvid Bangen USA 31-18H, Elk USA 11-17H, Danks USA 11-3H & Galen Fox USA 24-7H Gas Pipelines EA Addendum

6 FIELD RESOURCE SURVEYS

An intensive, pedestrian resource survey of the proposed pipeline corridor was conducted on July 25, 2012 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, eagles and water resources. A 200-foot wide pipeline corridor was evaluated for these sites. In addition, a half-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 assessments of the pipeline corridors were also conducted on July 25, 2012. The BIA Environmental Protection Specialist, ONEOK and KL&J participated in these assessments. During these assessments, construction suitability with respect to topography, stockpiling, drainage, erosion control, and other surface issues were considered. Those present at the on-site assessments agreed that the chosen locations, along with the minimization measures ONEOK plans to implement, are positioned in areas which would minimize impacts to sensitive wildlife and botanical resources.

A cultural resource inventory of this pipeline route was conducted by personnel of Kadrmas, Lee & Jackson, Inc., using an intensive pedestrian methodology. Approximately 17.7 acres were inventoried on July 25, 2012 (Rodgers and Ó Donnchadha 2012). 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 8, 2012; however the THPO did not respond within the allotted 30 day comment period.

7 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following discussion addresses environmental and social impacts as a result of the extension of the pipeline corridor previously mentioned in EA's or ROW easements. Impacts are only discussed if the extension of the project has changed the impact assessment reflected in the February 2010 EA, March 2010 EA, or to note why the impact assessment has not changed.

A. Air Quality

Equipment associated with construction of the proposed gas lines would burn fossil fuels causing a temporary negative impact on air quality. Gas currently produced by Tara Jo USA 34-12H & TFH well pad is being flared at the site. The proposed project would collect gas from the site and transport it to markets for use. The proposed project would have a temporary impact on air quality due to construction activities; however, would provide a long term beneficial impact on air quality due to the anticipated reduction in gas flaring.

B. Cultural Resources

Class I literature reviews and Class III cultural resource surveys were conducted for a 200-foot corridor along the proposed pipeline. The field surveys for the pipeline revealed no new or previously recorded cultural resources within the survey corridor. The proposed pipeline was routed to avoid impacts to cultural resources.

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 primarily of cultivated land (46 percent), grassland (44 percent), woodlands (5 percent) and developed land (5 percent). Please refer to **Figure 3, Access Road Bore location** and **Figure 4, Tara Jo** for a depiction of the landscape along the routes. The proposed project would temporarily convert approximately 6.4 acres of land from its existing use into a pipeline corridor. The pipelines would be buried underground and the majority of existing land uses would resume following construction and reclamation activities. Some activities, such as those associated with developed lands, may be restricted within the permanent 25-foot ROW. No mitigation is proposed.



Figure 3, Access Road Bore location



Figure 4, Tara Jo USA 34-12H & TFH Pipeline Route

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, ONEOK 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, ONEOK 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).

ONEOK has committed to developing a spill response plan that would be submitted to the BIA prior to the commencement of 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. Soils

The Natural Resources Conservation Service (NRCS) Soil Survey of Mountrail County dates from 2006, while the Soil Survey of Mountrail County dates from 1991, with updated information available online through the NRCS Web Soil Survey. Four soil types within the proposed project impact area were not identified in the original NEPA documents. Characteristics of these soils are identified in **Table 1, Soils**.

Map Unit Symbol	Soil Name	Percent Slope	Composition (in upper 60 inches)			Erosion Factor ¹		Hydrologic Soil Group ²
			% sand	% silt	% clay	T	Kf	
C135D	Zahl-Williams loams	9 to 15	36.0	36.6	27.4	5	.28	C
C132C	Williams-Zahl-Zahill	6 to 9	36.4	36.6	27.0	5	.24	C
C132B	Williams-Zahl loams	3 to 6	36.4	36.6	27.0	5	.24	C
C155F	Zahl-Max loams	15 to 60	36.0	36.6	27.4	5	.28	C

The soils listed have mostly low moderate susceptibility to sheet and rill erosion. In addition, these soils are mostly not susceptible to the loss of productivity through erosion. They are well drained and have no susceptibility to ponding or flooding. The average current depth to groundwater for each of these soils in the area is generally recorded at greater than six feet.

¹ Erosion Factors indicate susceptibility of a soil to sheet and rill erosion by water. Kf indicates the erodibility of material less than two millimeters in size. Values of K range from 0.02 to 0.69. Higher values indicate greater susceptibility. T Factors estimate maximum average annual rates of erosion by wind and water that will not affect crop productivity. Tons/acre/year range from 1 for shallow soils to 5 for very deep soils. Soils with higher T values can tolerate higher rates of erosion without loss of productivity.

² Hydrologic Soil Groups (A, B, C, and D) are based on estimates of runoff potential according to the rate of water infiltration under the following conditions: soils are not protected by vegetation, soils are thoroughly wet, and soils receive precipitation from long-duration storms. The rate of infiltration decreases from Group A (high infiltration, low runoff) to D (low infiltration, high runoff).

Construction activities associated with the proposed pipelines would result in soil disturbances, though impacts to soils associated with the proposed action are not anticipated to be significant.

F. Surface Waters

During the July 25, 2012, on-site, one drainage area was identified. Avoidance of impacts to the surface waters would be accomplished by boring under the drainage. The boring would be at a minimum of eight feet below the surface elevation at the bottom of the drainage. Please refer to **Figure 5, Drainage Bore Location Map**.

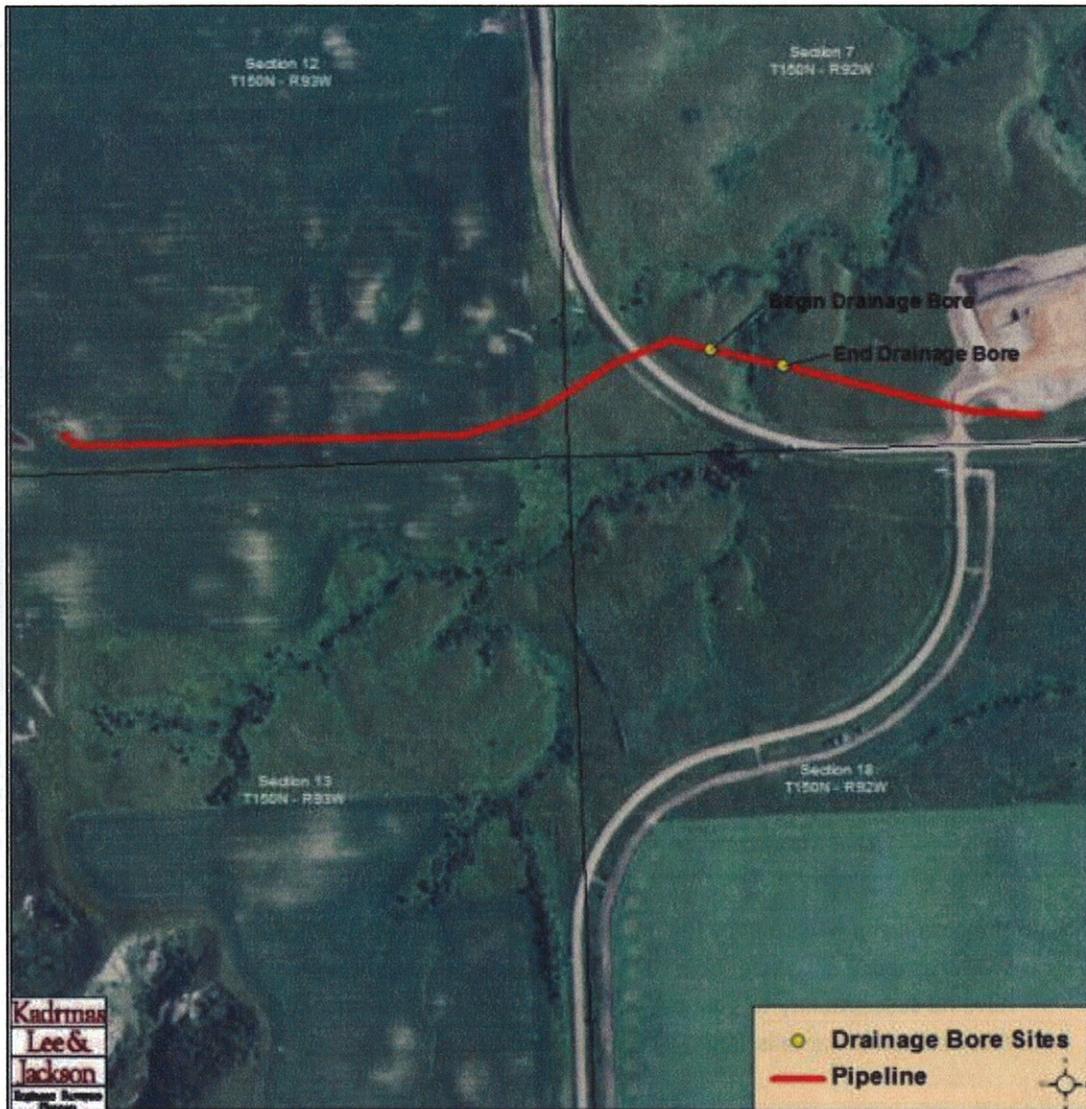


Figure 5, Drainage Bore Location Map

8 COMMITMENTS

ONEOK has committed to following the avoidance and minimization measures described below.

- The drainage found along the Tara Jo 34-12 natural gas pipeline route would be bored.
- Straw wattles, silt fences, fiber matting and/or other BMPs would be placed on all slopes greater than 5 percent along with drainage areas.
- Woody vegetation would be shredded and mixed with topsoil during reclamation.
- Topsoil would be segregated and stored on-site to be used in the reclamation process. All disturbed areas would be re-contoured to original elevations as part of the reclamation process.
- BMPs would be implemented to minimize wind and water erosion of soil resources.
- Disturbed vegetation would be re-seeded with an approved seed mixture from the BIA Environmental Protection Specialist upon completion of the project. The seeding would be maintained until such time that the vegetation be consistent with surrounding undisturbed areas and the area be free of noxious weeds.
- If cultural resources are discovered during construction or operation, work would immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work would 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.
- Prior to construction, ONEOK would coordinate with the Fort Berthold Water Authority Director to ensure minimization of impacts to existing water distribution pipelines.
- Utility locations/modifications would be identified during design and coordinated with the appropriate utility company.
- Suitable mufflers would be put on all internal combustion engines and certain compressor components to mitigate noise levels.
- No construction activities would take place between February 1 and July 15 in order to avoid potential impacts to raptors and migratory bird breeding and nesting; unless mowing/grubbing of the ROW area occurs prior to the breeding/nesting season. Instead of mowing, ONEOK may also choose to have a preconstruction survey conducted by a qualified biologist within five days prior to project construction in order to identify any birds or nests within the construction area.
- If a whooping crane is sighted within one-mile of the pipeline route while under construction, all work would cease within one-mile of that part of the project and the

USFWS be contacted immediately. In coordination with USFWS, work may resume after the bird(s) leave the area.

- During reclamation, slopes would be roughened where possible to reduce erosion.
- If reclamation takes place during times of the year when grass seed germination is not possible, disturbed areas would be spread with straw and crimped to minimize soil erosion.
- Any electrical transmission lines associated with the proposed project will be installed underground.

9 NEPA ADEQUACY CRITERIA

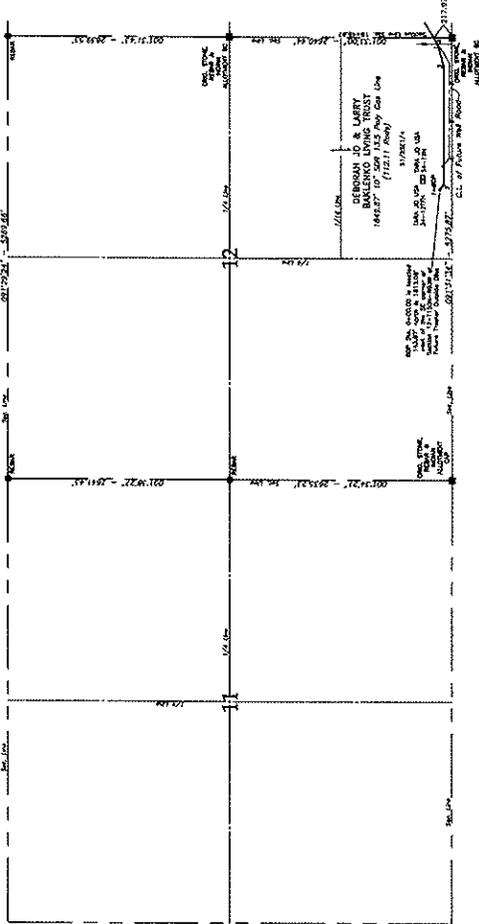
This document has identified three previously prepared NEPA documents: February 2010 Marathon Oil Company Drilling of Galen Fox – USA #24-7H and Elk – USA #11-17H Exploratory Oil and Gas Wells EA; March 2010 Marathon Oil Company Drillings of Crow Flies High – USA #31-4H, Danks – USA #11-3H and TAT – USA #34-22H Exploratory Oil and Gas Wells EA; and January 2012 ONEOK Arvid Bangen USA 31-18H, Elk USA 11-17H, Danks USA 11-3H & Galen Fox USA 24-7H Gas Pipelines EA Addendum which adequately describe 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.

Appendix A

Pipeline Layout and Right-of-Way Plats

5TH PRINCIPAL MERIDIAN
R 93 W



T 150 N

TABLE NO	DESCRIPTION	DATE	BY
1	FIELD NOTES	7/21/2012	WILLIAM HADGON
2	COMPUTED COORDINATES	7/21/2012	WILLIAM HADGON
3	FIELD NOTES	7/21/2012	WILLIAM HADGON
4	COMPUTED COORDINATES	7/21/2012	WILLIAM HADGON
5	FIELD NOTES	7/21/2012	WILLIAM HADGON
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5	FIELD NOTES	7/21/2012	WILLIAM HADGON
6	COMPUTED COORDINATES	7/21/2012	WILLIAM HADGON

NOTE: Is based on North Dakota State Plane System, NAD83 (90), North Zone, U.S. Foot. Azimuths shown are grid azimuths. Combined local azimuths, distances shown are grid distances. Combined local azimuths, distances shown are ground distances to ground distance.



R/W Width 25'
Minimum Depth 48'
TOTAL Horiz. Distance
SECTION 11 SECTION 12

10"

PRELIMINARY PRELIMINARY SURVEY
T. 150 N., R. 93 W.
1949 BY SDR 13.5
75% USE WITH A-103

ONEOK
ROCKIES MIDSTREAM

SECTION 11 & 12
T. 150 N., R. 93 W.
MOUNTAIN COUNTY, NORTH DAKOTA

DATE: 7/21/2012
BY: WILLIAM HADGON

