



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401




IN REPLY REFER TO:
DESCRM
MC-208

MAY 07 2010

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: **ACTING** Regional Director, Great Plains Region 

SUBJECT: Environmental Assessment and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, for Addendum to the Environmental Assessment for Arrow Midstream Holdings Phase 1A – Northern Extension Oil and Gas Gathering System on the Fort Berthold Reservation, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the EA, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the FONSI (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: Marcus Levings, Chairman, Three Affiliated Tribes (with attachment)
Perry "No Tears" Brady, Tribal Historic Preservation Officer (with attachment)
Roy Swalling, Bureau of Land Management (with attachment)
Jonathon Shelman, Corps of Engineers (with attachment)
Dawn Charging, One Stop Shop, Fort Berthold Agency

Finding of No Significant Impact

Arrow Midstream Holdings, LLC

Addendum to Environmental Assessment for Arrow Midstream Holdings, LLC, Oil and Gas Gathering System Phase 1A – Northern Extension

The U.S. Bureau of Indian Affairs (BIA) received a proposal for an Addendum to the Environmental Assessment for Arrow Midstream Holdings Phase 1A – Northern Extension Oil and Gas Gathering System. Associated federal actions by BIA include determinations of effect regarding cultural resources and approvals of leases, rights-of-way and easements.

Potential of the proposed action to impact the human environment is analyzed in the attached Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined 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 was solicited and environmental issues related to the proposal were identified.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, water resources, and cultural resources. The potential for impacts was disclosed for both the proposed action and the No Action alternative.
3. Guidance from the U.S. Fish and Wildlife Service was fully considered.
4. The proposed action was designed to avoid adverse effects to historic, archaeological, cultural, and traditional properties, sites, and practices. The Tribal Historic Preservation Officer has concurred with BIA's determination that no historic properties will be affected.
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 project will improve the socioeconomic condition of the affected Indian community.



Regional Director – Great Plains Regional Office

5-7-10
Date

**Environmental Assessment
Addendum**

United States Bureau of Indian Affairs

**Great Plains Regional Office
Aberdeen, South Dakota**



Arrow Midstream Holdings, LLC

**Addendum to Environmental Assessment for
Oil and Gas Gathering System
Phase 1A - Northern Extension**

Fort Berthold Indian Reservation

May 2010

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

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1.0 Purpose and Need for the Proposed Action

Arrow Midstream Holdings, LLC (AMH) is proposing to construct an access road along their Phase 1A-Northern Extension oil, gas, and water gathering system corridor. Development has been proposed on the Fort Berthold Indian Reservation (Reservation) on allotted land held in trust by the United States in McKenzie County, North Dakota. The U.S. Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments. The BIA also holds title to subsurface mineral rights. The economic development of available resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offer substantial economic benefits to both the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nation (MHA Nation) and to individual tribal members.

The purpose of the proposed action is to authorize the land use by AMH for the construction and installation of a 0.55 mile, two-track access road (12 foot wide) within the Phase 1A-Northern Extension corridor. The road would allow access to an existing tie-in and pipeline inspection gauge (PIG) receiver location.

2.0 Authorities

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United State Code [USC] 396a *et seq.*), the Gas Royalty Management Act of 1982 (30 USC 1701, *et seq.*), the Energy Policy Act of 2005 (42 USC 13522) and 25 Code of Federal Regulations (CFR) 169. BIA actions in connection with the proposed project are largely administrative and include approval of rights-of-way (ROW) and determinations regarding cultural resource effects.

3.0 Legal Land Descriptions of Proposed Action

The access road would be located on allotted land in the NW1/4 NW1/4 of Section 4, Township (T) 149 North (N), Range (R), 94 West (W), McKenzie County, North Dakota (Figure 1).

4.0 Scope of Work for Proposed Action

AMH purposes to construct and install a two-track access road (12-foot wide) for a distance of 0.55 miles within the Phase 1A-Northern Extension corridor. The road would allow access to a tie-in and pipeline inspection gauge (PIG) receiver location along a proposed AMH Phase I trunkline. All construction disturbances would occur within a 100-foot wide temporary right-of-way (ROW) and permanent surface disturbance would occur within a 50-foot permanent ROW approved for the Phase 1A-Northern Extension project. The ROW has been surveyed for impacts to natural and cultural resources with no significant findings.

5.0 Applicable National Environmental Policy Act (NEPA) Documents

Environmental Assessment: Arrow Midstream Holdings, LLC, Oil and Gas Gathering System Phase 1A – Northern Extension (November 2009).

6.0 Other Relevant Documentation:

Environmental Assessment: Arrow Midstream Holdings Pipelines and Utilities (March 2009)

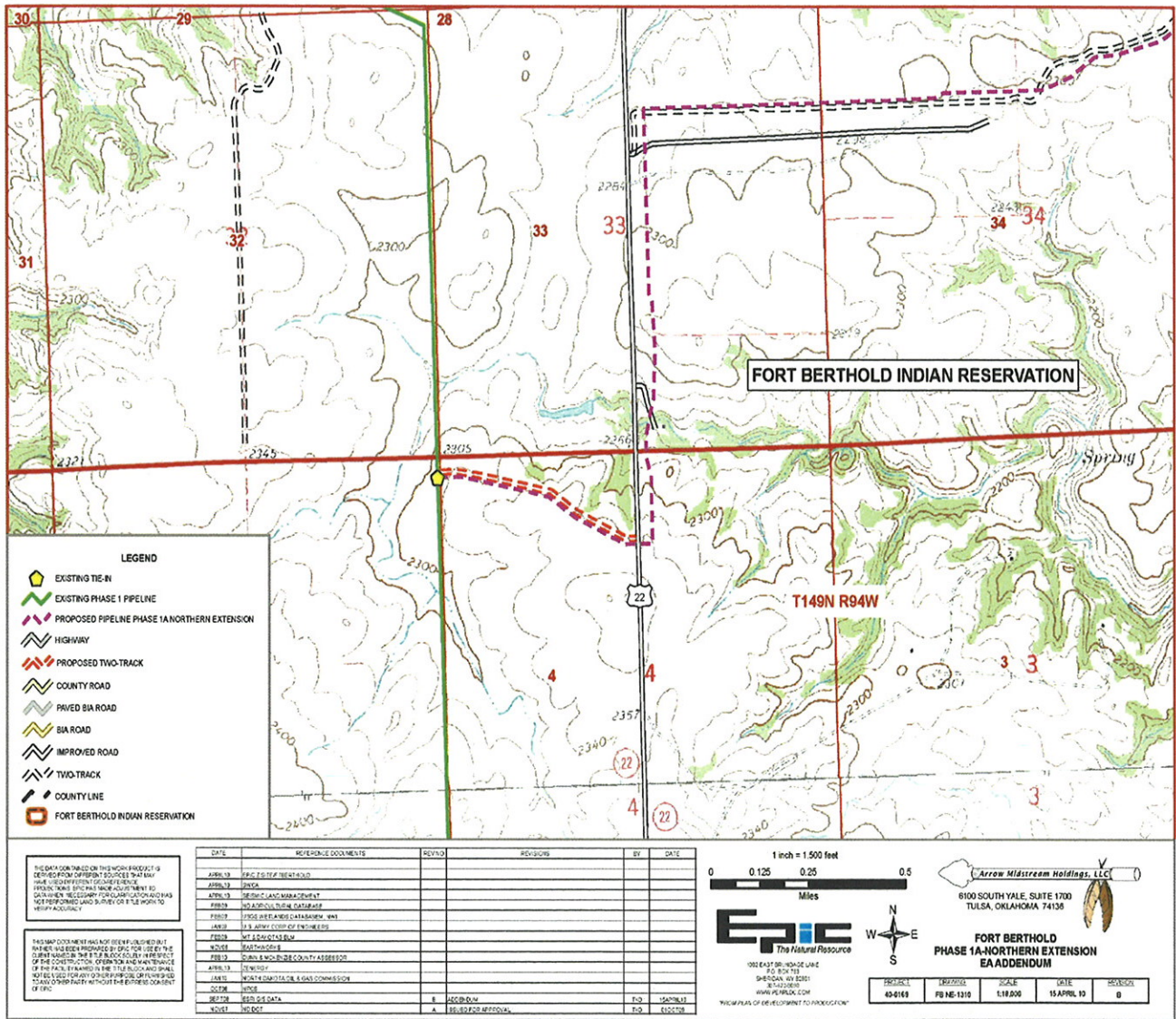


Figure 1 Proposed Access Road Location

7.0 NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document, *Arrow Midstream Holdings, LLC, Oil and Gas Gathering System Phase IA – Northern Extension (November 2009)*, which adequately describes the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria.

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed action 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 or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA documents 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 documents.
6. The cumulative impacts that would result from implementation of the proposed action 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.

8.0 Cultural Resources

Cultural resource inventories for the Phase IA-Northern Extension oil, gas, and water gathering project was conducted by personnel of SWCA Environmental Consultants on June 25 (Cooper 2009) and August 13, 2009 (Reed and Cooper 2009). BIA determined that no historic properties would be affected in official correspondence mailed to the THPO on October 8th, 2009. The THPO concurred with this determination on October 29th, 2009.

References:

Cooper, Judith R.

- (2009) A Class I and Class III Cultural Resource Inventory of the Arrow Midstream Holdings Pipeline Northern Extension, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota. SWCA Environmental Consultants for Zenergy Operating Company, LLC, Tulsa, OK.

Reed, Karen, and Judith Cooper

- (2009) A Class I and Class III Cultural Resources Inventory of the Arrow Midstream Holdings Pipeline Northern Extension, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota: Addendum 1. SWCA Environmental Consultants for Zenergy Operating Company, LLC, Tulsa, OK.

Notice of Availability and Appeal Rights

Arrow Midstream Holdings: Phase 1A Northern Extension Gathering System

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to Addendum to Environmental Assessment for Arrow Midstream Holdings Phase 1A – Northern Extension Oil and Gas Gathering System as shown on the attached map. Construction by Marathon Oil and Gas is expected to begin in the spring of 2010.

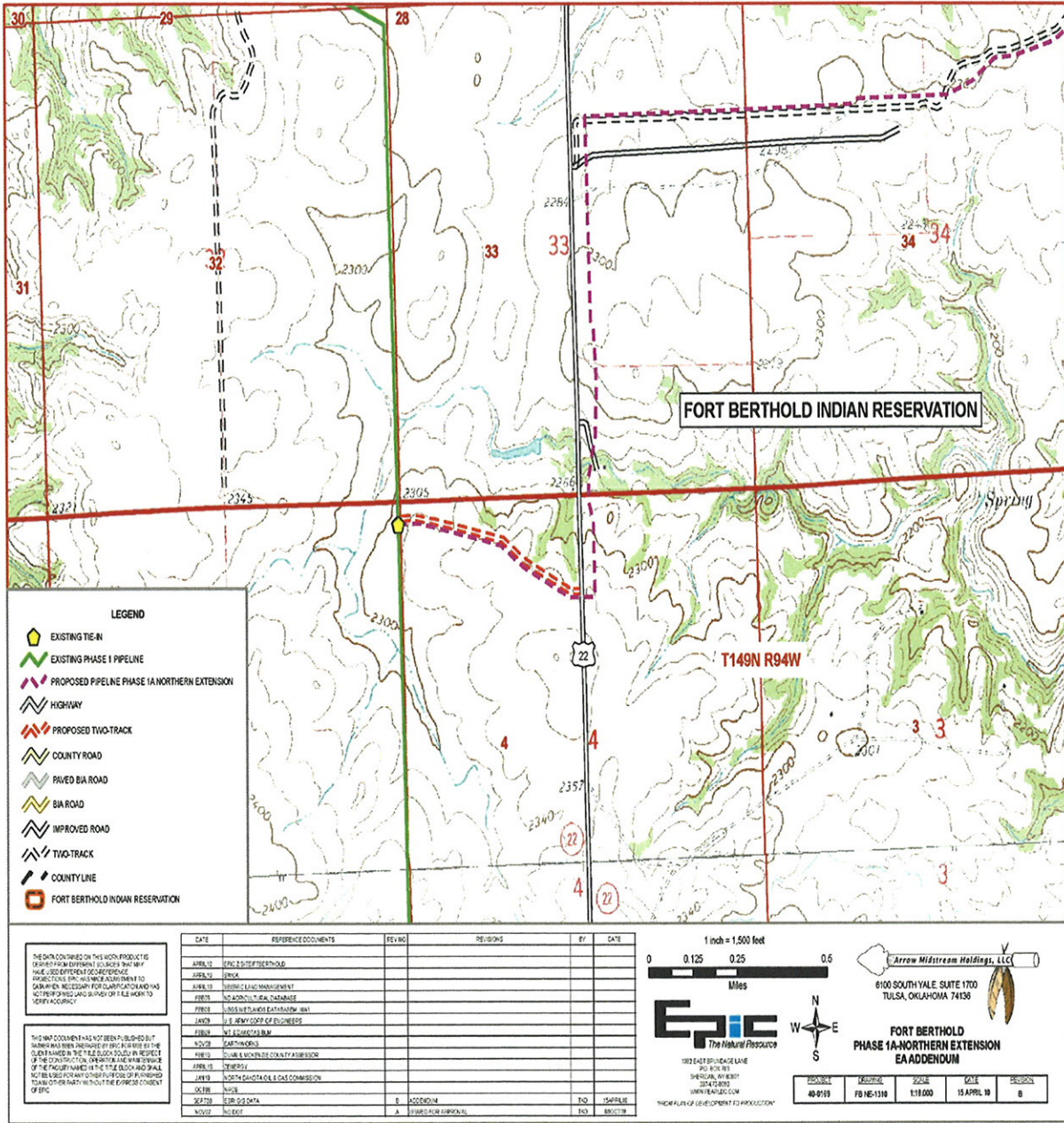
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Howard Bemer, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No 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 June 7, 2010 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.

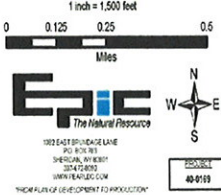
Project location.



LEGEND	
	EXISTING TIE-IN
	EXISTING PHASE I PIPELINE
	PROPOSED PIPELINE PHASE IA NORTHERN EXTENSION
	HIGHWAY
	PROPOSED TWO-TRACK
	COUNTY ROAD
	GRAVEL BIA ROAD
	BIA ROAD
	IMPROVED ROAD
	TWO-TRACK
	COUNTY LINE
	FORT BERTHOLD INDIAN RESERVATION

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DATE	REFERENCE DOCUMENTS	REV. NO.	REVISIONS	BY	DATE
JUNE 10	EPIC SITE INVESTIGATION				
JUNE 10	EPIC				
JUNE 10	NOISE AND VIBRATION ANALYSIS				
JUNE 10	NOISE ABATEMENT DATABASE				
JUNE 10	NOISE AND VIBRATION ASSESSMENT				
JUNE 10	US ARMY CORP OF ENGINEERS				
JUNE 10	W. J. GILBERT & ASSOCIATES				
JUNE 10	STATE OF OKLAHOMA				
JUNE 10	CITY OF TULSA				
JUNE 10	OKLAHOMA STATE UNIVERSITY				
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 The Natural Resource

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PROJECT	REGION	SHEET	DATE	SECTION
40-0110	FB-NE-1110	1:18,000	15 APRIL 10	B

THEIR PLAN OF DEVELOPMENT TO PRODUCE