

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

JUN 23 2011

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, for an addendum to environmental assessment to authorize land use for Arrow-QEP gathering pipelines connecting the proposed MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91 Wells to the Phase 2E-BIA 13 oil, gas, and water gathering systems on the Fort Berthold Indian 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 are copies 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 FONSI (40 C.F.R. Part 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)
Jonathon Shelman, Corps of Engineers (with attachment)
Jeff Hunt, Fort Berthold Agency

**ENVIRONMENTAL ASSESSMENT
Addendum**

United States Bureau of Indian Affairs

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



Arrow Pipeline, L.L.C

**Addendum to Environmental Assessment to Authorize Land Use for
Arrow-QEP Gathering Pipelines Connecting the Proposed MHA 1-31-36H-150-91,
MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-
29H-150-91 Wells to the Phase 2E-BIA 13 Oil, Gas, and Water Gathering Systems**

Fort Berthold Indian Reservation

June 2011

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

**Finding of No Significant Impact
Arrow Pipeline, LLC**

**Addendum to Environmental Assessment to Authorize Land Use for
Arrow-QEP Gathering Pipelines Connecting the Proposed MHA 1-31-36H-150-91, MHA 1-
04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-
91 Wells to the Phase 2E-BIA 13 Oil, Gas, and Water Gathering Systems**

The U.S. Bureau of Indian Affairs (BIA) received a proposal to authorize the land use by Arrow Pipeline, LLC (Arrow) for the construction and installation of fifteen gathering pipelines (one set for each proposed well pad): five oil lines, five gas lines, and five water lines, all of which will not individually exceed a diameter of 8 inches on the Fort Berthold Reservation. 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 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.) (MBTA), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).
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.

Acting


Regional Director – Great Plains Regional Office

6-23-2011
Date

*Addendum to Environmental Assessment to Authorize Land Use for
Arrow-QEP Gathering Pipelines MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-
33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91*

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| 1. Purpose and Need for the Proposed Action | 1 |
| 2. Authorities | 1 |
| 3. Legal Land Description for Proposed Action | 1 |
| 3.1 MHA 1-31-36H-150-91 | 1 |
| 3.2 MHA 1-04-03H-149-91 | 1 |
| 3.3 MHA 1-33-34H-150-91 | 2 |
| 4. Scope of Work for Proposed Action..... | 2 |
| 5. Surveys..... | 4 |
| 6. Potential Effects..... | 6 |
| 7. Applicable National Environmental Policy Act (NEPA) Document(s) | 6 |
| 8. Other Relevant Documentation | 6 |
| 9. NEPA Adequacy Criteria..... | 7 |

LIST OF FIGURES

| <u>Figure</u> | <u>Page</u> |
|---|-------------|
| Figure 1. Proposed MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92; and MHA 2-32-29H-150-91 gathering lines and associated well pads. | 8 |

Addendum to Environmental Assessment to Authorize Land Use for Arrow-QEP Gathering Pipelines MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91

1. Purpose and Need for the Proposed Action

QEP Energy Co. (QEP) is proposing to drill five exploratory oil and gas wells (MHA 1-31-36H-150-91 (formerly MHA 1-31H-150-91), MHA1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91) on the Fort Berthold Indian Reservation to evaluate and possibly develop the commercial potential of natural resources. Developments have been proposed on land held in trust by the United States in Dunn County, North Dakota. The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected individual allotments. The economic development of available resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers substantial economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nations and to individual tribal members.

The purpose of the proposed action is to authorize the land use by Arrow Pipeline, LLC (Arrow) for the construction and installation of fifteen gathering pipelines (one set for each proposed well pad): five oil lines, five gas lines, and five water lines, all of which will not individually exceed a diameter of 8 inches. The proposed gathering pipelines would transport oil, gas, and produced water from productive wells to markets and disposal facilities. A buried electrical line may be installed in the future, and if electrical lines are installed in association with this project or to provide service to this project, they will be installed underground within the approved ROW.

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

3.1 MHA 1-31-36H-150-91

The MHA 1-31-36H-150-91 gathering pipelines would be located on trust land originating from the southeast corner of the well pad, approximately 14 miles east-northeast of Mandaree, North Dakota, in the SE1/4 SE1/4 of Section 31, Township (T) 150 North (N), Range (R) 91 West (W), 5th Prime Meridian (P.M.), Dunn County, North Dakota. The proposed gathering pipelines will travel south before terminating at the existing Phase 2E-BIA 13 Gathering System in the SE1/4 SE1/4 of Section 6, T149N, R91W, 5th P.M., Dunn County, North Dakota.

3.2 MHA 1-04-03H-149-91

The MHA 1-04-03H-149-91 gathering pipelines would be located on trust land originating from the southwest corner of the well pad, approximately 15 miles east-northeast of Mandaree, North Dakota, in the SE1/4 SE1/4 of Section 32, T150N, R91W, 5th P.M., Dunn County, North Dakota. The proposed gathering pipelines will travel west-southwest and merge with the

*Addendum to Environmental Assessment to Authorize Land Use for
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34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91*

proposed MHA 1-31-36H-150-91 gathering pipelines in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T149N, R91W, 5th P.M., Dunn County, North Dakota and consequently become part of the Phase 2E-BIA 13 Gathering System.

3.3 MHA 1-33-34H-150-91

The MHA 1-33-34H-150-91 gathering pipelines would be located on trust land originating from the south side of the well pad, approximately 15 miles east-northeast of Mandaree, North Dakota, in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T150 N, R91 W, 5th P.M., Dunn County, North Dakota. The proposed gathering line will travel south and merge with the proposed MHA 1-31-36H-150-91 gathering pipelines in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T150N, R91W, 5th P.M., Dunn County, North Dakota and consequently become part of the Phase 2E-BIA 13 Gathering System.

3.4 MHA 3-06-01H-149-92

The MHA 3-06-01H-149-92 gathering pipelines would be located on trust land originating from the east side of the well pad, approximately 14 miles east-northeast of Mandaree, North Dakota, in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T149 N, R91 W, 5th P.M., Dunn County, North Dakota. The proposed gathering line will travel east and merge with the proposed MHA 1-31-36H-150-91 gathering pipelines in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T149 N, R91 W, 5th P.M., Dunn County, North Dakota and consequently become part of the Phase 2E-BIA 13 Gathering System.

3.5 MHA 2-32-29H-150-91

The MHA 2-32-29H-150-91 gathering pipelines would be located on trust land originating from the south side of the well pad, approximately 14.5 miles east-northeast of Mandaree, North Dakota, in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T150 N, R91 W, 5th P.M., Dunn County, North Dakota. The proposed gathering line will travel south and merge with the proposed MHA 1-04-03H-149-91 gathering pipelines in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T150 N, R91 W, 5th P.M., Dunn County, North Dakota and consequently become part of the Phase 2E-BIA 13 Gathering System.

4. Scope of Work for Proposed Action

For the five wells, (MHA 1-31-36H-150-91, MHA1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91) oil, gas, and water pipelines would be buried in either two 2.5-foot-wide trenches, spaced 5.0 feet apart, or one 5.0-foot-wide trench. Oil and gas pipelines would be no greater than 8 inches in diameter and constructed of steel. The water pipeline would also be no greater than 8 inches in diameter and constructed of Fiberspar[®] or similar material. All of the construction disturbances would occur within a 100-foot temporary construction right-of-way (ROW) and permanent surface disturbance would occur within a 50-foot ROW between the pads and their respective tie-in gathering pipeline.

MHA 1-31-36H-150-91

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Arrow-QEP Gathering Pipelines MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-
34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91*

Arrow proposes to construct and install oil, gas, and water gathering pipelines on trust land that would join the MHA 1-31-36H-150-91 well pad to the existing Phase 2E-BIA 13 Gathering System. Lines would originate from the southeast corner of the MHA 1-31-36H-150-91 well pad, traverse south, and tie in to the Phase 2E-BIA 13 Gathering System at the existing MHA #2-06-01H (formally MHA 1-06-01H-149-91) well location. MHA #2-06-01H has previously been surveyed for impacts to natural and cultural resources with no significant findings.

Approximately 4,760 feet of oil, gas, and water line would be needed to connect the MHA 1-31-36H-150-91 well pad to the existing Phase 2E-BIA 13 Gathering System. With a 100-foot temporary construction ROW, a total of approximately 10.93 acres will be disturbed as a result of activities associated with the construction of the proposed gathering pipeline.

MHA 1-04-03H-149-91

Arrow proposes to construct and install oil, gas, and water gathering pipelines on trust land that would join the MHA 1-04-03H-149-91 well pad to the existing Phase 2E-BIA 13 Gathering System. Lines would originate from the southwest corner of MHA 1-04-03H-149-91 well pad, transverse west-southwest and merge with the proposed MHA 1-31-36H-150-91 gathering pipelines which sequentially becomes part of the Phase 2E-BIA 13 Gathering System.

Approximately 5,750 feet of oil, gas, and water line would be needed to connect the MHA 1-04-03H-149-91 well pad to the proposed MHA 1-31-36H-150-91 gathering pipelines. With a 100-foot temporary construction ROW, a total of approximately 13.20 acres will be disturbed as a result of activities associated with the construction of the proposed gathering pipeline.

MHA 1-33-34H-150-91

Arrow proposes to construct and install oil, gas, and water gathering pipelines on trust land that would join the MHA 1-33-34H-150-91 well pad to the existing Phase 2E-BIA 13 Gathering System. Lines would originate from the south side of MHA 1-33-34H-150-91 well pad, travel south and merge with the proposed MHA 1-04-03H-149-91 gathering pipelines which sequentially becomes part of the Phase 2E-BIA 13 Gathering System.

Approximately 1,460 feet of oil, gas, and water line would be needed to connect the MHA 1-33-34H-150-91 well pad to the proposed MHA 1-04-03H-149-91 gathering pipelines. With a 100-foot temporary construction ROW, a total of approximately 3.35 acres will be disturbed as a result of activities associated with the construction of the proposed gathering pipelines.

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MHA 3-06-01H-149-92

Arrow proposes to construct and install oil, gas, and water gathering pipelines on trust land that would join the MHA 3-06-01H-149-92 well pad to the existing Phase 2E-BIA 13 Gathering System. Lines would originate from the east side of MHA 3-06-01H-149-92 well pad, travel east and merge with the proposed MHA 1-31-36H-150-91 gathering pipelines which sequentially becomes part of the Phase 2E-BIA 13 Gathering System.

Approximately 90 feet of oil, gas, and water line would be needed to connect the MHA 3-06-01H-149-92 well pad to the proposed MHA 1-31-36H-150-91 gathering pipelines. With a 100-foot temporary construction ROW, a total of approximately 0.21 acre will be disturbed as a result of activities associated with the construction of the proposed gathering pipelines.

MHA 2-32-29H-150-91

Arrow proposes to construct and install oil, gas, and water gathering pipelines on trust land that would join the MHA 2-32-29H-150-91 well pad to the existing Phase 2E-BIA 13 Gathering System. Lines would originate from the south side of MHA 2-32-29H-150-91 well pad, travel south and merge with the proposed MHA 1-04-03H-149-91 gathering pipelines which sequentially becomes part of the Phase 2E-BIA 13 Gathering System.

Approximately 215 feet of oil, gas, and water line would be needed to connect the MHA 2-32-29H-150-91 well pad to the proposed MHA 1-04-03H-149-91 gathering pipelines. With a 100-foot temporary construction ROW, a total of approximately 0.49 acre will be disturbed as a result of activities associated with the construction of the proposed gathering pipelines.

5. Surveys

SWCA Environmental Consultants (SWCA) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles and nests, and wetlands for the MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, and MHA 1-33-34H-150-91 gathering pipelines on April 13, 2011. SWCA conducted the same natural resource surveys for the MHA 2-32-29H-150-91 and MHA 2-32-29H-150-91 gathering lines on May 5, 2011. BIA Environmental Specialist, Jeff Desjarlais, approved the locations and the proposed alignment of the 5 gathering pipelines on May 5, 2011. No threatened and endangered species or bald/golden eagle individuals or nests were observed during any of the natural resource surveys. A sharp-tailed grouse (*Tympanuchus phasianellus*) lek was observed during natural resource surveys on April 13 and data points were taken. Arrow has committed to starting construction activities after June 15 and to reclaim the disturbed area by March 21 of the following year in order to reduce the potential for long term impact to sharp-tailed grouse populations within the project area. Arrow has committed to postpone construction until after July 15th in order to reduce the potential for impact on migratory birds and their nests. Two palustrine emergent (PEM) wetlands, listed in the National Wetlands Inventory (NWI), occur near the proposed construction site. Arrow has committed to avoiding impact to the PEM wetlands.

Addendum to Environmental Assessment to Authorize Land Use for Arrow-QEP Gathering Pipelines MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91

Designated critical habitat for piping plovers (*Charadrius melodus*), and potential nesting/foraging habitat of interior least terns (*Sterna antillarum*), is present within 0.5 mile of the MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, and MHA 1-33-34H-150-91 well pad locations and gathering line ROWs. For construction that would occur within 0.5 mile line-of-sight of designated critical habitat, Arrow has committed to the following measures to mitigate potential impact as a result of the construction activities: 1. Construct the gathering pipelines after September 1st to allow sufficient time for piping plover and interior least tern individuals to migrate or 2. If construction is to occur prior to September 1st, conduct a species specific survey of all potential nesting habitat occurring within 0.5 mile line-of-sight of the project area.

Wildlife observed during natural resource surveys includes, grasshopper sparrow (*Ammodramus savannarum*), killdeer (*Charadrius vociferous*), red-winged blackbird (*Agelaius phoeniceus*), ring-billed gull (*Larus delawarensis*), sharp-tailed grouse, turkey vulture (*Cathartes aura*), western meadowlark (*Sturnella neglecta*), and coyote (*Canis latrans*).

Herbaceous vegetation observed within the project area includes American licorice (*Glycyrrhiza lepidota*), Canada thistle (*Cirsium arvense*), common dandelion (*Taraxacum officinale*), crested wheatgrass (*Agropyron cristatum*), cudweed sagewort (*Artemisia ludoviciana*), Daisy fleabane (*Erigeron strigosus*), downy paintbrush (*Castilleja sessiliflora*), fringed sagewort (*Artemisia frigida*), goatsbeard (*Tragopogon dubius*), green needlegrass (*Nassella viridula*), little bluestem (*Schizachyrium scoparium*), needleandthread (*Hesperostipa comata*), pasqueflower (*Anemone patens*), prairie rose (*Rosa arkansana*), purple coneflower (*Echinacea angustifolia*), red threeawn (*Aristida purpurea*), smooth brome (*Bromus inermis*), sweetclover (*Melilotus sp.*), switchgrass (*Panicum virgatum*), western sagewort (*Artemisia campestris*), western wheatgrass (*Pascopyrum smithii*), and Yucca (*Yucca glauca*). Woody vegetation observed within the project area includes: creeping juniper (*Juniperus horizontalis*), silver buffaloberry (*Shepherdia argentea*), and western snowberry (*Symphoricarpos occidentalis*).

Soil data was taken from two on-site excavated soil pits on April 13. At each datapoint the matrix value, hue, chroma, and color name were recorded. Additionally, redoximorphic features (i.e., reduced/oxidized iron or manganese deposits), and soil texture were noted. A Munsell Soil Color Chart was used to determine the color of moist soil samples. No hydric soils were observed.

SWCA conducted a cultural resource inventory for MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91 gathering lines, including original centerline and re-routes, using an intensive pedestrian methodology. Approximately 57.05 acres were inventoried on April 13, 2011 and May 5, 2011. During the course of the survey no historic properties were identified within the project area. A single historic property was located 25 feet outside of the 200-foot survey corridor. The site is potentially eligible for the National Register of Historic Places and will be fenced off and monitored by a qualified archaeologist to ensure avoidance during construction activities.

A cultural resource inventory of this pipeline route was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 55.96

Addendum to Environmental Assessment to Authorize Land Use for Arrow-QEP Gathering Pipelines MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91

acres were inventoried between April 13 and May 5, 2011 (Herson and Cooper 2011). One archaeological site was located that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for this undertaking, as the archaeological site will be avoided. This determination was communicated to the THPO on May 18, 2011; however, the THPO did not respond within the allotted 30 day comment period.

6. Potential Effects

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

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 during construction to minimize disturbance. Once construction activities are completed, reclamation would take place and would include the return of topsoil and contouring, and seeding of native vegetation.

Potential indirect impacts include noise and other disturbances to wildlife during construction and the introduction of noxious weeds. Impacts would be mitigated through avoidance of any federally listed threatened or endangered species or wetlands, avoidance of nesting migratory birds, implementing best management practices to control the introduction of noxious weeds, and minimizing the length of time between trenching, pipeline burial, and reclamation. These mitigation measures are consistent with the approved National Environmental Policy Act (NEPA) document, which received a finding of no significant impact (FONSI) (September 2010).

7. Applicable National Environmental Policy Act (NEPA) Document(s)

Environmental Assessment: Arrow Pipeline, LLC Oil, Gas & Water Gathering System Phase 2E - BIA 13 (2010)

Environmental Assessment and Finding of No Significant Impact: Arrow Pipeline: Gathering Pipelines Connecting the MHA #2-06-01H Well Pad to the Arrow Phase 2E-BIA13 Pipeline (February 2011).

8. Other Relevant Documentation

Environmental Assessment and Finding of No Significant Impact: QEP Energy Co., Four Exploratory Oil Wells from Four Locations: MHA #1-01H-149-92, MHA #1-06H-149-91, MHA #1-31H-150-91, MHA #1-06-31H-150-92 (September 2009).

Addendum to Environmental Assessment to Authorize Land Use for Arrow-QEP Gathering Pipelines MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91

Environmental Assessment and Finding of No Significant Impact: QEP Energy Co., Four Exploratory Oil Wells from Four Locations: MHA-1-33-34H-150-91, MHA-1-32-29H-150-91, MHA-1-04-03H-149-91, MHA-1-35-36H-149-91 (September 2010)

9. NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document, *Environmental Assessment: Arrow Pipeline, LLC, Oil, Gas, and Water Gathering System Phase 2E - BIA 13* (2010), 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.
-

Addendum to Environmental Assessment to Authorize Land Use for Arrow-QEP Gathering Pipelines MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91

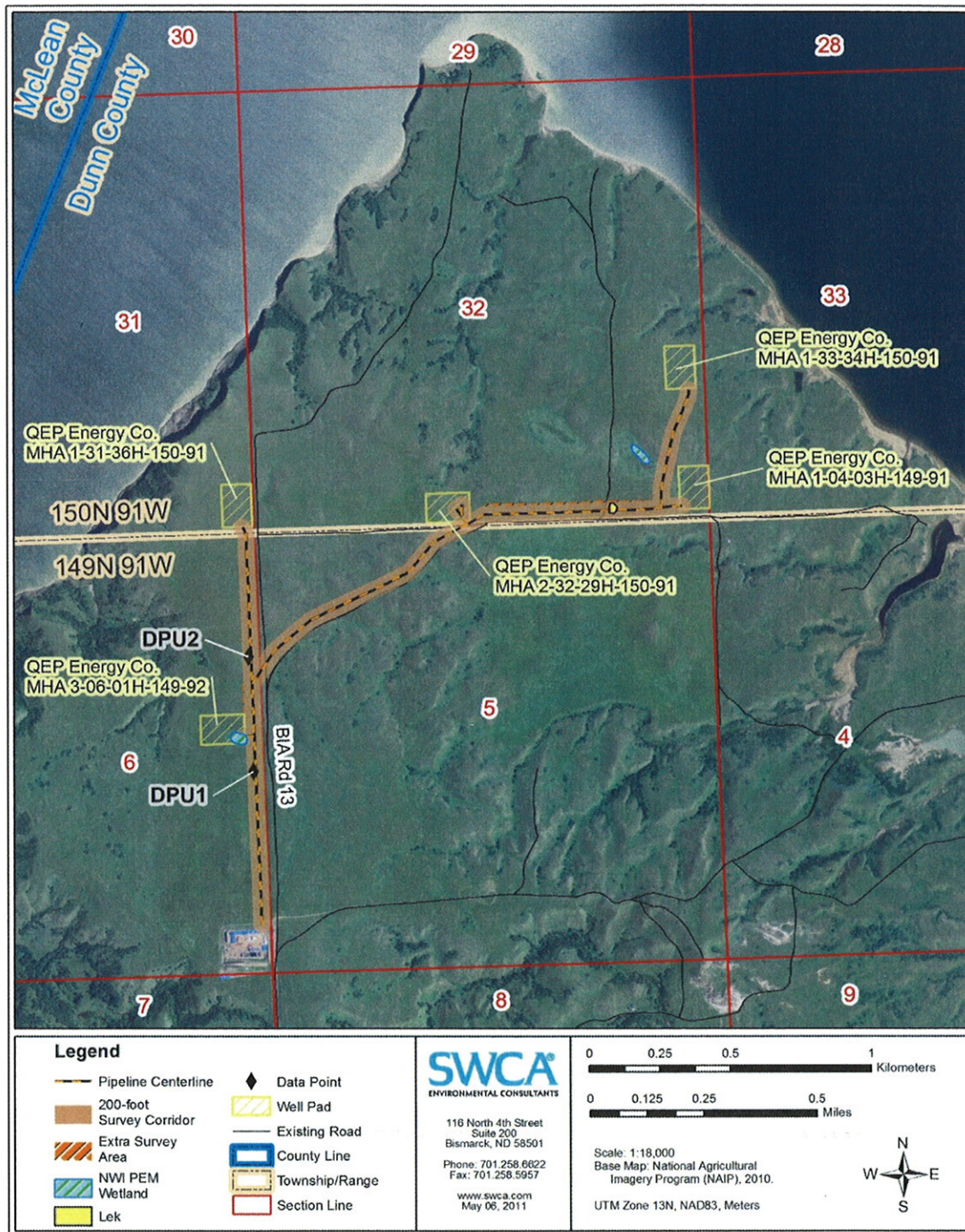


Figure 1. Proposed MHA 1-31-36H-150-91, MHA1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91 gathering lines and associated well pads.

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34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91*

REFERENCES

Herson, Chandler and Judith Cooper

- 2011 A Class I and Class III Cultural Resource Inventory of the Arrow Pipeline QEP Independence Point Gathering Pipeline on the Fort Berthold Indian Reservation, Dunn County, North Dakota. Prepared by SWCA Environmental Consultants for Arrow Pipeline.

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United States Department of the Interior

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115 Fourth Avenue S.E., Suite 400
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MAY 18 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 proposed Arrow gathering line in Dunn County, North Dakota. Approximately 55.96 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 (32DU1592) was located which 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 therefore reached a determination of **no historic properties affected** for this undertaking, as the archaeological site will be avoided. Catalogued as **BIA Case Number AAO-1890/FB/11**, the proposed undertaking, location, and project dimensions are described in the following report:

Herson, Chandler S., and Judith Cooper
(2011) A Class I and Class III Cultural Resource Inventory of the Arrow Pipeline QEP Independence Point Gathering Pipeline on the Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for Arrow Pipeline, LLC, Tulsa, OK.

If your office concurs with this determination, consultation will be completed under the National Historic Preservation Act and its implementing regulations. The Standard Conditions of Compliance will be adhered to.

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

Notice of Availability and Appeal Rights

Arrow Pipeline: Arrow-QEP Gathering Pipelines Connecting the Proposed MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91 Wells to the Phase 2E-BIA 13 Oil, Gas, and Water Gathering Systems

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Environmental Assessment to Authorize Land Use for Arrow-QEP Gathering Pipelines Connecting the Proposed MHA 1-31-36H-150-91, MHA 1-04-03H-149-91, MHA 1-33-34H-150-91, MHA 3-06-01H-149-92, and MHA 2-32-29H-150-91 Wells to the Phase 2E-BIA 13 Oil, Gas, and Water Gathering Systems on the Fort Berthold Reservation as shown on the attached map. Construction by Arrow Pipeline, LLC is expected to begin in 2011.

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 July 23, 2011, 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

