



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

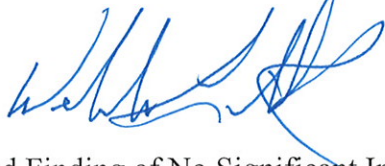


IN REPLY REFER TO:
DESCRM
MC-208

AUG 01 2011

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 for the east lateral pipeline connecting to the Saddle Butte Pipeline on the Fort Berthold Indian Reservation.

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

**Finding of No Significant Impact
Enerplus Resources (USA)**

**Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline**

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

The U.S. Bureau of Indian Affairs (BIA) has received a proposed Addendum to Environmental Assessment to Authorize Land Use for the East Lateral Pipeline Connecting to the Saddle Butte Pipeline. Enerplus proposes to construct and install oil, gas, and water gathering pipelines on trust land that would join the Levings Estate 1-08H/ Mars 149-93-08D-2H TF, Agave 149-93-06C-4H TF/ Birdbear 6D-1H, Soward 1-06H/ Pluto 149-93-05C-2H TF, Sitka 149-93-06A-3H TF/ Yellowbird 6A-1H, Tekakwitha 9-24H, Fox Ridge 10-2H/ Morrison 149-93-10AH/ Red Rocks 149-93-10AH, Horsecamp 03-16H/ Horsecamp 102-16H, and Horsecamp 2-11H/ Horsecamp 101-11H well pads to the existing Saddle Butte Pipeline. Associated federal actions by BIA include determinations of effect regarding cultural resources, approvals of leases, rights-of-way and easements, and a positive recommendation to the Bureau of Land Management regarding the Applications for Permit to Drill.

The potential of the proposed actions 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 EA, I have determined that the proposed projects 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, public safety, water resources, and cultural resources. The remaining 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 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


Date

**ENVIRONMENTAL ASSESSMENT
Addendum**

United States Bureau of Indian Affairs

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



Enerplus Resources (USA)

**Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline**

Fort Berthold Indian Reservation

August 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

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A Pipeline Layout and Pipeline Right-of-Way for the East lateral Gathering Pipeline System

1. Purpose and Need for the Proposed Action

Enerplus Resources (USA) (Enerplus) and EOG Resources (EOG) are drilling 16 exploratory oil and gas wells 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 tribal lands and 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 Enerplus for the construction and installation of a gathering pipeline system (oil, gas, and water) and a central delivery point (CDP); none of the pipelines will exceed a diameter of 12 inches. The proposed gathering pipelines would transport oil, gas, and produced water from producing wells to markets or disposal facilities.

2. Authorities

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

3. Legal Land Description for Proposed Action

The East Lateral gathering pipeline system would be located on both fee and trust land originating from the existing Saddle Butte Pipeline at the proposed CDP location, approximately one mile east of Mandaree, North Dakota, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township (T) 149 North (N), Range (R) 93 West (W), 5th Prime Meridian (P.M.), Dunn County, North Dakota. The proposed gathering pipeline system would travel north to approximately four wells, terminating at the approved Sitka 149-93-06A-3H TF/ Yellowbird 6A-1H location gathering pipelines in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T149N, R93W, 5th P.M., Dunn County, North Dakota. A second leg of the gathering pipeline system will travel east to approximately 12 wells through Sections 7, 8, and 9, T149N, R93W. In Section 9, the pipeline spurs 3 directions. One spur would travel south, terminating at the EOG Horsecamp 3-16H in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T149N, R93W; another would travel northwest, terminating at the Soward 1-05H/ Pluto 149-93-05C-2H TF in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T149N, R93W; and a final spur would travel northeast, terminating at the EOG Horsecamp 2-11H in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T149N, R93W (Figure 1).

4. Scope of Work for Proposed Action

Enerplus proposes to construct and install oil, gas, and water gathering pipelines on trust land that would join the Levings Estate 1-08H/ Mars 149-93-08D-2H TF, Agave 149-93-06C-4H TF/ Birdbear 6D-1H, Soward 1-06H/ Pluto 149-93-05C-2H TF, Sitka 149-93-06A-3H TF/

*Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (July 2011)*

Yellowbird 6A-1H, Tekakwitha 9-24H, Fox Ridge 10-2H/ Morrison 149-93-10AH/ Red Rocks 149-93-10AH, Horsecamp 03-16H/ Horsecamp 102-16H, and Horsecamp 2-11H/ Horsecamp 101-11H well pads to the existing Saddle Butte Pipeline.

Approximately 9.2 miles of oil, gas, and water line would be needed to connect the wells to the existing Saddle Butte Pipeline. With a 100-foot temporary construction ROW, plus two temporary work areas approximately 150 feet wide, approximately 112.4 acres would be disturbed as a result of activities associated with the construction of the proposed gathering pipeline. Pipeline plats for the East Lateral Pipeline are provided in Appendix A.

The oil, gas, and water pipelines would be co-located 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 12 inches in diameter and would be constructed of steel. The water pipelines would also be no greater than 12 inches in diameter and would be constructed of Fiberspar[®] or similar material. The proposed CDP site is approximately 418 feet by 418 feet (4 acres of long-term disturbance) and would be used as a collection point for the natural gas.

5. Surveys

SWCA Environmental Consultants (SWCA) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands for the gathering pipelines on June 9, 2011. BIA Environmental Specialist Jeff Desjarlais approved the locations and the proposed alignment of the gathering pipelines. No threatened and endangered species, migratory birds or nests, or bald/golden eagles were observed during any of the natural resource surveys. No wetland areas are anticipated to be impacted by the construction of the proposed gathering pipelines.

A cultural resource inventory of this pipeline route was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 332.8 acres were inventoried between June 9 and 21, 2011 (Hutchinson *et al.* 2011). Eight archaeological sites were located and two sites were revisited that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of no historic properties affected for this undertaking, as the pipeline will be rerouted to avoid the archaeological sites. This determination was communicated to the THPO on July 25, 2011 and the THPO concurred on July 29, 2011.

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 or recommending fencing and monitoring during construction of any eligible or register listed 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) (October 2010).

7. Applicable National Environmental Policy Act Document(s)

Addendum to Saddle Butte Pipeline, LLC August 2010 Environmental Assessment for Approval of Saddle Butte Trunk Lines (October 2010).

Environmental Assessment: Simray, Three Bakken Formation Exploratory Wells at Three Locations: Soward 1-05H, Levings Estate 1-08H, and JM Hall 1-19H (October 2010).

Environmental Assessment: EOG Resources, Inc., Ten Exploratory Wells from Four Well Pads: Horse Camp #02-11H, Horse Camp #03-16H, Bear Den #03-30H, and Clark's Creek #2-17H (November 2010).

Environmental Assessment: Enerplus Resources (USA) Corporation, Two Bakken Exploratory Oil Wells: Birdbear 6C-1H and Yellowbird 6A-1H (September 2010).

Environmental Assessment: Peak North Dakota, LLC, Environmental Assessment for Drilling of Baker, Brugh-Bear, Danks, Eagle's Nest, and Fox Ridge Exploratory Oil and Gas Wells (January 2010).

8. Other Relevant Documentation

Environmental Assessment: Saddle Butte Pipeline, LLC, Saddle Butte Trunk Lines (September 2010).

9. NEPA Adequacy Criteria

This document has identified two previously prepared NEPA documents, *Addendum to Saddle Butte Pipeline, LLC August 2010 Environmental Assessment for Approval of Saddle Butte Trunk Lines* (October 2010), which adequately describe the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria.

*Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (July 2011)*

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 consider and analyze 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.

*Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (July 2011)*

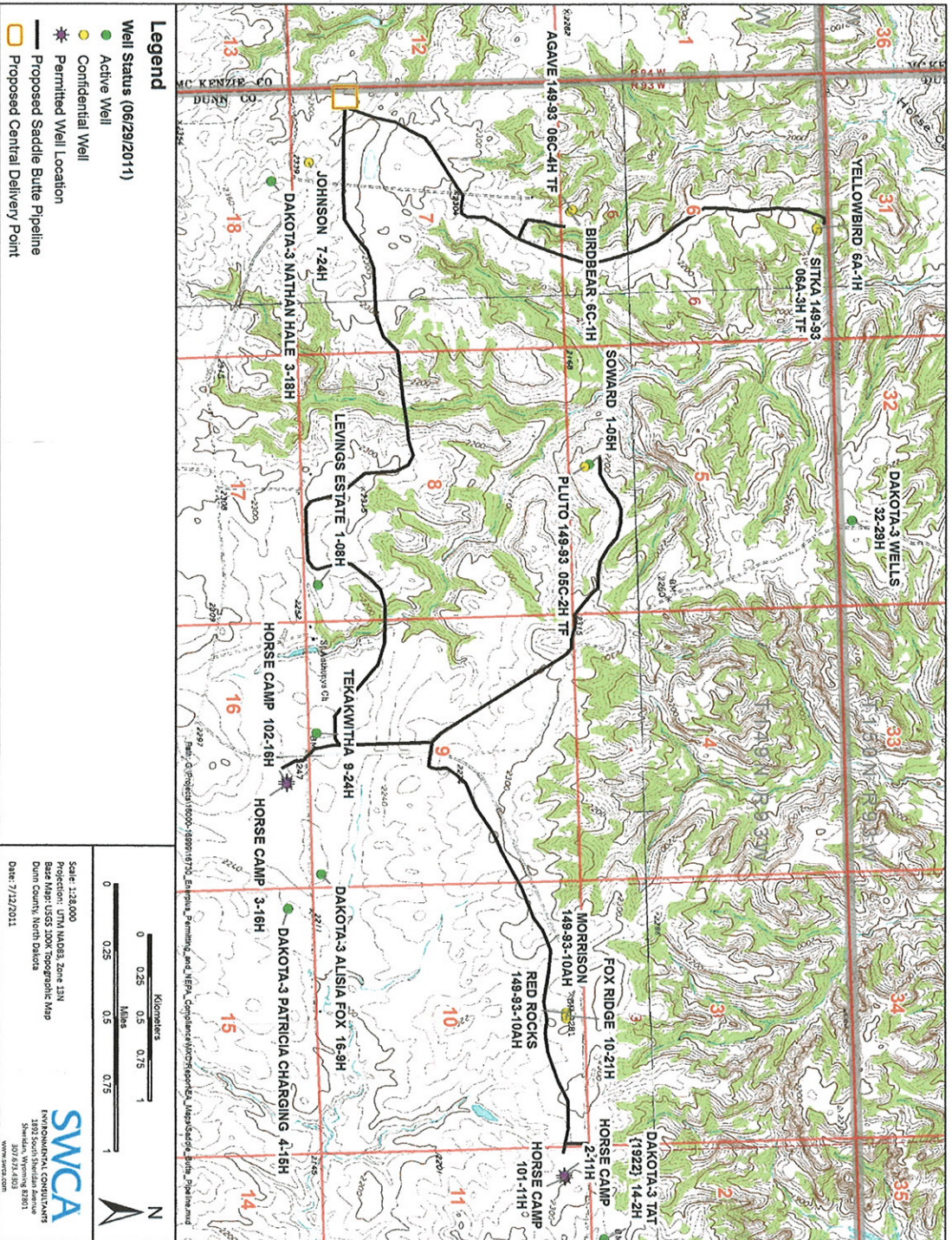


Figure 1. Proposed East Lateral Gathering Line System.

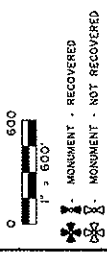
APPENDIX A

**Pipeline Layout and Pipeline Right-of-Way
for East Lateral Gathering Pipeline System**

**Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (July 2011)**

PIPELINE LOCATION PLAT
ENERPLUS RESOURCES (USA) CORPORATION
 950 17th STREET, SUITE 2200 US BANK TOWER, DENVER, CO 80202
PROPOSED PIPELINE
 SECTION 8, T149N, R93W, 5TH P.M.,
 DUNN COUNTY, NORTH DAKOTA

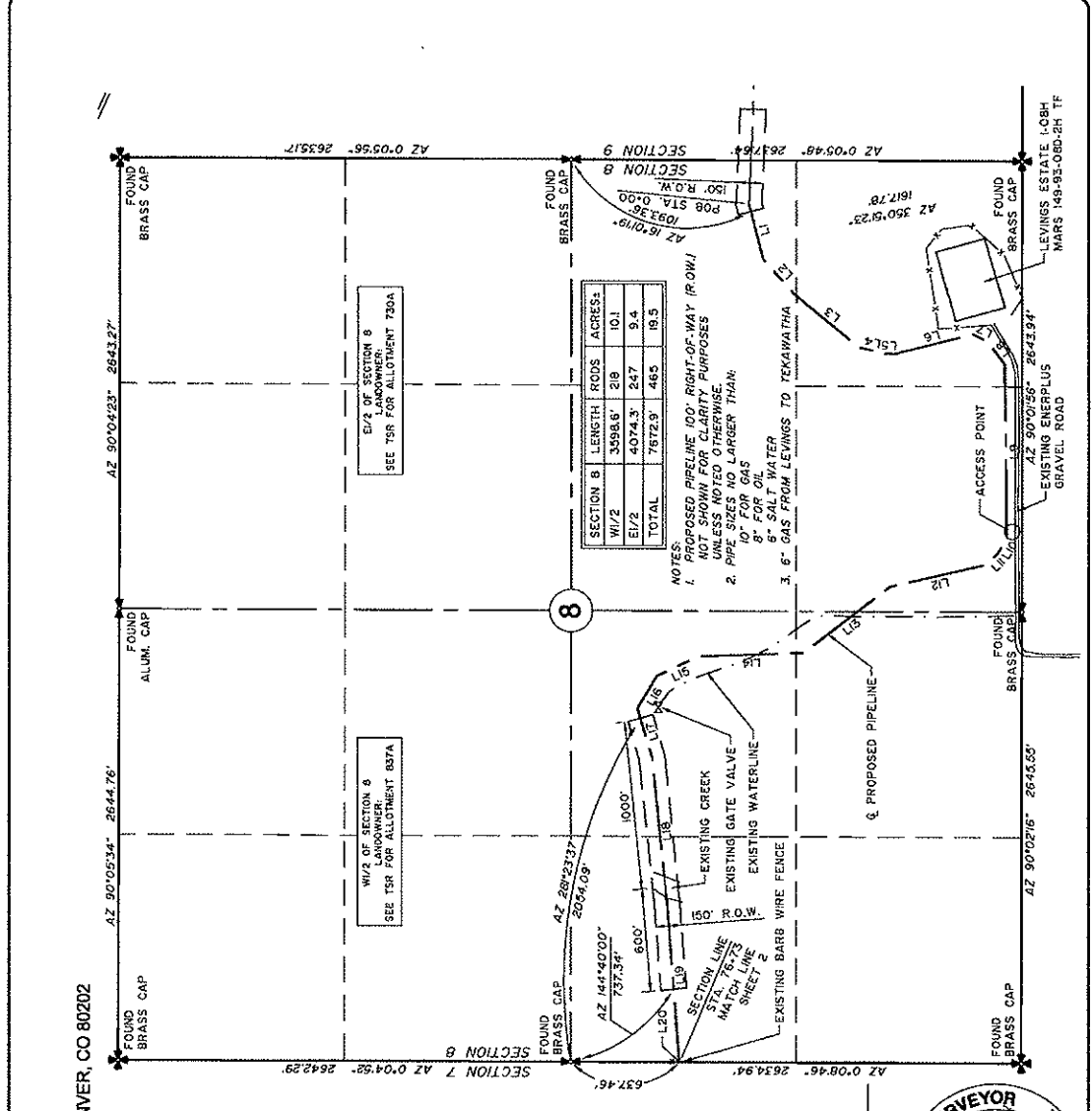
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L1	AZ 255°24'04"	330.60'
L2	AZ 228°24'18"	276.45'
L3	AZ 201°30'03"	483.75'
L4	AZ 194°00'43"	140.73'
L5	AZ 184°35'59"	71.32'
L6	AZ 169°55'41"	476.34'
L7	AZ 206°35'07"	96.29'
L8	AZ 232°48'39"	184.84'
L9	AZ 269°28'01"	1022.38'
L10	AZ 299°34'07"	92.86'
L11	AZ 346°52'42"	376.49'
L12	AZ 322°23'31"	635.99'
L13	AZ 308°03'10"	618.35'
L14	AZ 334°30'14"	269.00'
L15	AZ 300°10'09"	219.33'
L16	AZ 253°49'19"	305.80'
L17	AZ 264°03'24"	862.47'
L18	AZ 254°33'34"	920.73'
L20	AZ 226°44'27"	4.25'



INTERSTATE ENGINEERING INC. 2011
 STAKED ON 6/27/11
 VERTICAL CONTROL DATUM WAS BASED UPON
 CONTROL POINT 6 WITH AN ELEVATION OF 2444.5'
 PROFESSIONAL LAND SURVEYOR'S AFFIDAVIT AND CERTIFICATE:
 I, ANTHONY S. FISHER, A REGISTERED LAND SURVEYOR, NO. 6724, DO
 HEREBY CERTIFY THAT THE SURVEY PLAT SHOWN HEREON WAS
 MADE BY ME, OR UNDER MY DIRECTION, FROM NOTES
 MADE IN THE FIELD AND THE SAME IS TRUE OR
 REPRODUCED FROM A TRUE AND CORRECT MEASURE AND
 BELIEVE THIS SURVEY AND PLAT IS BEING
 PROVIDED AT THE REQUEST OF DAVID RAMSDEN,
 WOOD OF ENERPLUS RESOURCES CORPORATION.

Anthony S. Fisher
 ANTHONY S. FISHER, RLS 6724
 INTERSTATE ENGINEERING INC.
 P.O. BOX 268
 30 2ND AVE. SW
 BELFELD, NORTH DAKOTA 58622

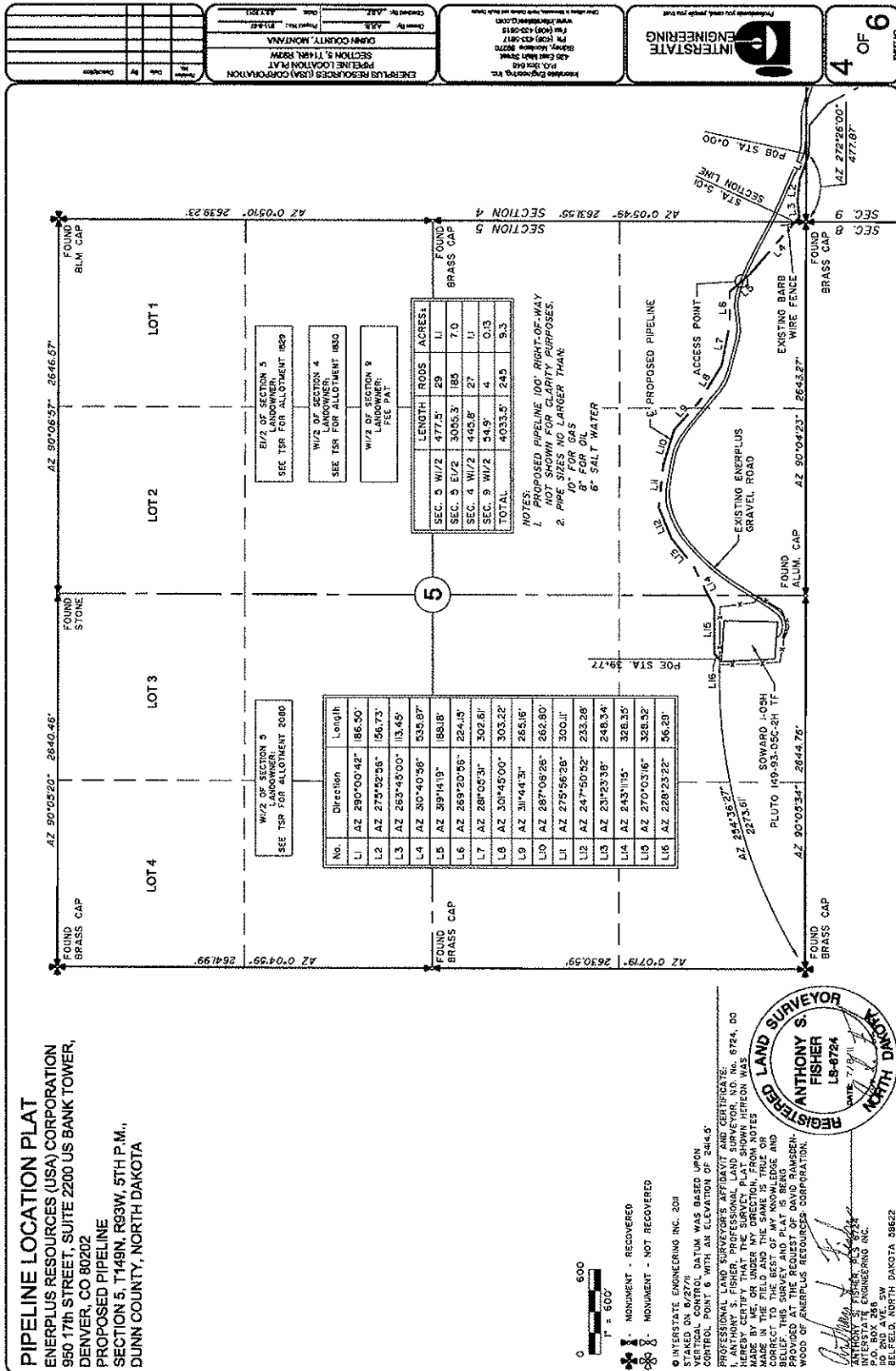
INTERSTATE ENGINEERING INC. P.O. Box 268 30 2nd Ave SW Belfeld, ND 58622 Phone: (701) 433-5615 Fax: (701) 433-9177 Email: info@interstate-engineering.com	Checked By: JAZ Date: MAY 2011
	Drawn By: JAZ Project No.: 111327
ENERPLUS RESOURCES (USA) CORPORATION SECTION 8, T149N, R93W PIPELINE LOCATION PLAT DUNN COUNTY, MONTANA	



**Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (July 2011)**

PIPELINE LOCATION PLAT

ENERPLUS RESOURCES (USA) CORPORATION
950 17th STREET, SUITE 2200 US BANK TOWER,
DENVER, CO 80202
PROPOSED PIPELINE
SECTION 5, T149N, R93W, 5TH P.M.,
DUNN COUNTY, NORTH DAKOTA



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MONUMENT - NOT RECOVERED

INTERSTATE ENGINEERING INC. 204
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CELESTIAL CONTROL POINT WITH ELEVATION OF 2646.5'
PROPOSED PIPELINE LOCATION PLAT
I, ANTHONY S. FISHER, PROFESSIONAL LAND SURVEYOR, N.D. No. 8724, DO
HEREBY CERTIFY THAT THE SURVEY PLAT SHOWN HEREON WAS
MADE BY ME, OR UNDER MY DIRECTION, FROM NOTES
CORRECT TO THE BEST OF MY KNOWLEDGE AND
BELIEF. THIS SURVEY AND PLAT IS BEING
PROVIDED AT THE REQUEST OF DAVID RAMSDEN,
WOOD OF ENERPLUS RESOURCES CORPORATION.
Anthony S. Fisher
REGISTERED LAND SURVEYOR
ANTHONY S. FISHER
LS-8724
DATE: 7/19/11
INTERSTATE ENGINEERING INC.
500 4th Ave SW
BELLEVUE, NORTH DAKOTA 58622



<p>ENERPLUS RESOURCES (USA) CORPORATION PIPELINE LOCATION PLAT SECTION 5, T149N, R93W, DUNN COUNTY, MONTANA</p> <p>Checked By: A.S.F. Date: 7/19/11</p>	<p>INTERSTATE ENGINEERING INC. 426 East Main Street PO Box 426 Bellevue, ND 58622 Ph: (701) 433-0812 Fax: (701) 433-0813</p> <p>Professional Engineer License No. 1501</p>	<p>4 OF 6 SECTION 6</p>
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Addendum to Environmental Assessment to Authorize Land Use for the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (July 2011)

PIPELINE LOCATION PLAT

ENERPLUS RESOURCES (USA) CORPORATION
950 17th STREET, SUITE 2200 US BANK TOWER, DENVER, CO 80202
PROPOSED PIPELINE
SECTION 7, T148N, R93W, 5TH P.M.,
DUNN COUNTY, NORTH DAKOTA

No.	Direction	Length	No.	Direction	Length
L28	AZ 226°44'27"	388.69	L41	AZ 244°59'27"	665.72
L22	AZ 235°19'27"	431.43	L42	AZ 20°08'59"	384.06
L23	AZ 269°16'55"	941.47	L38	AZ 295°10'23"	382.89
L24	AZ 251°50'08"	388.85	L39	AZ 328°02'46"	33.49
L25	AZ 232°13'22"	418.75	L60	AZ 8°47'04"	320.62
L26	AZ 259°43'42"	350.03	L61	AZ 20°42'00"	200.69
L27	AZ 268°16'54"	489.39	L62	AZ 10°03'01"	230.75
L28	AZ 272°55'05"	1728.13			
L29	AZ 307°49'02"	36.23			
L30	AZ 21°30'21"	611.40			
L31	AZ 15°41'25"	402.73			
L32	AZ 32°05'30"	388.10			
L33	AZ 28°46'48"	302.44			
L34	AZ 59°1'41"	1363.01			
L35	AZ 302°10'39"	201.48			
L36	AZ 79°19'14"	102.92			
L37	AZ 35°23'13"	109.83			
L38	AZ 4°34'05"	364.40			
L39	AZ 30°40'33"	324.47			
L40	AZ 40°31'11"	306.14			

0 600
1" = 600'

MONUMENT - RECOVERED
MONUMENT - NOT RECOVERED

INTERSTATE ENGINEERING INC. 201

STAKED ON 6/27/11
VERTICAL CONTROL DATUM WAS BASED UPON
CONTROL POINT 6 WITH AN ELEVATION OF 2484.9

PROFESSIONAL LAND SURVEYOR'S AFFIDAVIT AND CERTIFICATE:
I, ANTHONY S. FISHER, PROFESSIONAL LAND SURVEYOR, NO. 8724, DO
HEREBY CERTIFY THAT THE SURVEY HEREON WAS
MADE IN THE FIELD AND UNDER MY DIRECTION, FROM NOTES
CORRECT TO THE BEST OF MY KNOWLEDGE AND
BELIEF, THAT THE REQUIREMENTS OF NORTH DAKOTA
WOOD OF ENERPLUS RESOURCES CORPORATION.



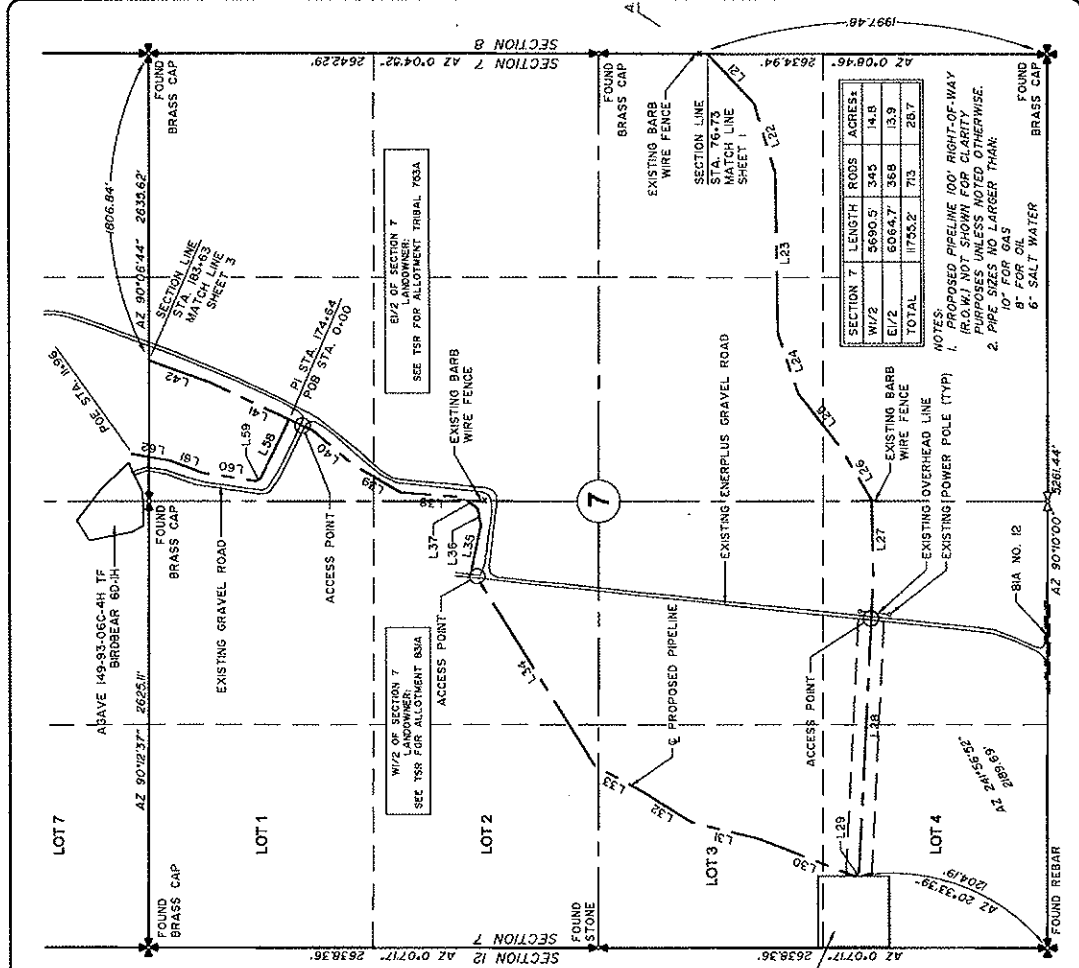
ANTHONY S. FISHER, P.L.S. 8724
INTERSTATE ENGINEERING INC.
50 2ND AVE. SW
BELFELD, NORTH DAKOTA 58622

ENERPLUS RESOURCES (USA) CORPORATION
PIPELINE LOCATION PLAT
SECTION 7, T148N, R93W,
DUNN COUNTY, MONTANA

Created by: ASZ
Checked by: ASZ
Date: 07/11/11

Interstate Engineering, Inc.
201
50 2nd Ave SW
Belfeld, ND 58622
Tel: (701) 433-0518
Fax: (701) 433-0518
www.interstateeng.com

Professional Land Surveyor Seal for Anthony S. Fisher, No. 8724, Registered Land Surveyor, North Dakota.



SECTION 7 LENGTH RODS ACRES:			
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EI/2	6064.7	368	13.9
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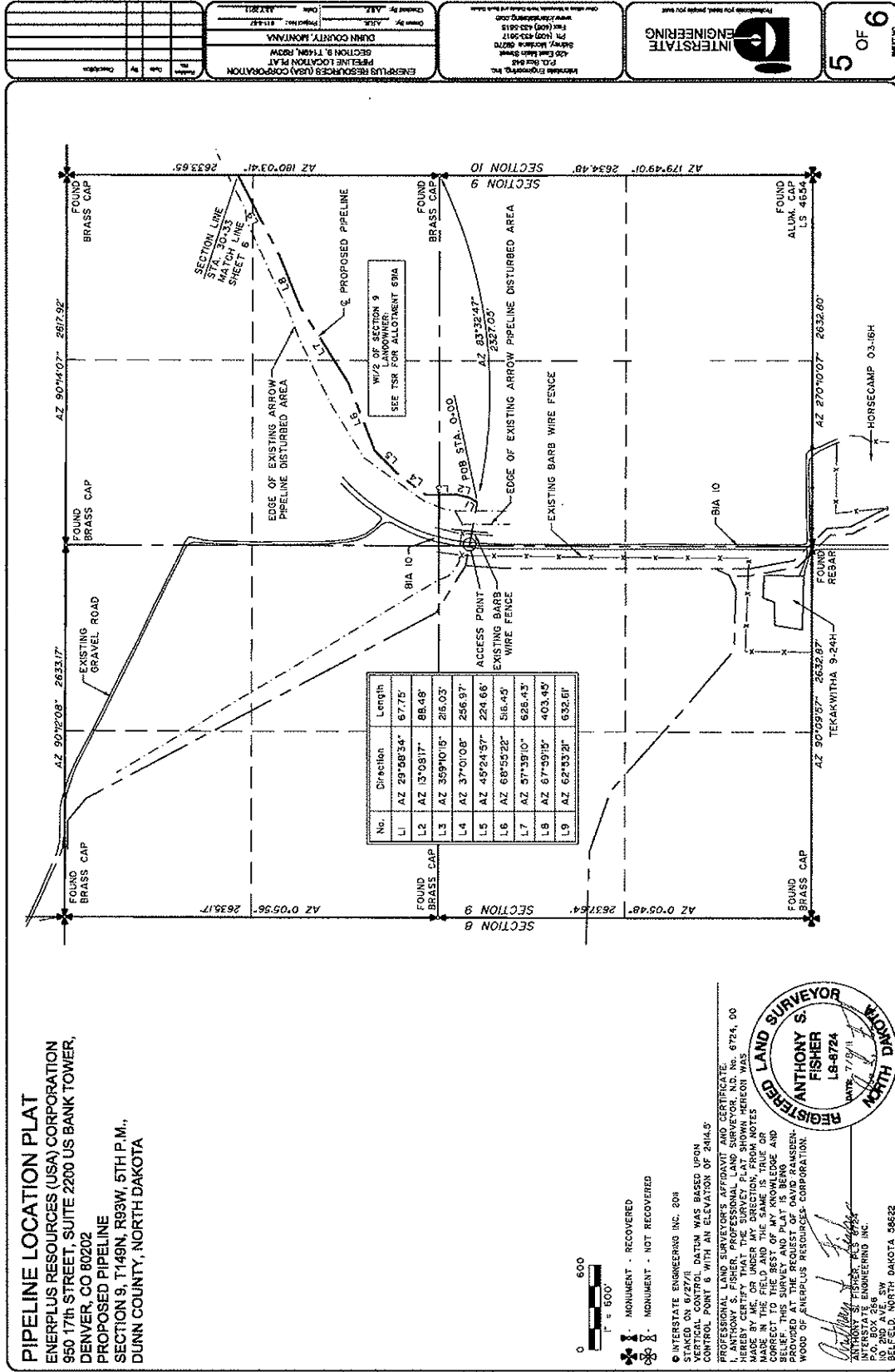
NOTES:
1. PROPOSED PIPELINE 100' RIGHT-OF-WAY (R.O.W.) NOT SHOWN FOR CLARITY PURPOSES UNLESS NOTED OTHERWISE.
2. APPROX. 10' FOR GAS, 10' FOR OIL, 6' SALT WATER

2 OF 6
SHEET

*Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (July 2011)*

PIPELINE LOCATION PLAT

ENERPLUS RESOURCES (USA) CORPORATION
950 17th STREET, SUITE 2200 US BANK TOWER,
DENVER, CO 80202
PROPOSED PIPELINE
SECTION 9, T149N, R93W, 5TH P.M.,
DUNN COUNTY, NORTH DAKOTA



Scale	1" = 500'
North Arrow	True North
Section	9
Block	149
Range	93W
Township	149N
County	Dunn
State	ND

ENERPLUS RESOURCES (USA) CORPORATION
SECTION 9, T149N, R93W
PIPELINE LOCATION PLAT
DUNN COUNTY, MONTANA
Order By: A/E
Date: 11/27/11

INTERSTATE ENGINEERING INC.
505 East 5th Street
Billings, Montana 59201
Phone: (406) 423-5017
Fax: (406) 423-5015
www.interstateeng.com



5 OF 6
PAGE NO.

INTERSTATE ENGINEERING INC. 208
STAKER ON 6/27/11 DATUM WAS BASED UPON
VERTICAL CONTROL WITH AN ELEVATION OF 2414.5'
CORRECTION 1.9'

PROFESSIONAL ENGINEER AND SURVEYOR
ANTHONY S. FISHER
LICENSE NO. 6724, 00
DATE: 7/19/11

REGISTERED LAND SURVEYOR
ANTHONY S. FISHER
LS-8724
DATE: 7/19/11

INTERSTATE ENGINEERING INC.
P.O. BOX 256
BILLINGS, MONTANA 59201
BILLINGS, NORTH DAKOTA 58422

**Addendum to Environmental Assessment to Authorize Land Use for
the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (July 2011)**

PIPELINE LOCATION PLAT

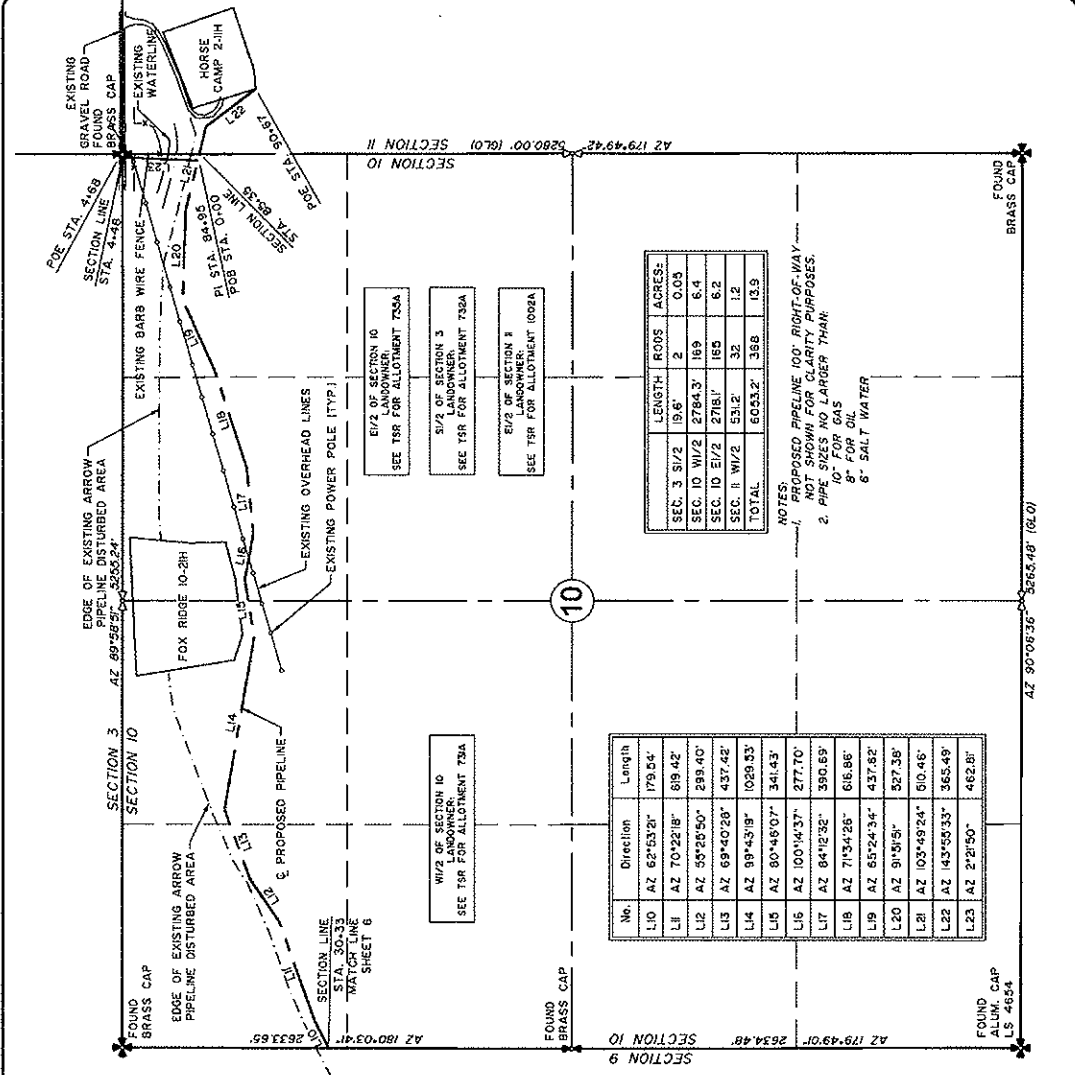
ENERPLUS RESOURCES (USA) CORPORATION
950 17th STREET, SUITE 2200 US BANK TOWER,
DENVER, CO 80202
PROPOSED PIPELINE
SECTIONS 3, 10, & 11, T149N, R93W, 5TH P.M.,
DUNN COUNTY, NORTH DAKOTA



MONUMENT - RECOVERED
MONUMENT - NOT RECOVERED

INTERSTATE ENGINEERING INC. 2011
STAKED ON 6/27/11
VERTICAL CONTROL DATUM WAS BASED UPON
CONTROL POINT 6 WITH AN ELEVATION OF 5144.5'
INTERSTATE ENGINEERING INC. 2011
HEREBY CERTIFY THAT THE SURVEY PLAT SHOWN HEREON WAS
MADE BY ME OR UNDER MY DIRECTION, FROM NOTES
CORRECTED TO THE BEST OF MY KNOWLEDGE AND
BELIEF. THIS SURVEY AND PLAT IS BEING
PROVIDED AT THE REQUEST OF DAVID RAMSDEN,
WOOD OF ENERPLUS RESOURCES CORPORATION
DATE: 7/18/11
ANTHONY S. FISHER
REGISTERED LAND SURVEYOR
NO. 6724, DO
P.O. BOX 286
801 FELD, NORTH DAKOTA 58422

ENERPLUS RESOURCES (USA) CORPORATION PIPELINE LOCATION PLAT SECTIONS 3, 10 & 11, T149N, R93W, DUNN COUNTY, MONTANA Project No.: 11147 Drawn By: ASB Checked By: AAT Date: MAY 2011	INTERSTATE ENGINEERING INC. P.O. Box 688 505 East Main Street Bozeman, Montana 59707 Ph: (406) 453-5917 Fax: (406) 453-5918 www.interstateeng.com	INTERSTATE ENGINEERING Professional seal needed please print name	6 OF 6 SHEET
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SECTION	LENGTH	RODS	ACRES
SEC. 3 S1/2	196'	2	0.03
SEC. 10 W1/2	2784.3'	189	6.4
SEC. 10 E1/2	2718.1'	165	6.2
SEC. 11 W1/2	551.2'	32	1.2
TOTAL	6055.2'	368	13.9

NOTES:
1. PROPOSED PIPELINE 100' RIGHT-OF-WAY
NOT SHOWN FOR CLARITY PURPOSES.
2. PIPE SIZES NO LARGER THAN:
10" FOR GAS
8" FOR OIL
6" SALT WATER

Notice of Availability and Appeal Rights

Enerplus Resources: East Lateral Pipeline Connecting to the Saddle Butte Pipeline

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Environmental Assessment to Authorize Land Use for the East Lateral Pipeline Connecting to the Saddle Butte Pipeline on the Fort Berthold Reservation as shown on the attached map. Construction by Enerplus Resources is expected to begin in 2011.

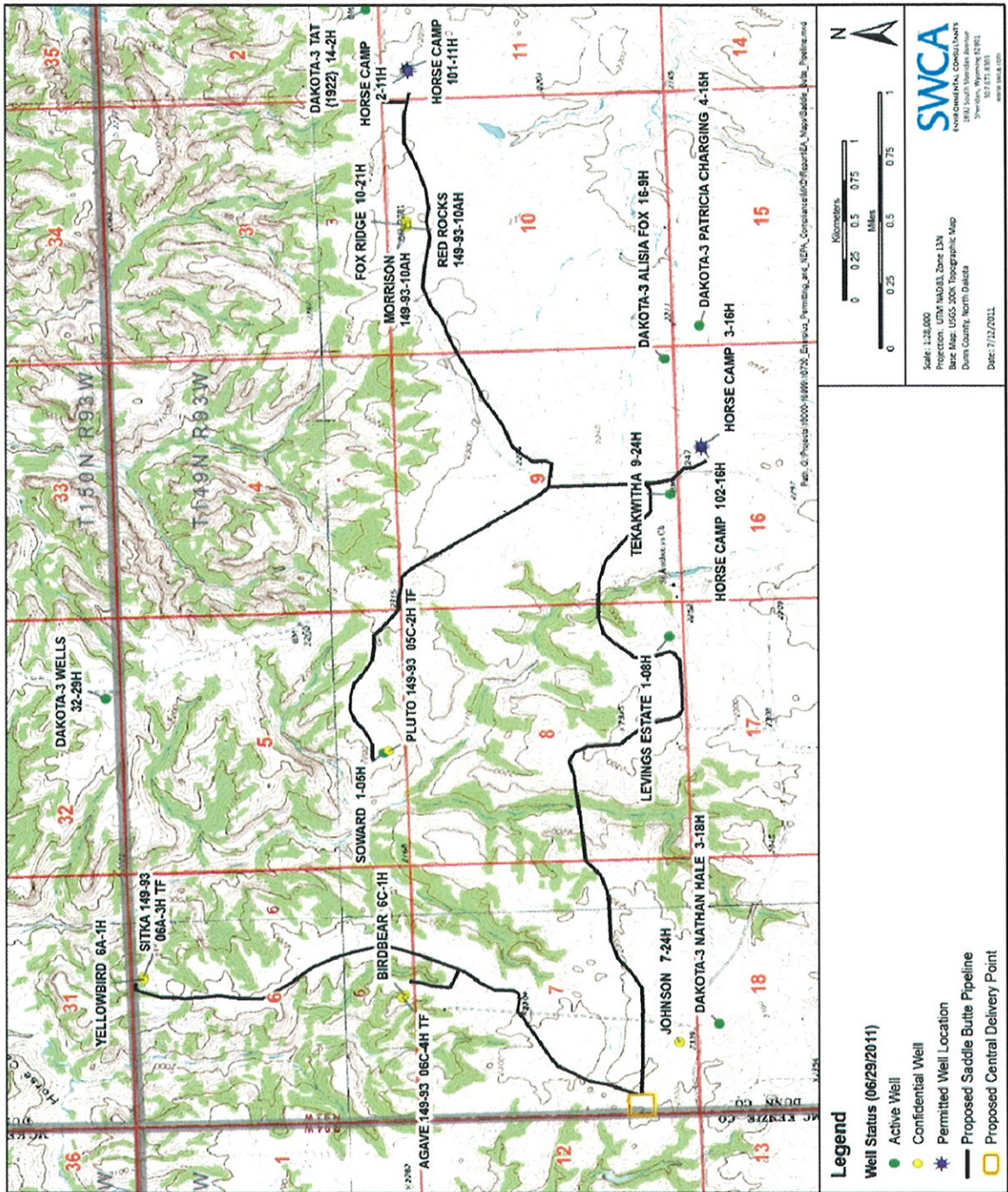
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No Significant 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 August 31, 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.





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



JUL 25 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 gathering pipeline in Dunn and McKenzie Counties, North Dakota. Approximately 332.8 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. Eight new archaeological sites (32DU1625, 32DU1626, 32DU1627, 32DU1628, 32DU1629, 32DU1630, 32DU1631, 32DU1632) were located and two sites (32DU896, 32DU1490) were revisited 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 pipeline will be rerouted to avoid the archaeological sites. Catalogued as **BIA Case Number AAO-1967/FB/11**, the proposed undertaking, location, and project dimensions are described in the following report:

Hutchinson, Alan, Todd Kohler and Judith Cooper
(2011) A Class I and Class III Cultural Resource Inventory of Enerplus Resources East Lateral Pipeline, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota.
SWCA Environmental Consultants for Enerplus Resources, Denver.

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

If you have any questions, please contact Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

Sincerely,

ACTING Regional Director

Enclosure

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



TRIBAL HISTORIC PRESERVATION
Mandan Hidatsa Arikara
Elgin Crows Breast, Director and Tribal Historic
Preservation Officer.
404 Frontage Road,
New Town, North Dakota 58763
Ph/701-862-2474 fax/701-862-2490
redhawk.mhanation.com

July 29, 2011

Dr. Carson N. Murdy
Regional Archeologist
Bureau of Indian Affairs
Great Plains Regional office
Aberdeen, SD, 57401

RE: Class I & III CRI of Enerplus Resources east lateral Pipeline, SWCA Report # 2011-322

Dr. Murdy:

After review of the Cultural resources Inventory submitted by SWCA Environmental Consultants, the Mandan Hidatsa Arikara Nations Tribal Historic Preservation Office concurs with the determination of 'No Adverse Affect'/No Historic Properties Affected' to any pre and post-historic relics, artifacts or sacred and cultural resources in the proposed Project area.

We respectfully request to be notified should any culturally-oriented issues arise as the Project progresses.

Sincerely,

Pete Coffey Jr
Chief compliance Officer
Tribal Historic Preservation Office
Mandan Hidatsa Arikara Nations.