



# 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 03 2011

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: [Redacted] Regional Director, Great Plains Region

SUBJECT: Supplemental to Environmental Assessment

A Categorical Exclusion has been completed in compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed Supplemental Categorical Exclusion is for information tiering off of an existing Environmental Assessment for EOG Resources, Inc., to authorize gathering pipeline system on the previously approved Horse Camp #03-16H/Horse Camp #102-16H multi-well access road rights-of-way. No new surface disturbances will be associated with the proposed action.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Categorical Exclusion.

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, Three Affiliated Tribes (with attachment)  
Elgin Crows Breast, THPO (with attachment)  
Derek Enderud, BLM, Dickinson, ND (with attachment)  
Jeffrey Hunt, Fort Berthold Agency



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## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: Addendum to Environmental Assessment to Authorize a Gathering Pipeline System within the Previously Approved EOG Resources Horse Camp #03-16H/Horse Camp #102-16H Multi-Well pad Access Road ROW.

Date: August 1, 2011

Nature of Proposed Action: Is to authorize Arrow Pipeline, LLC (Arrow) for the construction and installation of a gathering pipeline system (oil, gas and water); none of the pipelines would exceed a diameter of 8-inches. The proposed gathering pipelines would transport oil, gas, and produced water from producing wells to markets or disposal facilities. Buried electrical lines may be installed within the approved ROW. This document is tied to an Addendum to Environmental Assessment to Authorize a gathering Pipeline System within the Previously Approved EOG Resources Horse Camp #03-16H/Horse Camp #102-16H Multi-Well Pad Access Road ROW (August 2011)

Exclusion category and number: 516 DM 10.5 F (1)

Evaluation of Exceptions to use of Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No X Yes \_\_\_\_\_
2. This action would have an adverse effect on unique geographical features, such as wetlands, wild or scenic rivers, refuges, floodplains, rivers placed on nationwide river inventory, or prime or unique farmlands. No X Yes \_\_\_\_\_
3. The action will have highly controversial environmental effects. No X Yes \_\_\_\_\_
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. No X Yes \_\_\_\_\_
5. This action will establish a precedent for future actions. No X Yes \_\_\_\_\_
6. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No X Yes \_\_\_\_\_
7. This action will affect properties listed or eligible for listing in the National Register.

of Historic Places. No X Yes \_\_\_\_\_

8. This action will affect a species listed, or proposed to be listed as endangered or threatened. No X Yes \_\_\_\_\_

9. This action threatens to violate federal, state, local or tribal law or requirements imposed for protection of the environment. No X Yes \_\_\_\_\_

10. This action will have a disproportionately high and adverse effect on low income or minority populations. No X Yes \_\_\_\_\_

11. This action will limit access to, and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites. No X Yes \_\_\_\_\_

12. This action will contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species. No X Yes \_\_\_\_\_

A "yes" to any of the above exceptions will require that an EA be prepared.

NEPA Action --- CE X EA \_\_\_\_\_

Preparer's Name and Title: Jeffrey Davis, Environmental Protection Specialist

Regional Archeologist Concurrence with Item Cameron R. Mendenhall

Concur: Jeffrey Davis Date: 8-2-2011  
Regional Office/Agency Environmental Coordinator

Concur: [Signature] Date: 8/3/11  
Regional Director/Superintendent

ADK

[Signature]

**ENVIRONMENTAL ASSESSMENT  
Addendum**

**United States Bureau of Indian Affairs**

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



**Arrow Pipeline, LLC**

**Addendum to Environmental Assessment to Authorize a Gathering Pipeline System  
within the Previously Approved EOG Resources Horse Camp #03-16H/Horse Camp  
#102-16H Multi-Well Pad Access Road ROW**

**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

*Addendum to Environmental Assessment to Authorize a Gathering Pipeline System within the  
Previously Approved EOG Resources Horse Camp #03-16H/Horse Camp #102-16H Multi-Well Pad  
Access Road ROW (August 2011)*

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## **1. Purpose and Need for the Proposed Action**

EOG Resources, Inc (EOG), is drilling two 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 the 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 a gathering pipeline system (oil, gas, and water); none of the pipelines would exceed a diameter of 8 inches. The proposed gathering pipelines would transport oil, gas, and produced water from producing wells to markets or disposal facilities. Buried electrical lines may be installed within the approved ROW in association with this project or to provide service to this project.

## **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.).

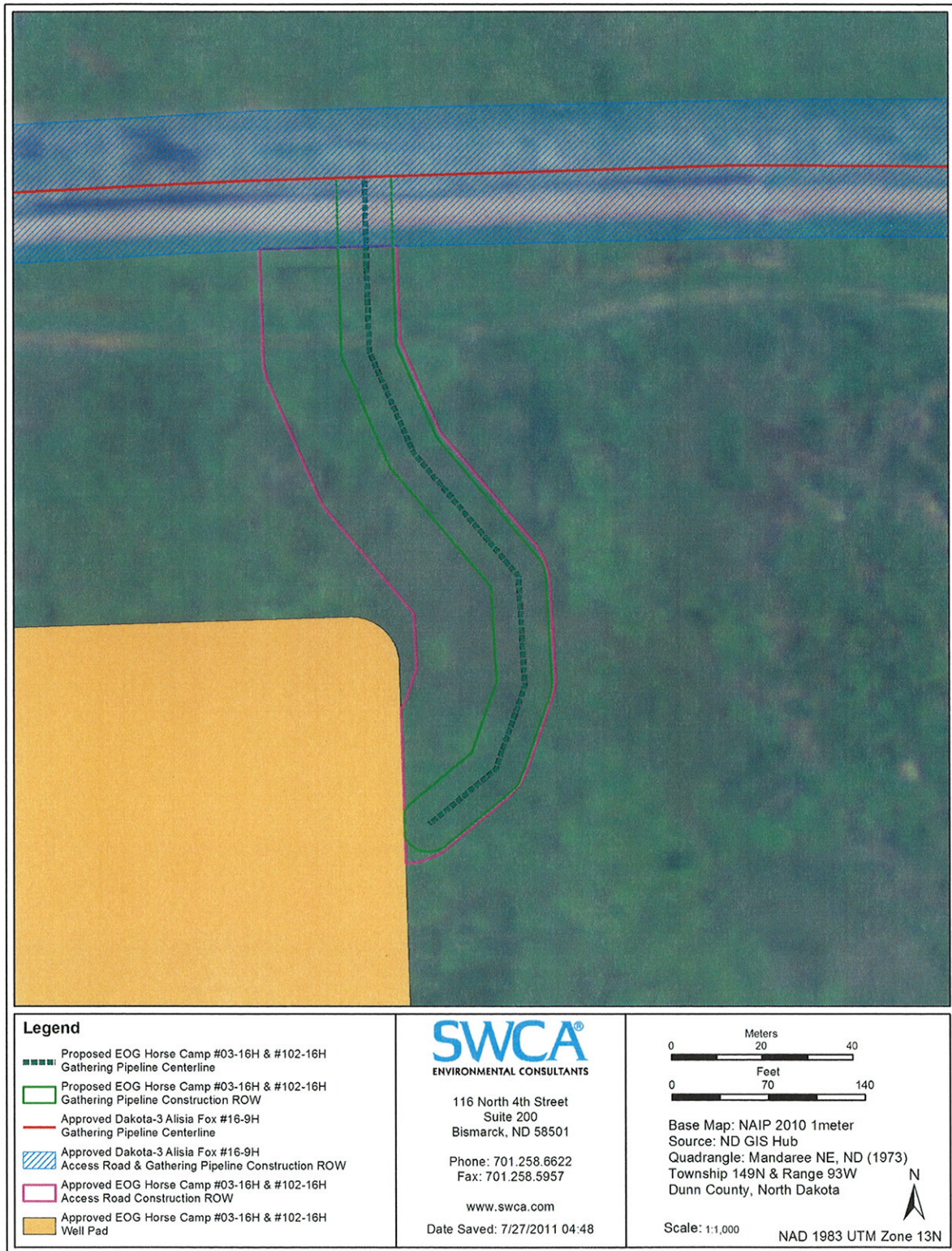
## **3. Legal Land Description for Proposed Action**

The Horse Camp #03-16H/Horse Camp #102-16H gathering line would be located on trust land originating from the east side of the well pad, in the NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of Section 16, Township (T) 149 North (N), Range (R) 93 West (W), 5<sup>th</sup> Prime Meridian (P.M.), Dunn County, North Dakota. The proposed pipeline would terminate at the Dakota-3 Alisia Fox #16-9H gathering pipeline in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, T149N, R93W, 5<sup>th</sup> P.M., Dunn County, North Dakota, approximately 5 miles east of Mandaree, North Dakota (**Error! Reference source not found.**Figure 1).

## **4. Scope of Work for Proposed Action**

Arrow proposes to construct and install oil, gas, and water gathering pipelines on trust land originating from the east side of the EOG Horse Camp #03-16H/Horse Camp #102-16H multi-well pad and joining the existing Dakota-3 Alisia Fox #16-9H gathering pipelines. 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 not exceed 8 inches in diameter and would be constructed of steel. Water pipelines would not exceed 8 inches in diameter and would be constructed of Fiberspar or similar material.

*Addendum to Environmental Assessment to Authorize a Gathering Pipeline System within the Previously Approved EOG Resources Horse Camp #03-16H/Horse Camp #102-16H Multi-Well Pad Access Road ROW (August 2011)*



**Figure 1. Map of the proposed Horse Camp #03-16H/Horse Camp #102-16H Gathering Pipeline System.**

Approximately 527 feet of oil, gas, and water line would be needed to connect the EOG Horse Camp #03-16H/Horse Camp #102-16H multi-well pad to the Dakota-3 Alisia Fox #16-9H gathering pipelines (Appendix A). All construction disturbance would occur within a 40-foot-wide construction (temporary) ROW, contained entirely within the previously approved 100-foot-wide Horse Camp #03-16H/Horse Camp #102-16H multi-well pad access road ROW (access road, underground oil, gas, and water pipelines, fiber optic lines, and utility lines) and the previously approved Dakota-3 Alisia Fox #16-9H access road and gathering pipelines ROW. The proposed ROW has been surveyed for impacts to natural and cultural resources with no significant findings. In total, approximately 0.48 acre would be disturbed as a result of activities associated with the construction of the proposed gathering pipelines. Pipeline plats are provided in Appendix A.

## **5. Cultural Resources**

Approximately 10.49 acres were inventoried on June 24, 2010, for the Horse Camp #03-16H/Horse Camp #102-16H multi-well pad and access road (Higgins and Eisenhauer 2010<sup>1</sup>). No historic properties were identified that appear to possess the quality of integrity and meet at least one of the criteria (36 Code of Federal Regulations 60.6) for inclusion in the National Register of Historic Places (NRHP). On the basis of the information provided, the BIA reached a determination of **no historic properties affected** for this undertaking. This determination was communicated to the Tribal Historic Preservation Officer (THPO) on September 29, 2010, and the THPO concurred on October 4, 2010.

Approximately 15.88 acres were inventoried on June 14, 2008, for the Alisia Fox #16-9H well pad and access road (Ferris 2008<sup>2</sup>). No historic properties were identified that appear to possess the quality of integrity and meet at least one of the criteria (36 Code of Federal Regulations 60.6) for inclusion in the NRHP. On the basis of the information provided, the BIA reached a determination of **no historic properties affected** for this undertaking. This determination was communicated to the Tribal Historic Preservation Officer (THPO) on September 19, 2008, and the THPO concurred on October 6, 2008.

## **6. Applicable National Environmental Policy Act (NEPA) Document(s)**

*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).*

*Addendum: Zenergy Operating Company, LLC, Environmental Assessment to Authorize Land use for Gathering Pipelines Connecting Dakota-3 Nathan Hale #3-18H, Dakota-3 Alisia Fox #16-9H, and Dakota-3 Cross #2-13H Well Pads to the Arrow Trunk Pipelines (October 2009).*

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<sup>1</sup> Higgins, C. and N. Eisenhauer. 2010. A Class I and Class III Cultural Resource Inventory of the Horse Camp 3 16H Well Pad and Access Road Alternate Location, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for EOG Resources, Inc., Denver, CO.

<sup>2</sup> Ferris, K. 2008. CR Inventory of the Zenergy Incorporated Alicia Fox 16-9H Well Pad on the Fort Berthold Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for Zenergy, Inc. Tulsa, OK



## **7. Other Relevant Documentation**

*Environmental Assessment: Arrow Midstream Holdings, LLC, Oil and Gas Gathering System – East Mandaree (February 2010).*

## **8. NEPA Adequacy Criteria**

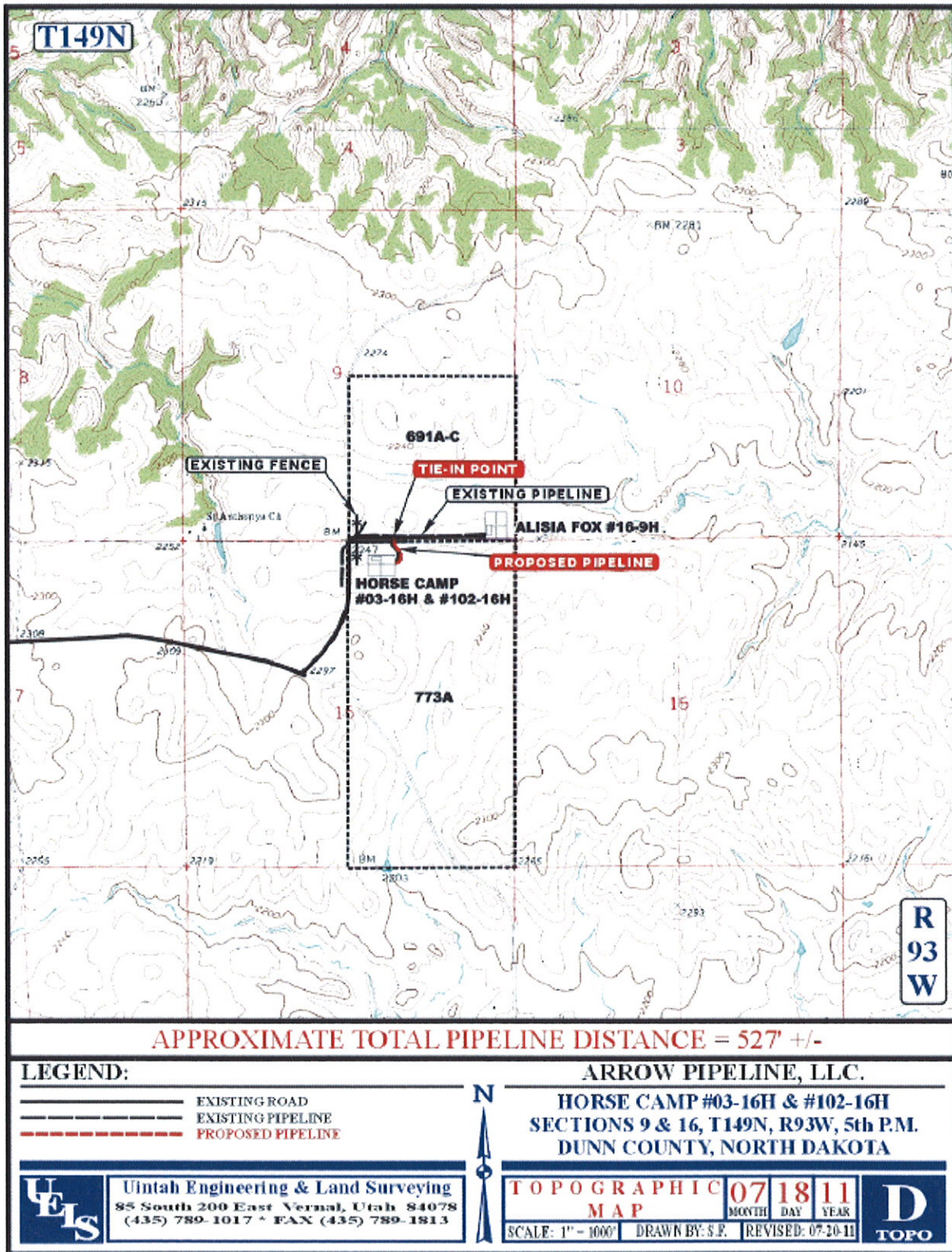
This document has identified the above-mentioned previously prepared NEPA document, which adequately describes the environmental consequences of the newly proposed action described herein and meets the following NEPA Adequacy Criteria.

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.

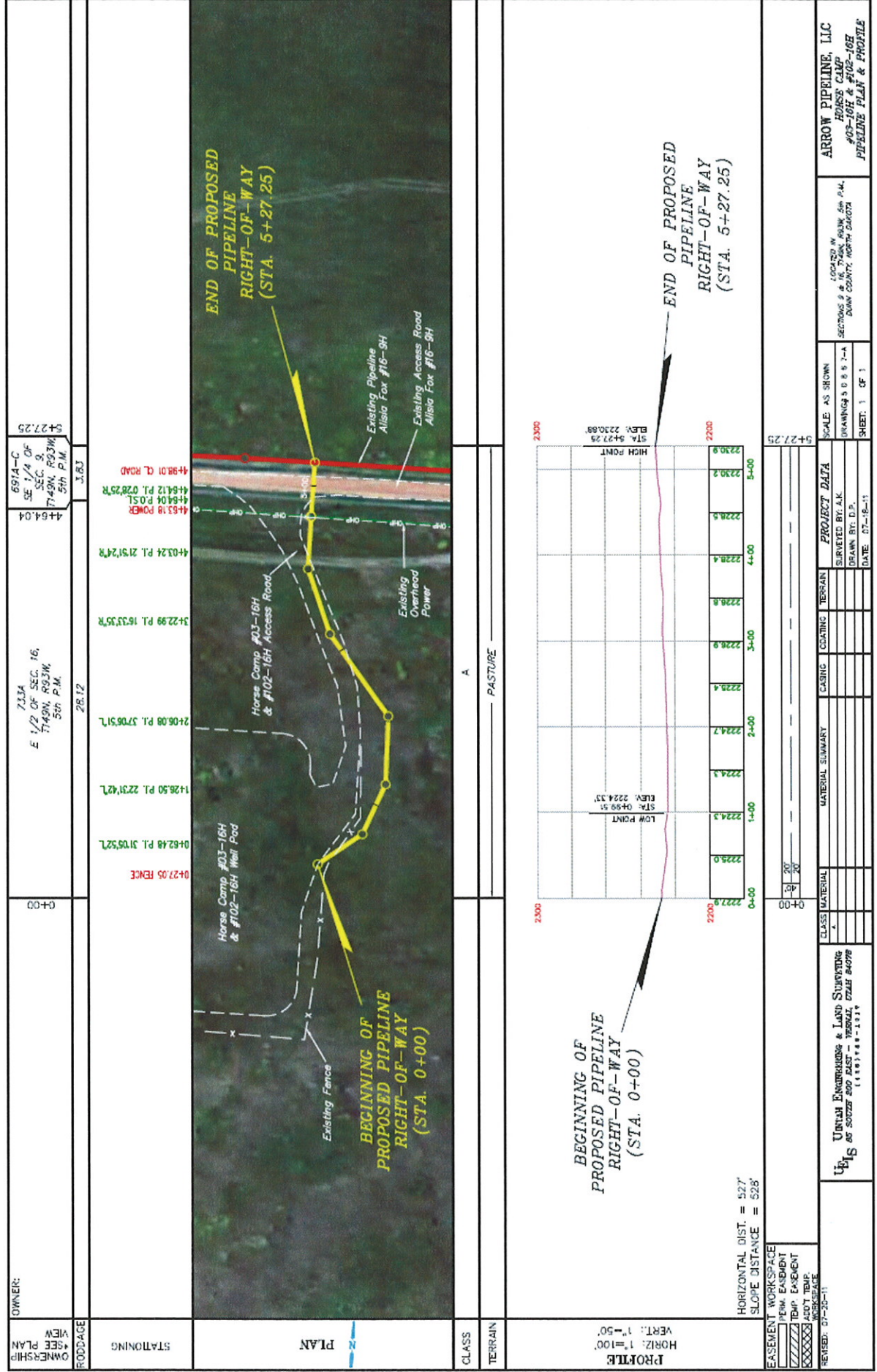
**APPENDIX A**

**Plats, Drawings, and Diagrams for the Proposed Horse Camp #03-16H /  
Horse Camp #102-16H Gathering Pipeline System**

*Addendum to Environmental Assessment to Authorize a Gathering Pipeline System within the Previously Approved EOG Resources Horse Camp #03-16H/Horse Camp #102-16H Multi-Well Pad Access Road ROW (August 2011)*

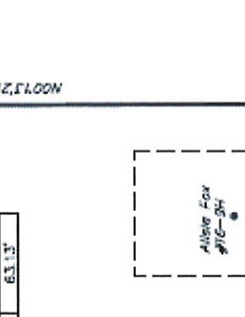


**Addendum to Environmental Assessment to Authorize a Gathering Pipeline System within the Previously Approved EOG Resources Horse Camp #03-16H/Horse Camp #102-16H Multi-Well Pad Access Road ROW (August 2011)**



Arrow Pipeline, LLC  
 PIPELINE RIGHT-OF-WAY  
 ON TRIBAL LANDS  
 (For HORSE CAMP #03-16H & #102-16H)  
 LOCATED IN  
 SECTIONS 9 & 16, T149N, R93W, 5th P.M.,  
 DUNN COUNTY, NORTH DAKOTA

ARROW PIPELINE, LLC  
 PIPELINE RIGHT-OF-WAY  
 ON TRIBAL LANDS  
 (For HORSE CAMP #03-16H & #102-16H)  
 LOCATED IN  
 SECTIONS 9 & 16, T149N, R93W, 5th P.M.,  
 DUNN COUNTY, NORTH DAKOTA



PROPERTY OWNER	FEET	ACRES	RODS
733A	454.04	0.426	28.12
691A-C	63.13	0.058	3.83
TOTAL	517.17	0.484	31.95

CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT CORRECTLY REPRESENTS WORK DONE BY ME OR UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING AND MAPPING ACT OF NORTH DAKOTA AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

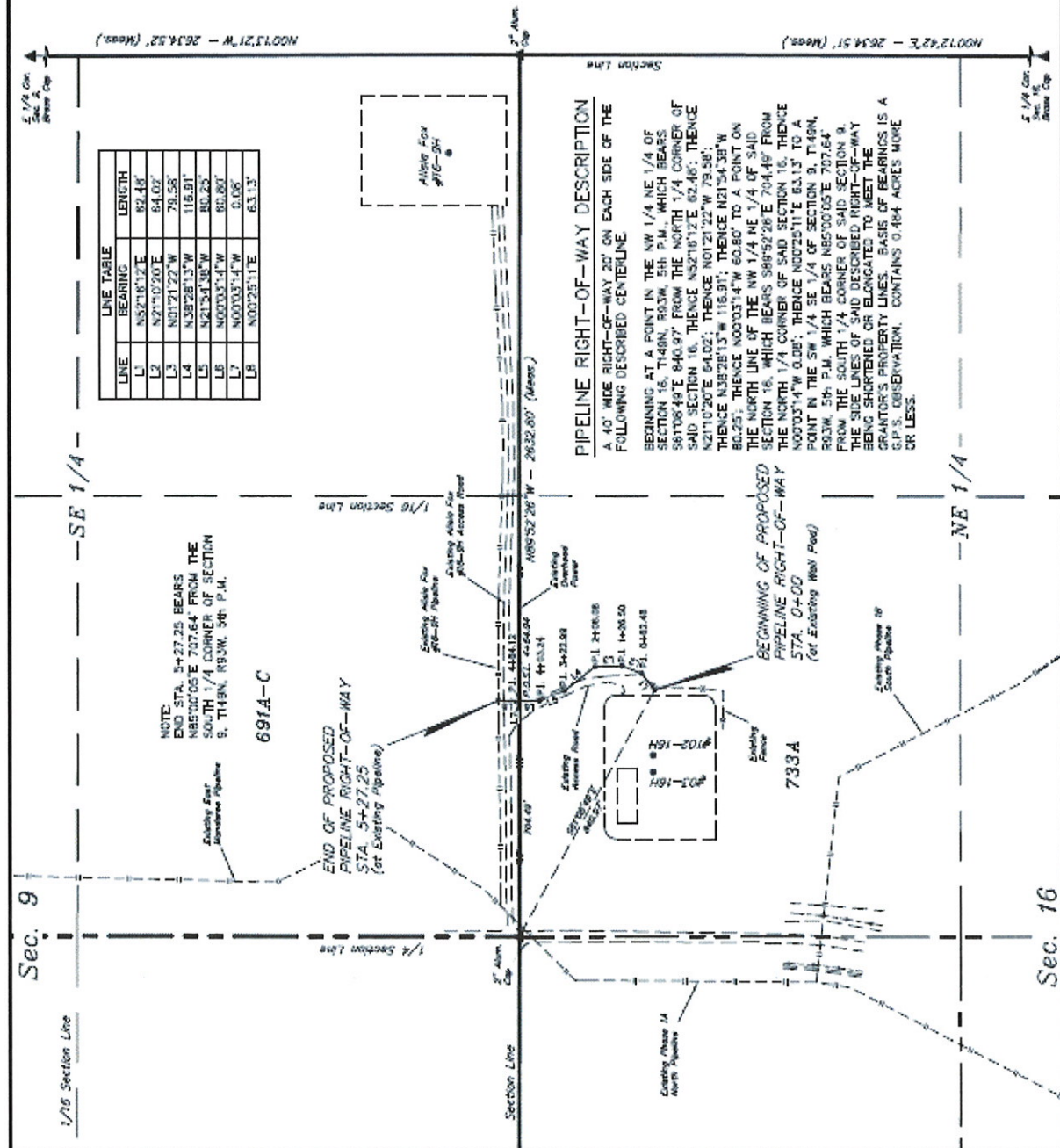
*Tom Jensen*

REGISTERED  
 SURVEYOR  
 STATE OF NORTH DAKOTA  
 07-300

REVISIONS: 07-20-11

URTHAE ENGINEERING & LAND SURVEYING  
 85 SOUTH - 200 EAST • (701) 789-1077  
 TERRAL, DAK - 84078

SCALE: 1" = 300'  
 DATE: 07-18-11  
 PART: FORECLOSED  
 A.K.A. D.P. G.L.O. PLAT  
 NUMBER: 50867  
 FILE: 50867



LINE	BEARING	LENGTH
L1	N52°18'32"E	82.48'
L2	N7°40'20"E	64.05'
L3	N01°21'22"W	79.58'
L4	N39°28'13"W	116.91'
L5	N21°24'38"W	80.25'
L6	N00°33'14"W	80.80'
L7	N00°33'14"W	81.06'
L8	N00°25'11"E	63.13'

PIPELINE RIGHT-OF-WAY DESCRIPTION

A 40' WIDE RIGHT-OF-WAY 20' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE

BEGINNING AT A POINT IN THE NW 1/4 NE 1/4 OF SECTION 16, T149N, R93W, 5th P.M., WHICH BEARS S81°08'49"E 840.97' FROM THE NORTH 1/4 CORNER OF SAID SECTION 16, THENCE N32°18'12"E 62.46'; THENCE N21°10'20"E 64.02'; THENCE N01°21'22"W 79.58'; THENCE N39°28'13"W 116.91'; THENCE N21°24'38"W 80.25'; THENCE N00°33'14"W 80.80' TO A POINT ON THE NORTH LINE OF THE NW 1/4 NE 1/4 OF SAID SECTION 16, WHICH BEARS S89°52'26"E 704.49' FROM THE NORTH 1/4 CORNER OF SAID SECTION 16, THENCE N00°33'14"W 0.08'; THENCE N00°25'11"E 63.13' TO A POINT IN THE SW 1/4 SE 1/4 OF SECTION 9, T149N, R93W, 5th P.M., WHICH BEARS N85°00'05"E 737.64' FROM THE SOUTH 1/4 CORNER OF SAID SECTION 9. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 0.484 ACRES MORE OR LESS.