



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue S.E., Suite 400  
Aberdeen, South Dakota 57401




IN REPLY REFER TO:

DESCRM  
MC-208

SEP 07 2011

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: <sup>Acting</sup> 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, an Addendum to an Environmental Assessment (EA) has been completed and a Finding of No Significant Impact (FONSI) has been issued. The Addendum authorizes land use for an access road and larger utility corridor by Dakota 3 E&P Company on the Fort Berthold Indian Reservation. (Addendum is tiered off Mary R. Smith #5-8H and the Hidatsa # 23-26H Environmental Assessment which received a FONSI in January, 2011)

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  
Jeff Hunt, Fort Berthold Agency

**Finding of No Significant Impact**

**Dakota 3 E&P Company, LLC**

**Environmental Assessment Addendum  
Access Road and Utility Corridor for Hidatsa #23-26H  
Fort Berthold Indian Reservation  
Mountrail County, North Dakota**

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an access road and utility corridor of which 476 feet will cross allotted land in T150N, R92W, Section 11, 5<sup>th</sup> P.M. (Mountrail County)


Associated federal actions by BIA include determinations of effect regarding environmental resources and positive recommendations to the Bureau of Land Management regarding the Applications for Permit to Drill.

The potential of the proposed action to impact the human environment is analyzed in the following Environmental Assessment (EA) Addendum, as required by the National Environmental Policy Act. Based on the Addendum, I have determined that the proposed project will not significantly affect the quality of the human or natural environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed action and the No Action alternatives.
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 is 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 project will improve the socio-economic condition of the affected Indian community.

Acting

  
Regional Director

  
Date

# Notification for the Documentation of NEPA Adequacy (DNA)

## Addendum to Environmental Assessment to Authorize Access Road and Wider Utility Corridor for Hidatsa #23-26H

---

**U.S. Bureau of Indian Affairs (BIA) Office:** Great Plains Regional Office, Division of Environment, Safety, and Cultural Resource Management

**Applicant:** Dakota-3 E&P Company, LLC

**Project Name:** Hidatsa #23-26H Access Road and Utility Corridor

**Purpose and Need of Action:** Dakota-3 E&P Company, LLC (Dakota-3 E&P) is proposing to drill a horizontal oil and gas well 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 Mountrail County, North Dakota. The 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 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 Dakota-3 E&P to extend the previously approved access route for the Hidatsa #23-26H by 4,272 feet of which 476 feet crosses tribal allotted surface (Figure 1). In addition it is proposed that the permanent access route ROW of 66 feet approved in the original EA be increased to 130 feet to allow for the construction and operation of oil, natural gas, and water pipelines. Electric utilities will also be installed. All pipelines and electric utilities will be installed underground (Utility Corridor).

**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.).

**Legal Land Descriptions of Proposed Action:** Section 11, Township 150 North, Range 92 West, Mountrail County.

**Scope of Work for Proposed Action:** Dakota-3 E&P proposes to reroute the previously approved access route to the Hidatsa #23-26H. The access route was initially proposed to be constructed from the Hidatsa #2-14H well site; however, this well site will not be constructed prior to the Hidatsa #23-26H. The proposed reroute will increase the length of the access route by 4,620 feet. This will increase the total length from 6,240 feet to 10,512 feet, of which approximately 476 feet crosses tribal allotted surface. The proposed access route follows an established two-track trail. In addition it is being proposed that the permanent access route width of 66 feet be increased to 130 to allow for the construction and operation of an oil, natural gas, and produced water gathering system and electrical service to the Hidatsa #23-26H well site. The increase in the ROW associated with the access road



increases the total disturbance of the original access road from 13.7 acres to 18.6 acres. The total disturbance for the new portion of the access road that falls on tribal allotted surface is 1.42 acres. The total disturbance to tribal allotted surface associated with the access road is 20.04 acres.

Resource surveys and the supplementary assessment of the potential impacts of the proposed action were conducted on June 6, 2011, within an expanded 300-foot utility corridor to determine potential impacts to cultural and natural (i.e., biological and physical) resources. The surface of the newly-affected area is a previously cultivated area in which crested wheatgrass and smooth brome are the dominate vegetative cover (Figure 2). The route will also cross a recently constructed rural water pipeline. No nesting migratory birds or raptors were found in the area during the onsite evaluation. The evaluated wider corridor along the previously approved route did not reveal any other concerns that were not considered in the original EA.

Potential impacts to cultural resource sites are the result of direct disturbance, and/or the loss, of sites eligible for the National Register of Historic Places; disturbance and loss of native vegetation and wildlife habitats; soil removal and mixing; and erosion during construction. However, potential impacts as a result of the proposed action have been mitigated by surveying for and avoiding any eligible cultural resource sites within the ROW of the proposed access road and gathering system.

A cultural resource inventory of this access route was conducted by personnel of Beaver Creek Archaeology, Inc., using an intensive pedestrian methodology. Approximately 73 acres were inventoried between June 2 and 6, 2011 (Suess and Burns 2011). Three archaeological sites were 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 sites will be avoided. This determination was communicated to the THPO on August 3, 2011; however the THPO did not respond within the allotted 30 day comment period.

Suess, Bill, and Christina Burns

(2011) Dakota-3 Hidatsa 15-14H Well Pad Access Road: A Class III Cultural Resources Inventory in Mountrail County, North Dakota. Beaver Creek Archaeology, Inc. for Williams Production Company/Dakota-3 E & P Company, LLC, Denver.

Potential indirect impacts include noise and other disturbances to wildlife during construction and the introduction of noxious weeds. Impacts would be mitigated by 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 previously prepared National Environmental Policy Act (NEPA) Environmental Assessment (EA) document, which received a FONSI (January 2011).

Based on those surveys and the mitigation measures committed to by Dakota-3 E&P, no significant impacts to natural and cultural resources are anticipated. Those in attendance included: Jeffery Desjarlais (BIA Environmental Specialist), Dean Graves (Uintah Surveyors), Matt Barber (Dakota-3 E&P Representative), Wade Burns (Beaver Creek Archeology); Tribal Historic Preservation Office (THPO) monitor; and Ryan Krapp and Miranda Meehan (Carlson McCain).



**Applicable National Environmental Policy Act (NEPA) Document(s):** *Environmental Assessment: Zenergy Operating Company, LLC, D-3 Mary R. Smith #5-8H, D-3 Hidatsa #23-26H*. January, 2011.

**NEPA Adequacy Criteria:** This document has identified a previously prepared NEPA document, *Environmental Assessment: Zenergy Operating Company, LLC, D-3 Mary R. Smith #5-8H, D-3 Hidatsa #23-26H* (January 2011), 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.



Figure 2. Proposed Route Across in SW1/4NW1/4 Section 12, T150N, R93W





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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

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 well pad access road in Mountrail County, North Dakota. Approximately 73 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. Two archaeological sites (32MN883, 32MN884) were located and one site (32MN800) was 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 road will be rerouted to avoid the archaeological sites. Catalogued as **BIA Case Number AAO-1963/FB/11**, the proposed undertaking, location, and project dimensions are described in the following report:


Suess, Bill, and Christina Burns

(2011) Dakota-3 Hidatsa 15-14H Well Pad Access Road: A Class III Cultural Resources Inventory in Mountrail County, North Dakota. Beaver Creek Archaeology, Inc. for Williams Production Company/Dakota-3 E & P Company, LLC, 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



# DAKOTA-3 E&P COMPANY, LLC

## HIDATSA #23-26H

LOCATED IN MOUNTRAIL COUNTY, NORTH DAKOTA

SECTION 23, T150N, R93W, 5th P.M..

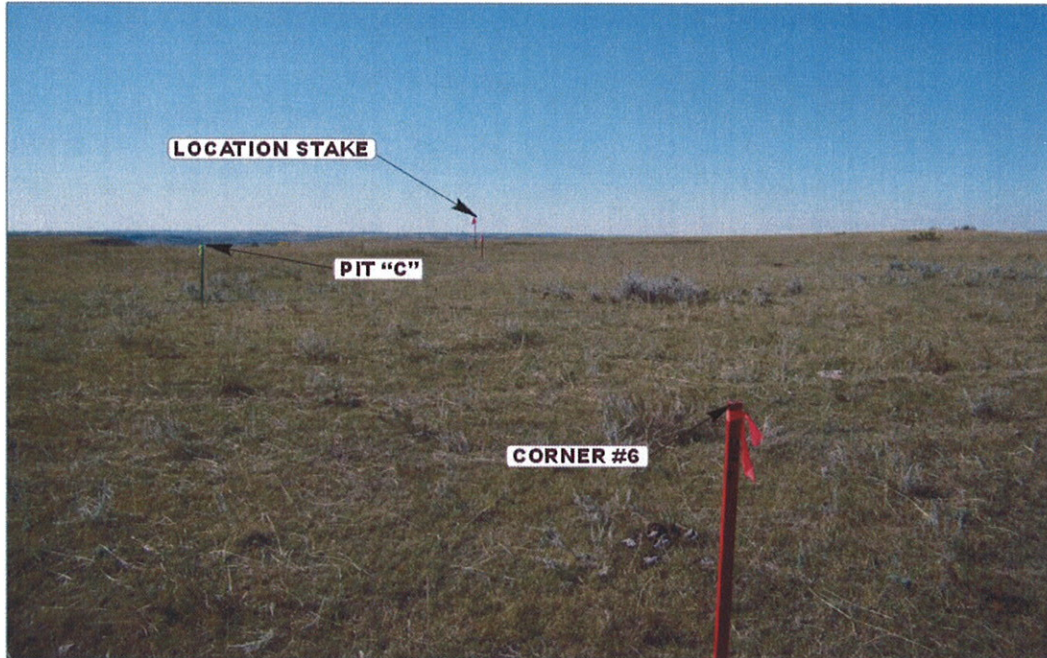


PHOTO: VIEW FROM CORNER #6 TO LOCATION STAKE

CAMERA ANGLE: SOUTHWESTERLY



PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS

CAMERA ANGLE: SOUTHWESTERLY



- Since 1964 -

**UELS**

Uintah Engineering & Land Surveying

85 South 200 East Vernal, Utah 84078  
(435) 789-1017 \* FAX (435) 789-1813

LOCATION PHOTOS

08 03 09  
MONTH DAY YEAR

PHOTO

TAKEN BY: T.G.

DRAWN BY: Z.L.

REVISED: 07-13-11



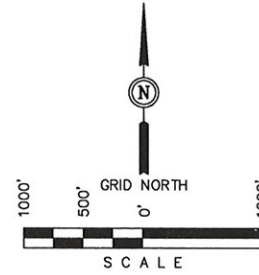
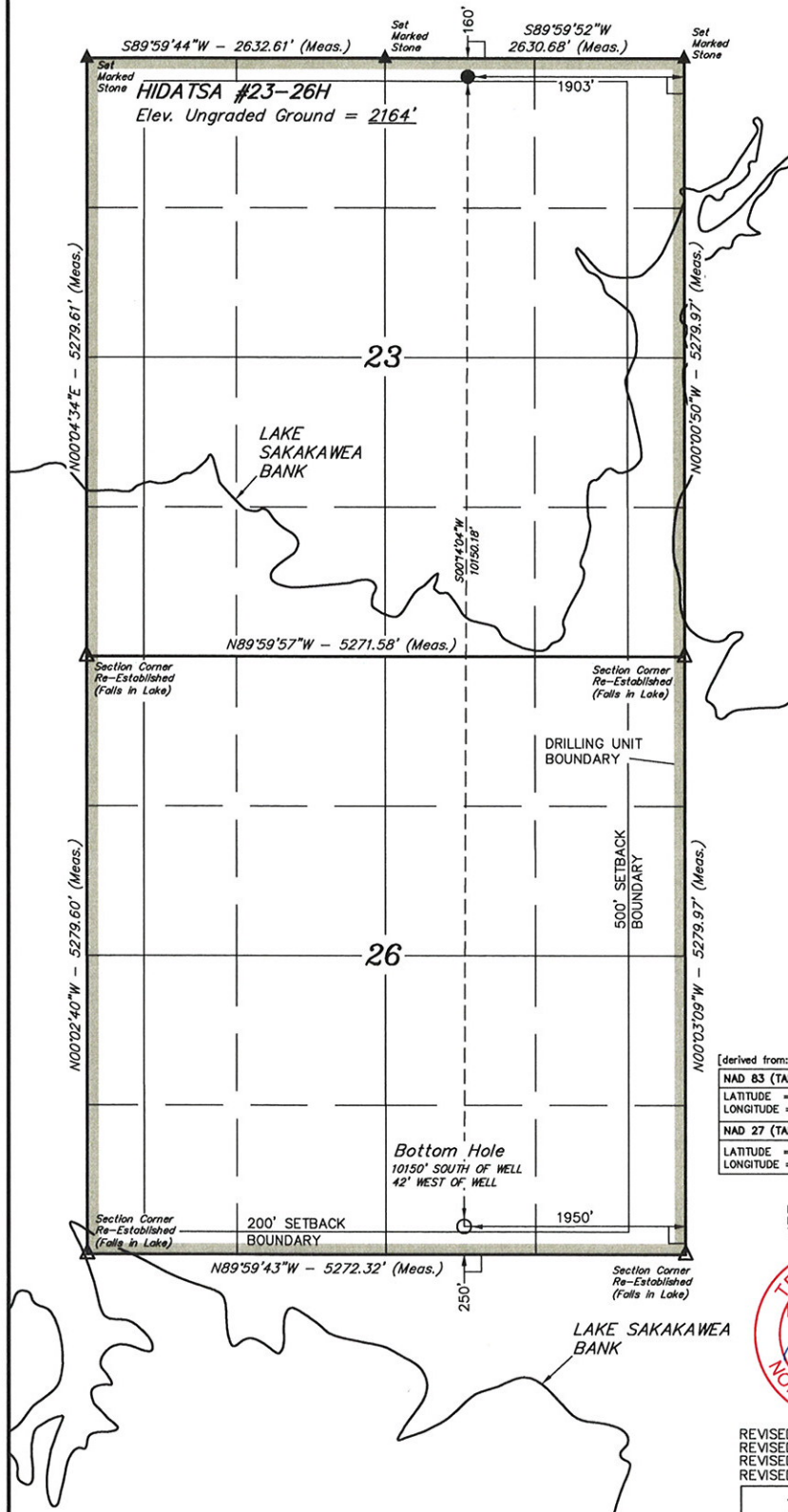
# WELL LOCATION PLAT

## T150N, R93W, 5th P.M.

DAKOTA-3 E&P COMPANY, LLC

Well location, HIDATSA #23-26H located as shown in the NW 1/4 NE 1/4 of Section 23, T150N, R93W, 5th P.M., Mountrail County, North Dakota.

VERTICAL CONTROL DATUM: NAVD88



[derived from: N.G.S. O.P.U.S. Solution REF FRAME: NAD\_83(CORS96)(EPOCH:2002.0000)]

NAD 83 (TARGET BOTTOM HOLE)	NAD 83 (SURFACE LOCATION)
LATITUDE = 47°46'33.43" (47.775953)	LATITUDE = 47°48'13.59" (47.803775)
LONGITUDE = 102°32'36.98" (102.543606)	LONGITUDE = 102°32'36.34" (102.543428)
NAD 27 (TARGET BOTTOM HOLE)	NAD 27 (SURFACE LOCATION)
LATITUDE = 47°46'33.39" (47.775942)	LATITUDE = 47°48'13.55" (47.803764)
LONGITUDE = 102°32'35.31" (102.543142)	LONGITUDE = 102°32'34.67" (102.542964)

### CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS WORK PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



*Troy Jensen*  
 REGISTERED LAND SURVEYOR  
 REGISTRATION NO. 4654  
 STATE OF NORTH DAKOTA

REVISED: 04-28-11 D.P.  
 REVISED: 03-25-11 D.P.  
 REVISED: 01-12-11 D.P.  
 REVISED: 01-06-10 D.P.

**UINTAH ENGINEERING & LAND SURVEYING**  
 85 SOUTH 200 EAST - VERNAL, UTAH 84078  
 (435) 780-1017

SCALE 1" = 1000'	DATE SURVEYED: 09-25-09	DATE DRAWN: 10-05-09
PARTY T.G. F.H. K.G.	REFERENCES G.L.O. PLAT	
WEATHER COOL	FILE DAKOTA-3 E&P COMPANY, LLC	

### LEGEND:

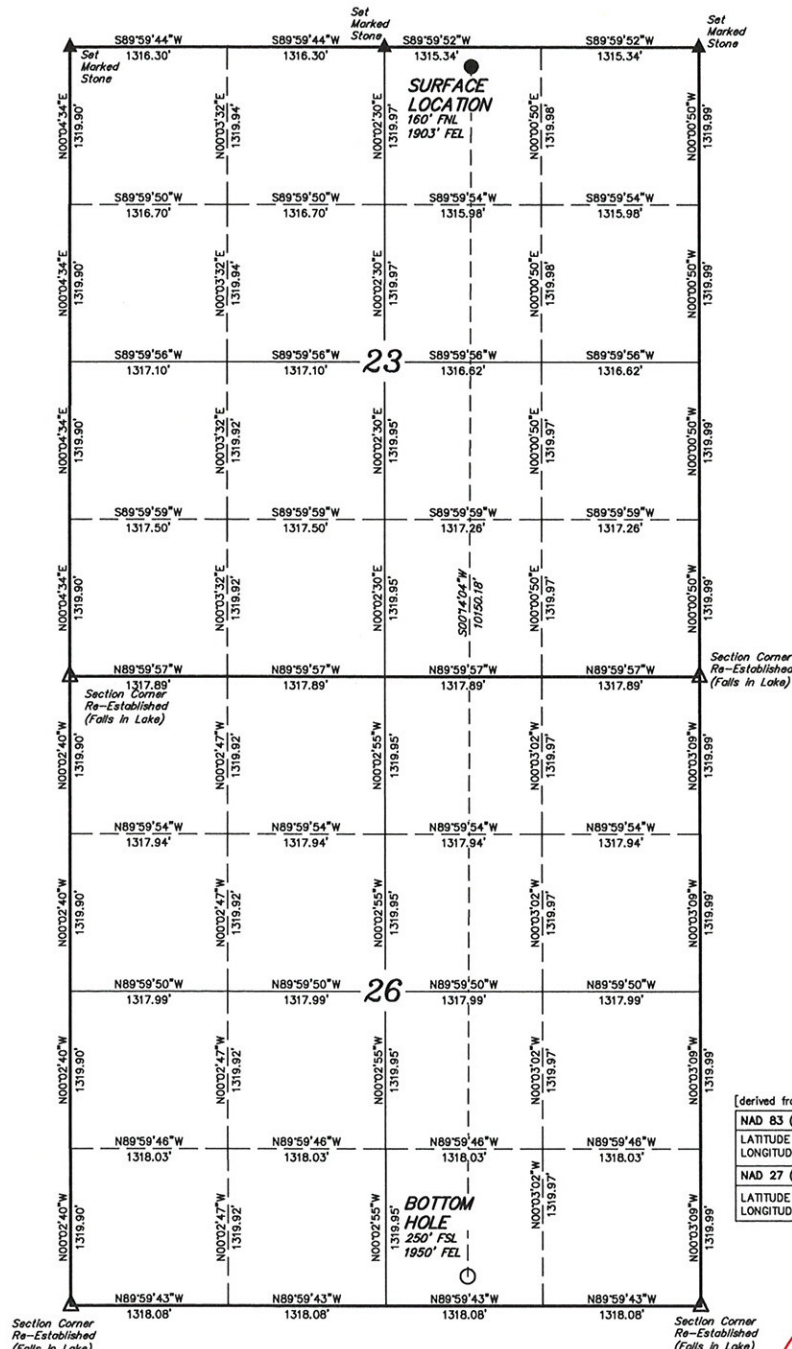
- └─┘ = 90° SYMBOL
- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.
- △ = SECTION CORNERS RE-ESTABLISHED. (Not Set on Ground.)

# SECTION BREAKDOWN T150N, R93W, 5th P.M.

DAKOTA-3 E&P COMPANY, LLC

Well location, HIDATSA #23-26H located as shown in the NW 1/4 NE 1/4 of Section 23, T150N, R93W, 5th P.M., Mountrail County, North Dakota.

VERTICAL CONTROL DATUM: NAVD88



(derived from: N.G.S. O.P.U.S. Solution REF FRAME: NAD\_83(CORS96)(EPOCH: 2002.0000))

NAD 83 (TARGET BOTTOM HOLE)	NAD 83 (SURFACE LOCATION)
LATITUDE = 47°46'33.43" (47.775953)	LATITUDE = 47°48'13.59" (47.803775)
LONGITUDE = 102°32'36.98" (102.543608)	LONGITUDE = 102°32'36.34" (102.543428)
NAD 27 (TARGET BOTTOM HOLE)	NAD 27 (SURFACE LOCATION)
LATITUDE = 47°46'33.39" (47.775942)	LATITUDE = 47°48'13.55" (47.803784)
LONGITUDE = 102°32'35.31" (102.543142)	LONGITUDE = 102°32'34.67" (102.542964)

**CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS WORK PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



*Troy Jensen*  
REGISTERED LAND SURVEYOR  
REGISTRATION NO. 4654  
STATE OF NORTH DAKOTA

REVISED: 05-05-11 D.P.  
REVISED: 03-25-11 D.P.  
REVISED: 01-12-11 D.P.  
REVISED: 01-06-10 D.P.

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85 SOUTH 200 EAST - VERNAL, UTAH 84078  
(435) 789-1017

SCALE 1" = 1000'	DATE SURVEYED: 09-25-09	DATE DRAWN: 10-05-09
PARTY T.G. F.H. K.G.	REFERENCES G.L.O. PLAT	
WEATHER COOL	FILE DAKOTA-3 E&P COMPANY, LLC	

**LEGEND:**

- └─┘ = 90° SYMBOL
- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.
- △ = SECTION CORNERS RE-ESTABLISHED. (Not Set on Ground.)



DAKOTA-3 E&P COMPANY, LLC

FIGURE #1

PAD LAYOUT FOR  
HIDATSA #23-26H

SECTION 23, T150N, R93W, 5TH P.M.

160' FNL 1903' FEL

Approx.  
Toe of  
Fill Slope

F-7.8'  
El. 53.5'

F-19.6'  
El. 41.7'

SCALE: 1" = 60'  
DATE: 10-01-09  
DRAWN BY: K.G.  
REVISED: 01-06-10 D.P.  
REVISED: 12-22-10 D.P.  
REVISED: 01-12-11 D.P.  
REVISED: 03-25-11 D.P.  
REVISED: 04-28-11 D.P.  
REVISED: 06-01-11 D.P.  
REVISED: 07-11-11 D.P.

Round Corners  
as Needed

Fill  
Cut

Transition  
Line

500'± 0.04" W 10150.18'  
(TO BOTTOM HOLE)

C-1.0'  
El. 62.3'

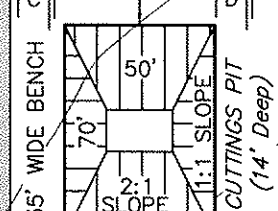
C-2.4'  
El. 63.7'

F-0.5'  
El. 60.8'

C-17.8'  
(Btm. Pit)  
El. 65.1'

C-5.3'  
El. 66.6'

Due to close proximity of the well to Lake Sakakawea a 4 foot containment berm will be built on top of pad to contain contaminated fluids from transferring off pad. Dakota-3 E&P Company, LLC and BIA resource officers will conduct monitoring of this berm and all other potential erosion areas periodically to ensure proper functioning condition. Maintenance will occur as needed to maintain environmental protections.



CUTTINGS PIT  
(14' Deep)

C-19.8'  
(Btm. Pit)  
El. 67.1'

Total Pit Capacity  
W/4' of Freeboard  
= 2,060 Bbls.±  
Total Pit Volume  
= 850 Cu. Yds

C-7.0'  
El. 68.3'

C-7.2'  
El. 68.5'

C-6.2'  
El. 67.5'

C-5.8'  
El. 67.1'

Approx.  
Top of  
Cut Slope

Proposed  
Access Road

Install  
Cattle  
Guard

Elev. Ungraded Ground At Loc. Stake = 2163.7'  
FINISHED GRADE ELEV. AT LOC. STAKE = 2161.3'

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85 So. 200 East \* Vernal, Utah 84078 \* (435) 789-1017

DAKOTA-3 E&P COMPANY, LLC

FIGURE #2

TYPICAL CROSS SECTION FOR

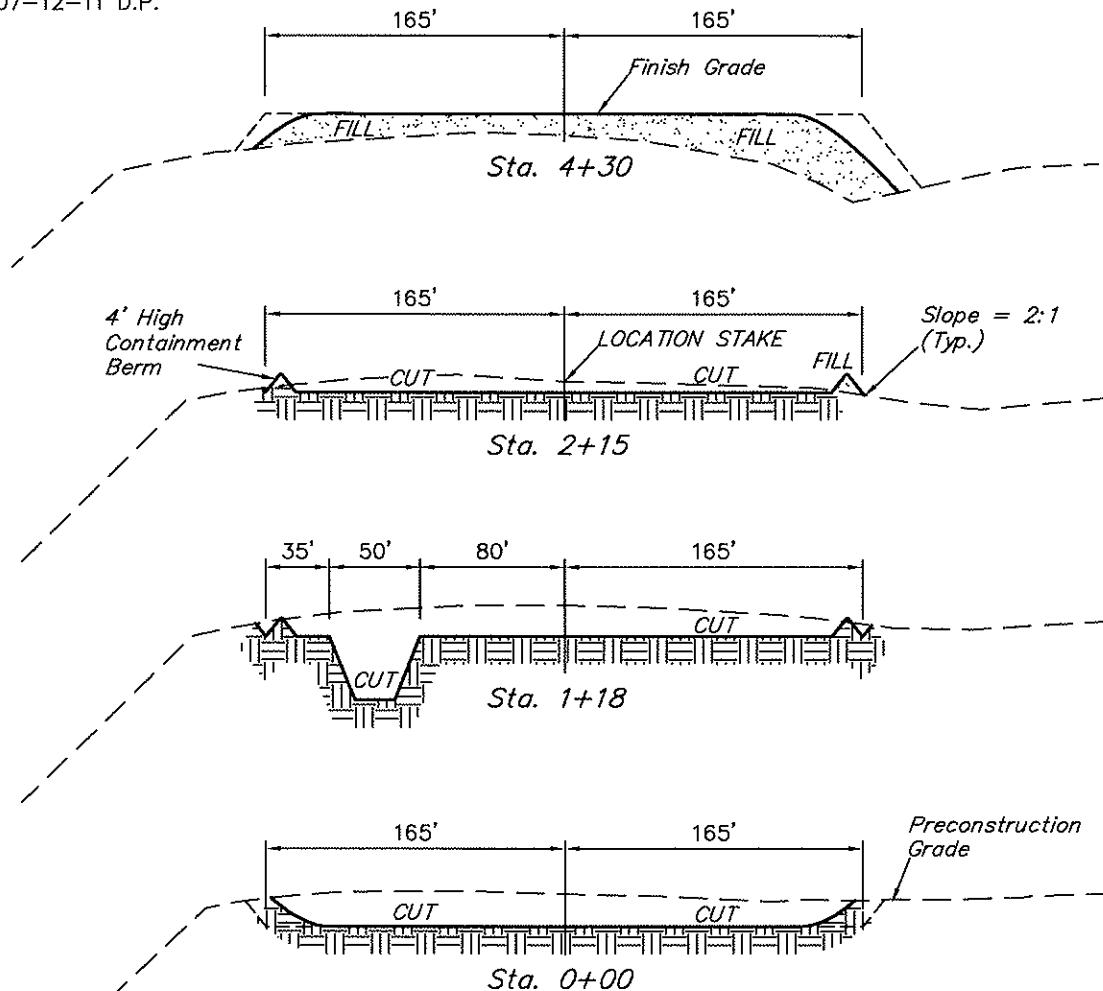
HIDATSA #23-26H

SECTION 23, T150N, R93W, 5TH P.M.

160' FNL 1903' FEL

1" = 40'  
X-Section Scale  
1" = 100'

DATE: 10-01-09  
DRAWN BY: K.G.  
REVISED: 01-06-10 D.P.  
REVISED: 12-22-10 D.P.  
REVISED: 04-28-11 D.P.  
REVISED: 06-01-11 D.P.  
REVISED: 07-12-11 D.P.



APPROXIMATE ACREAGES

ALLOTMENT # 443A WELL SITE AREA OF LOSS = ± 0.647 ACRES  
ALLOTMENT # 444A WELL SITE AREA OF LOSS = ± 3.863 ACRES  
ACCESS ROAD AREA OF LOSS = ± 31.265 ACRES  
TOTAL = ± 35.775 ACRES

\* NOTE:  
FILL QUANTITY INCLUDES  
5% FOR COMPACTION

APPROXIMATE YARDAGES

(6") Topsoil Stripping = 3,040 Cu. Yds.  
Location Cut = 13,070 Cu. Yds.  
Cuttings Pit Cut = 850 Cu. Yds.  
TOTAL CUT = 16,960 CU.YDS.  
FILL = 13,490 CU.YDS.

EXCESS MATERIAL = 3,470 Cu. Yds.  
Topsoil & Pit Backfill = 3,470 Cu. Yds.  
(1/2 Pit Vol.)  
EXCESS UNBALANCE = 0 Cu. Yds.  
(After Interim Rehabilitation)

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85 So. 200 East \* Vernal, Utah 84078 \* (435) 789-1017

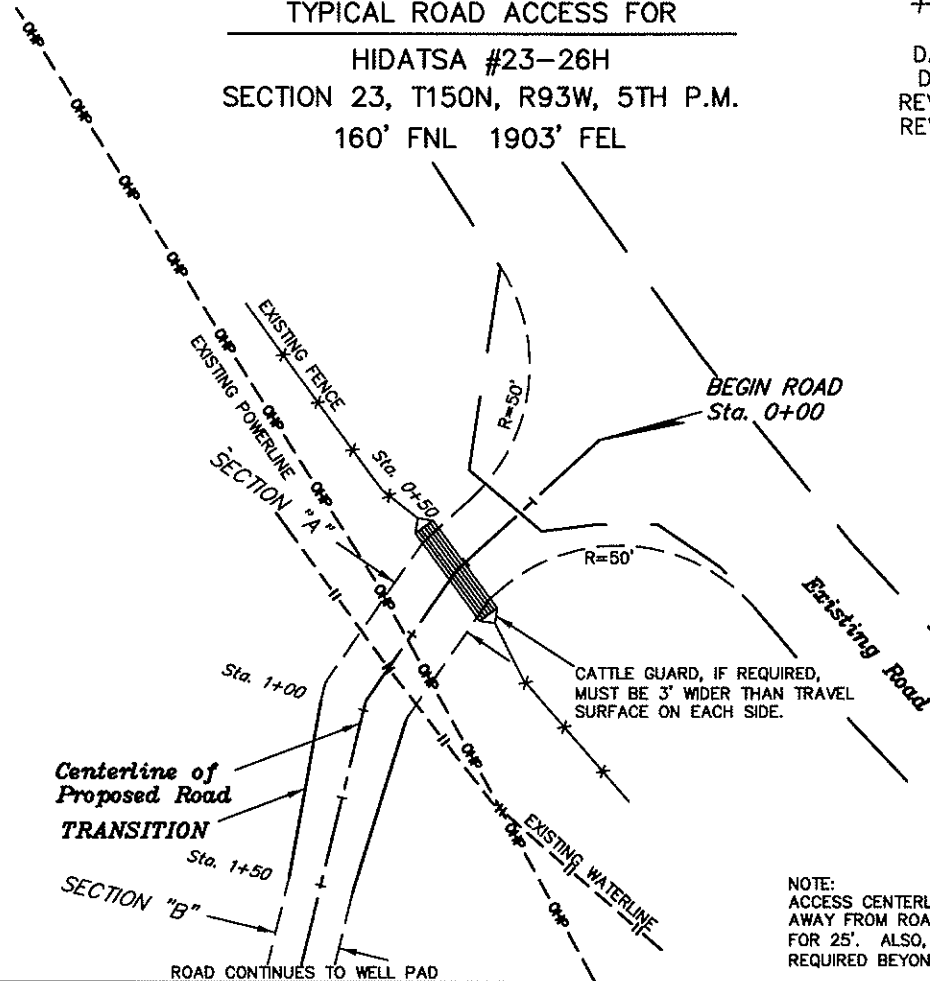
DAKOTA-3 E&P COMPANY, LLC

TYPICAL ROAD ACCESS FOR

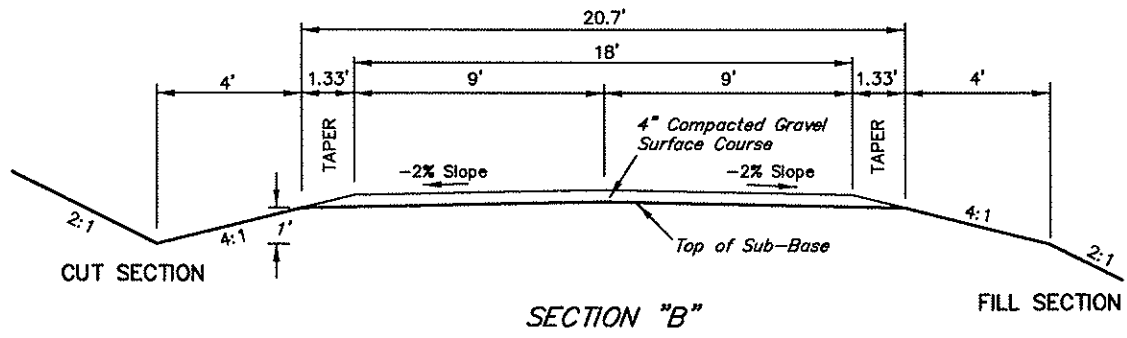
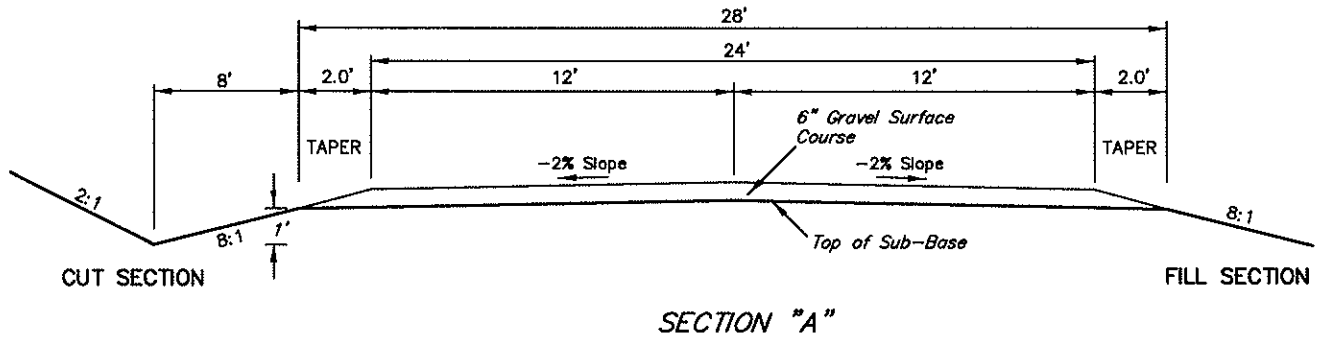
HIDATSA #23-26H  
SECTION 23, T150N, R93W, 5TH P.M.  
160' FNL 1903' FEL

FIGURE #3

SCALE: NONE  
DATE: 12-22-10  
DRAWN BY: D.P.  
REVISED: 04-28-11  
REVISED: 07-12-11



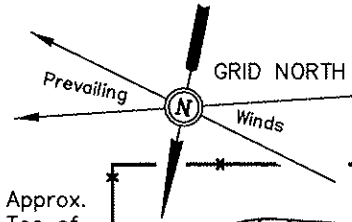
NOTE:  
ACCESS CENTERLINE PROFILE MUST SLOPE AWAY FROM ROAD WITH A MAXIMUM OF 3% FOR 25'. ALSO, MAXIMUM GRADE OF 8% IS REQUIRED BEYOND 25' OF ROAD.



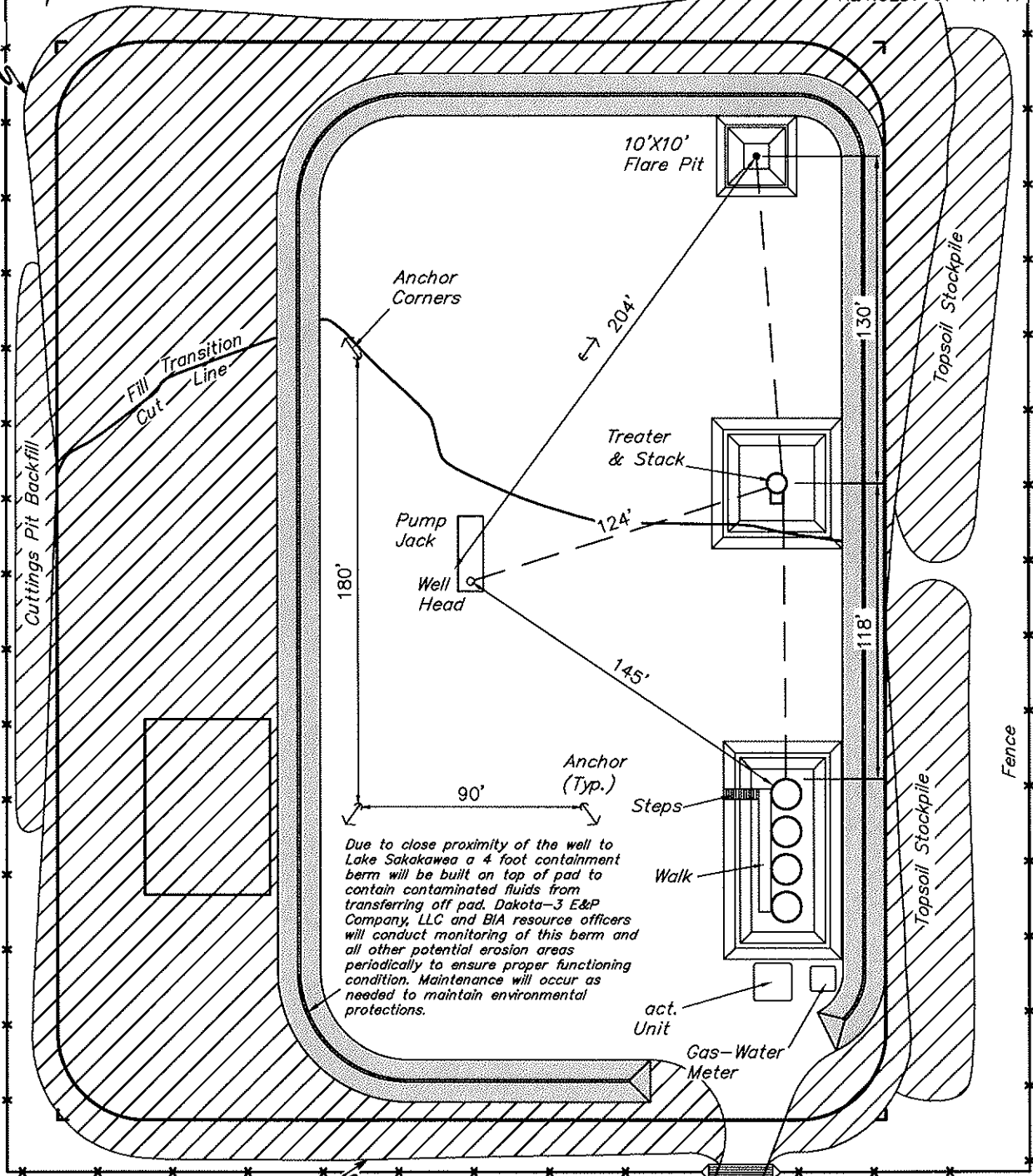


DAKOTA-3 E&P COMPANY, LLC  
 PRODUCTION FACILITY LAYOUT FOR  
 HIDATSA #23-26H  
 SECTION 23, T150N, R93W, 5TH P.M.  
 160' FNL 1903' FEL

FIGURE #4  
 SCALE: 1" = 60'  
 DATE: 04-06-11  
 DRAWN BY: D.P.  
 REVISED: 04-28-11  
 REVISED: 06-01-11  
 REVISED: 07-11-11



Approx. Toe of Fill Slope



Due to close proximity of the well to Lake Sakakawea a 4 foot containment berm will be built on top of pad to contain contaminated fluids from transferring off pad. Dakota-3 E&P Company, LLC and BIA resource officers will conduct monitoring of this berm and all other potential erosion areas periodically to ensure proper functioning condition. Maintenance will occur as needed to maintain environmental protections.

Approx. Top of Cut Slope

Access Road Cattle Guard

INTERIM RECLAMATION

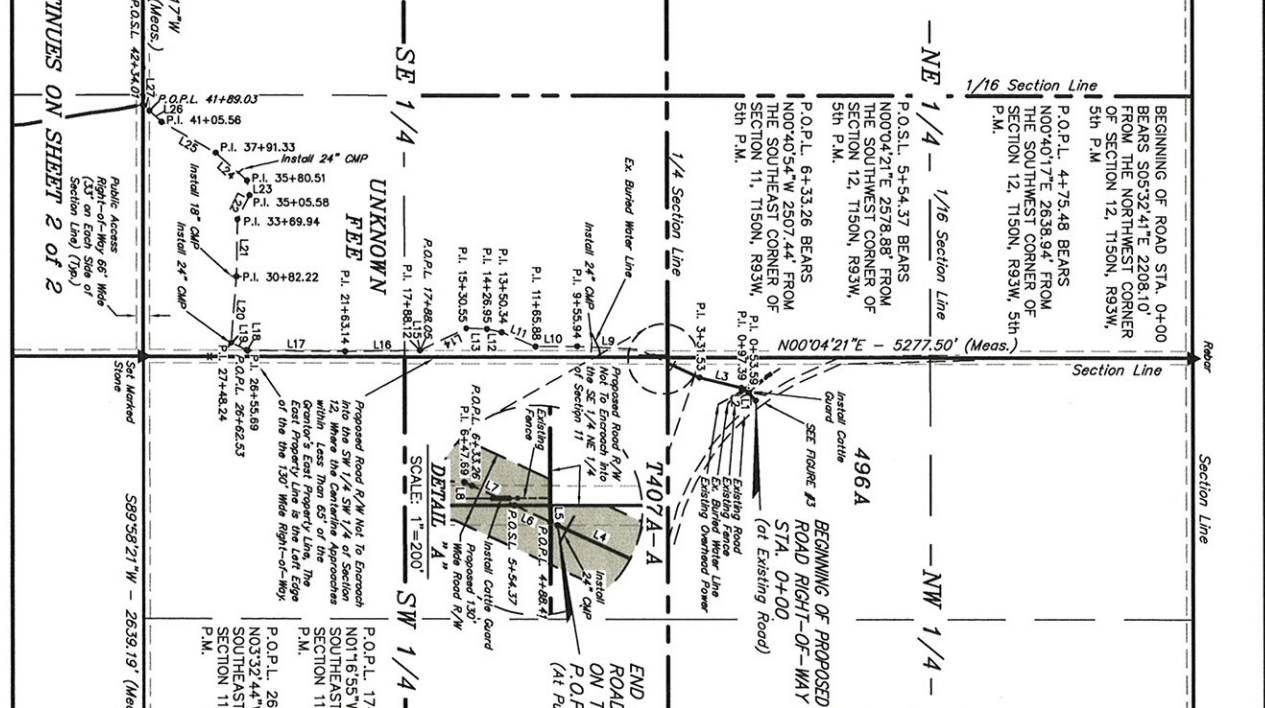
UINTAH ENGINEERING & LAND SURVEYING  
 85 So. 200 East \* Vernal, Utah 84078 \* (435) 789-1017

ROAD RIGHT-OF-WAY  
DESCRIPTION ON TRIBAL LANDS

A 130' WIDE RIGHT-OF-WAY 65' ON EACH SIDE OF THE  
FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT IN THE SW 1/4 NW 1/4 OF SECTION  
2208.10' FROM THE NORTHWEST CORNER OF SAID SECTION 12,  
11, T150N, R93W, 5th P.M. WHICH BEARS S0532.41°E  
THENCE S4729.00°W 53.59'; THENCE S2447.55°W 161.95'  
TO A POINT IN THE SW 1/4 NW 1/4 OF SAID SECTION 12 WHICH  
BEARS N004017°E 2638.94' FROM THE SOUTHWEST CORNER  
OF SAID SECTION 12, ALSO BEGINNING AT A POINT IN THE NE  
1/4 NE 1/4 OF SECTION 14, T150N, R93W, 5th P.M. WHICH  
BEARS S892819°W 1261.19' FROM THE NORTHEAST CORNER  
OF SAID SECTION 14, THENCE S11309°E 96.04'; THENCE  
S073023°E 138.22'; THENCE S094951°E 337.61'; THENCE  
S033719°E 225.19'; THENCE S164028°E 288.88'; THENCE  
S193349°E 306.36'; THENCE S061543°W 315.53'; THENCE  
S132843°W 406.60'; THENCE S204423°W 275.45'; THENCE  
S413940°W 232.10'; THENCE S814837°W 397.21'; THENCE  
S712833°W 215.30'; THENCE S294755°W 221.35'; THENCE  
S133835°W 163.75'; THENCE S064043°E 165.15'; THENCE  
S323139°E 161.97'; THENCE S573310°E 155.79'; THENCE  
S433014°E 117.35'; THENCE S275295°E 166.62'; THENCE  
S035221°W 171.05'; THENCE S215844°E 257.85'; THENCE  
S282628°E 163.04'; THENCE S380350°W 528.29'; THENCE  
S440957°W 189.64'; THENCE S380350°W 528.29'; THENCE  
S301147°W 130.48'; THENCE S005150°E 251.23' TO A POINT  
IN THE SW 1/4 SE 1/4 OF SAID SECTION 14 WHICH BEARS  
N864214°E 574.30' FROM THE SOUTH 1/4 CORNER OF SAID  
SECTION 14. THE SIDE LINES OF SAID DESCRIBED  
RIGHT-OF-WAY BEING SHORENED OR ELONGATED TO MEET  
THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A  
G.P.S. OBSERVATION. CONTAINS 20.041 ACRES MORE OR  
LESS.

P.O.P.L. 41+89.03 BEARS  
N882937°W 1236.38' FROM THE  
SOUTHEAST CORNER OF SECTION  
11, T150N, R93W, 5th P.M.  
P.O.S.L. 42+34.01 BEARS  
S895817°W 1266.51' FROM THE  
SOUTHEAST CORNER OF SECTION  
11, T150N, R93W, 5th P.M.



LINE	BEARING	LENGTH
L1	S4729.00°W	53.59'
L2	S4136.10°W	43.80'
L3	S1349.00°W	216.14'
L4	S2447.55°W	161.95'
L5	S2447.55°W	12.93'
L6	S2447.55°W	65.96'
L7	S2447.55°W	78.89'
L8	S2447.55°W	14.43'
L9	S0301.26°W	308.25'
L10	S0017.34°E	209.94'
L11	S2244.20°W	184.46'
L12	S1218.36°W	76.61'
L13	S0208.33°W	103.60'
L14	S2537.11°E	257.50'
L15	S2537.11°E	0.07'
L16	S0046.58°E	375.02'
L17	S0023.15°W	497.55'
L18	S2521.27°W	6.64'
L19	S2521.27°W	85.71'
L20	N8529.21°W	333.98'
L21	N8329.27°W	287.72'
L22	N6329.27°W	135.64'
L23	S8028.20°W	74.93'
L24	S4128.00°W	210.82'
L25	S2932.27°W	134.23'
L26	S4246.44°W	83.47'
L27	S4246.44°W	44.98'

END OF PROPOSED  
ROAD RIGHT-OF-WAY  
ON TRIBAL LANDS  
P.O.P.L. 4+75.48  
(At Public Access Right-of-Way)

SCALE: 1"=200'

DETAIL A

SW 1/4 - Sec. 11 - SE 1/4 - SW 1/4 - NW 1/4 - NE 1/4 - 1/16 Section Line

**DAKOTA-3 E&P COMPANY, LLC**  
**ROAD RIGHT-OF-WAY ON**  
**TRIBAL LANDS**  
(For HIDATSA #23-26H)  
LOCATED IN  
SECTIONS 12 & 14, T150N, R93W,  
5th P.M., MOUNTAIN COUNTY,  
NORTH DAKOTA

**RIGHT-OF-WAY LENGTHS**

PROPERTY OWNER	FEET	ACRES	RODS
496A	475.48	1.419	28.82
1407A-A	0.00	0.109	0.00
PUBLIC ACCESS R-O-W	1115.31	2.045	67.59
UNKNOWN FEE	2681.29	9.178	162.50
443A	6239.94	18.622	378.18
TOTAL TRIBAL	6715.42	20.041	407.00
TOTAL	10512.02	31.285	637.09

CERTIFICATE  
I HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS WORK  
PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR  
STATE OF NORTH DAKOTA  
TROY JENSEN  
REGISTERED LAND SURVEYOR  
STATE OF NORTH DAKOTA

UTAH ENGINEERING & LAND SURVEYING  
85 SOUTH - 200 EAST • (435) 789-1017  
VERNAL, UTAH - 84078

SCALE: 1" = 600'  
DATE: 10-01-09  
PARTY: T.G. F.H. K.C.  
WEATHER: COOL  
FILE: 4 9 5 5 9 - A



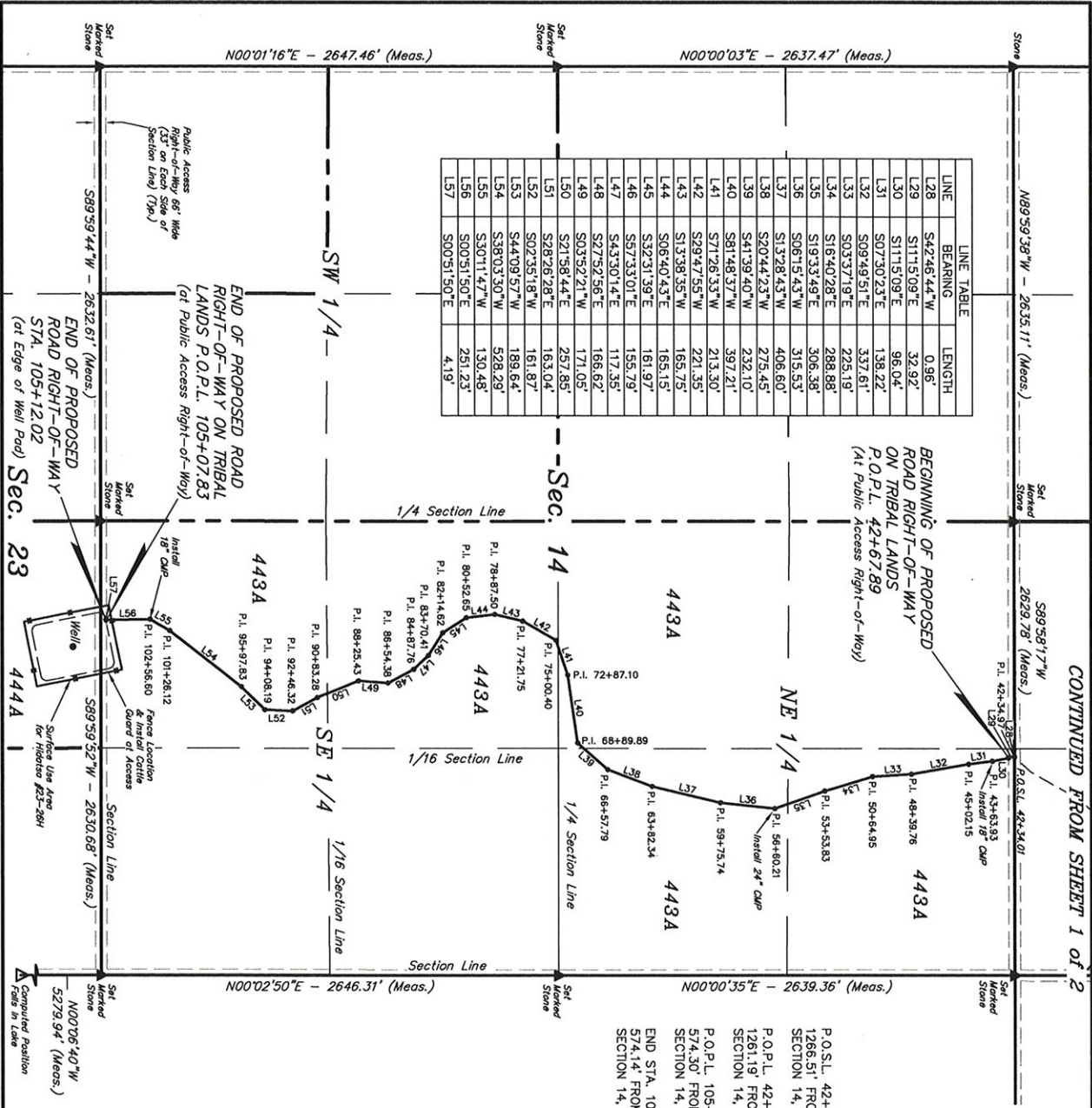
DAKOTA-3 E&P COMPANY, LLC

**ROAD RIGHT-OF-WAY ON TRIBAL LANDS**

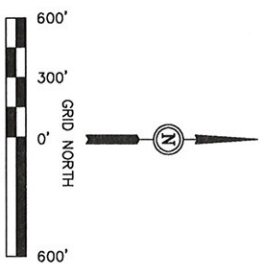
(For HIDATSA #23-26H)

LOCATED IN SECTIONS 12 & 14, T150N, R93W, 5th P.M., MOUNTAIN TRAIL COUNTY, NORTH DAKOTA

LINE	BEARING	LENGTH
L28	S42°46'44"W	0.96'
L29	S11°15'09"E	32.92'
L30	S11°15'09"E	96.04'
L31	S07°30'23"E	138.22'
L32	S09°49'51"E	337.61'
L33	S03°37'19"E	225.19'
L34	S16°40'28"E	288.88'
L35	S19°33'49"E	306.36'
L36	S06°15'43"W	315.53'
L37	S13°28'43"W	406.60'
L38	S20°44'23"W	275.45'
L39	S41°39'40"W	232.10'
L40	S81°48'37"W	397.21'
L41	S71°26'33"W	213.30'
L42	S29°47'35"W	221.35'
L43	S13°38'35"W	165.75'
L44	S06°40'43"E	165.15'
L45	S32°31'39"E	161.97'
L46	S87°33'01"E	155.79'
L47	S43°30'14"E	117.35'
L48	S27°52'56"E	166.62'
L49	S03°52'21"W	171.05'
L50	S21°58'44"E	257.85'
L51	S28°26'28"E	163.04'
L52	S02°35'18"W	161.87'
L53	S44°09'57"W	189.64'
L54	S38°03'30"W	528.29'
L55	S30°11'47"W	130.48'
L56	S00°51'50"E	251.23'
L57	S00°51'50"E	4.19'



P.O.S.L. 42+34.01 BEARS S89°58'17"W 1266.51' FROM THE NORTHEAST CORNER OF SECTION 14, T150N, R93W, 5th P.M.  
P.O.P.L. 42+67.89 BEARS S88°28'19"W 1261.19' FROM THE NORTHEAST CORNER OF SECTION 14, T150N, R93W, 5th P.M.  
P.O.P.L. 105+07.83 BEARS N86°42'14"E 574.30' FROM THE SOUTH 1/4 CORNER OF SECTION 14, T150N, R93W, 5th P.M.  
END STA. 105+12.02 BEARS N87°07'19"E 574.14' FROM THE SOUTH 1/4 CORNER OF SECTION 14, T150N, R93W, 5th P.M.



**BASIS OF BEARINGS**  
 ▲ = SECTION CORNERS LOCATED.  
 △ = SECTION CORNERS RE-ESTABLISHED.  
 (Not Set on Ground)



REGISTERED LAND SURVEYOR  
 STATE OF NORTH DAKOTA

**UTAH ENGINEERING & LAND SURVEYING**  
 85 SOUTH - 200 EAST • (435) 789-1017  
 VERNAL, UTAH - 84078

REVISIONS:  
 07-12-11 D.P.  
 04-28-11 D.P.  
 12-22-10 D.P.  
 01-06-10 D.P.

SCALE: 1" = 600'  
 PARTY: T.G.F.H., K.G.  
 WEATHER: COOL

DATE: 10-01-09  
 REFERENCES: C.L.O. PLAT  
 FILE: 4 9 5 5 9 - B



DAKOTA-3 E&P COMPANY, LLC  
HIDATSA #23-26H  
ROAD RIGHT-OF-WAY  
SECTIONS 12 & 14, T150N, R93W, 5th P.M.

TOTAL ROAD RIGHT-OF-WAY ON TRIBAL LANDS


TOTAL LENGTH OF RIGHT-OF-WAY IS 6715.42' OR 1.272 MILES. WIDTH OF RIGHT-OF-WAY IS 130' (65' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE). CONTAINS 20.041 ACRES MORE OR LESS.

ENGINEER'S AFFIDAVIT

STATE OF MONTANA }  
COUNTY OF RICHLAND } SS

TROY JENSEN, BEING FIRST DULY SWORN DEPOSES AND STATES THAT HE IS THE REGISTERED LAND SURVEYOR, FOR DAKOTA-3 E&P COMPANY, LLC, THAT THESE SURVEYS WERE MADE BY HIM (OR UNDER HIS SUPERVISION): THAT HE HAS EXAMINED THE FIELD NOTES OF THE SURVEYS OF THE ROAD RIGHT-OF-WAY AS DESCRIBED AND SHOWN ON THIS MAP, THAT THIS MAP WAS PREPARED UNDER HIS DIRECTION FROM SAID FIELD NOTES; AND THAT SAID RIGHT-OF-WAY, 1.272 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN ON THIS MAP IS ACCURATELY REPRESENTED.



  
REGISTERED LAND SURVEYOR  
REGISTRATION NO. 4654  
STATE OF NORTH DAKOTA

APPLICANT'S CERTIFICATE

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT I AM THE AGENT FOR DAKOTA-3 E&P COMPANY, LLC, HEREINAFTER DESIGNATED THE APPLICANT; THAT TROY JENSEN WHO SUBSCRIBED TO THE FOREGOING AFFIDAVIT, IS EMPLOYED BY THE APPLICANT AS A LAND SURVEYOR AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THIS ROAD RIGHT-OF-WAY, 1.272 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN, THAT SAID ROAD RIGHT-OF-WAY IS ACCURATELY REPRESENTED ON THIS MAP; THAT SUCH SURVEY AS REPRESENTED ON THIS MAP HAS BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF THE RIGHT-OF-WAY THEREBY SHOWN; AND THAT THE MAP HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENTS, THEREON AND THEREOVER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

\_\_\_\_\_  
APPLICANT

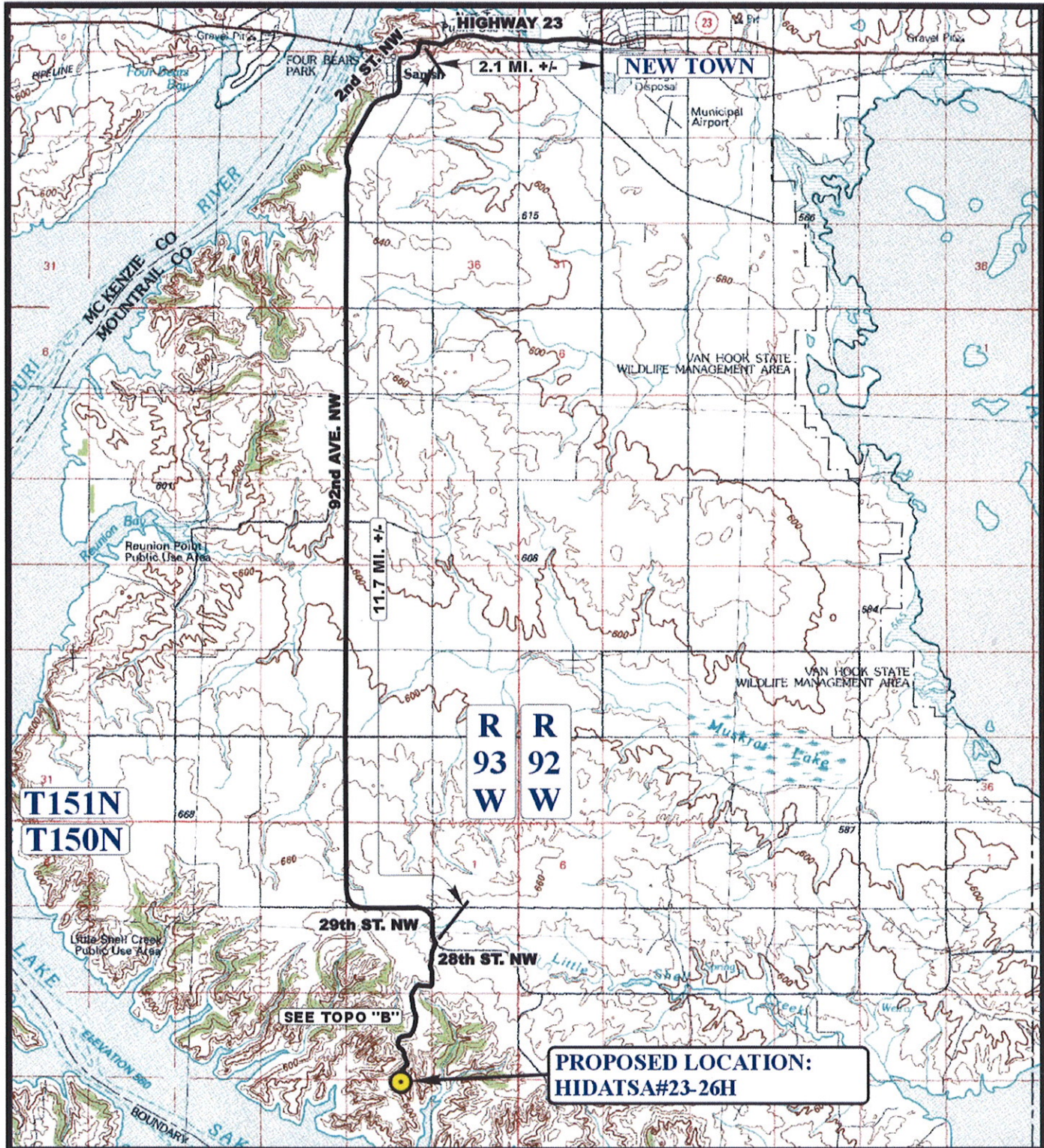
\_\_\_\_\_  
TITLE

DAKOTA-3 E&P COMPANY, LLC  
HIDATSA #23-26H  
SECTION 14, T153N, R104W, 6<sup>th</sup> P.M.

PROCEED IN A WESTERLY DIRECTION FROM NEW TOWN, NORTH DAKOTA ALONG HIGHWAY 23 APPROXIMATELY 2.1 MILES TO THE JUNCTION OF HIGHWAY 23 AND 2<sup>nd</sup> ST. NW TO THE SOUTH; TURN LEFT AND PROCEED IN A SOUTHERLY, THEN EASTERLY, THEN SOUTHERLY, THEN EASTERLY DIRECTION APPROXIMATELY 11.7 MILES TO THE BEGINNING OF THE PROPOSED ACCESS ROAD TO THE SOUTHWEST; FOLLOW ROAD FLAGS IN A SOUTHWESTERLY, THEN SOUTHERLY, THEN WESTERLY, THEN SOUTHERLY DIRECTION APPROXIMATELY 10,512' TO THE PROPOSED LOCATION.

TOTAL DISTANCE FROM WILLISTON, NORTH DAKOTA TO THE PROPOSED LOCATION IS APPROXIMATELY 15.8 MILES.





**PROPOSED LOCATION:  
HIDATSA#23-26H**

**LEGEND:**

 PROPOSED LOCATION

**DAKOTA-3 E&P COMPANY, LLC**

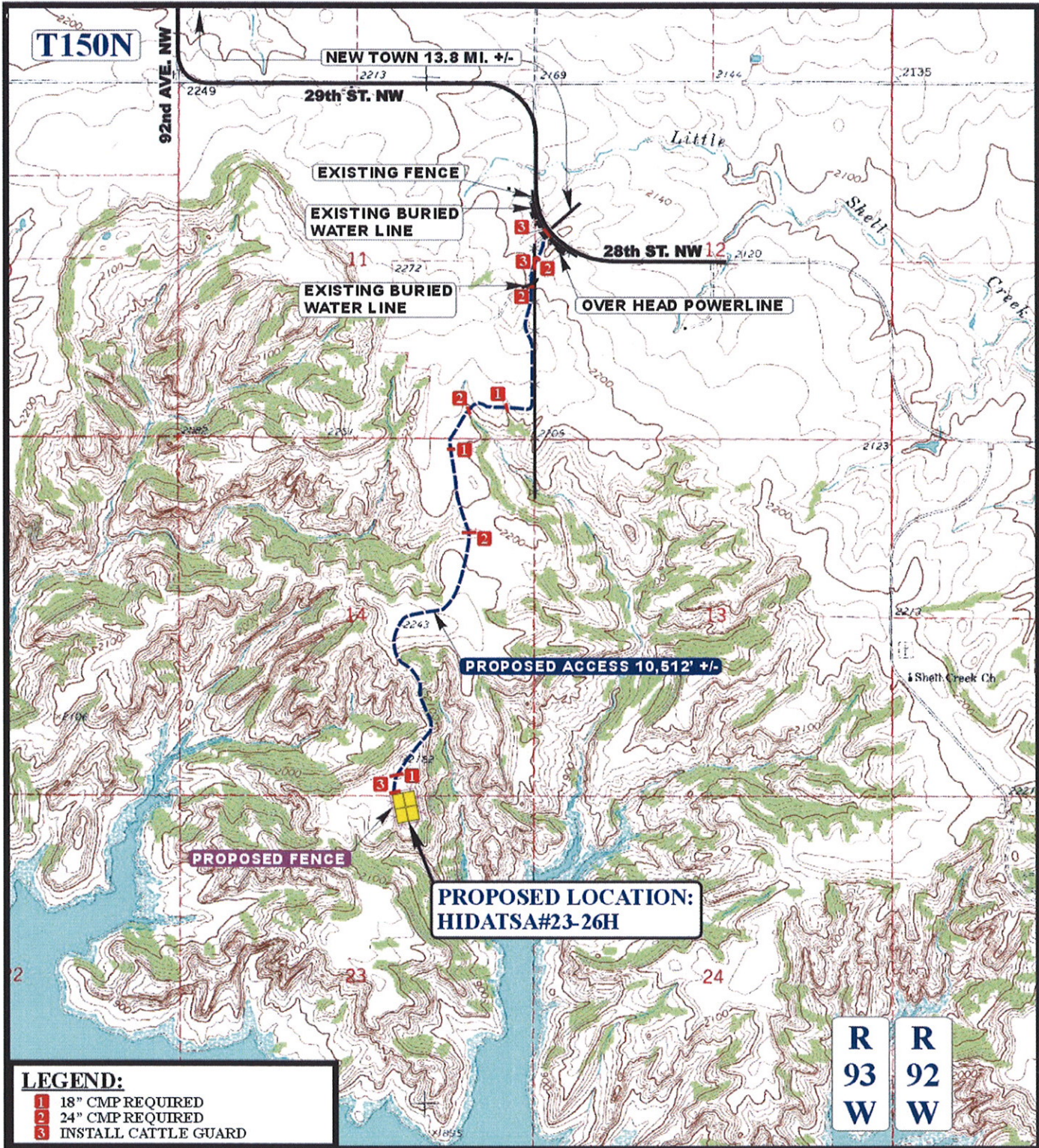
**HIDATSA #23-26H  
SECTIONS 23, T150N, R93W, 5th P.M.  
160' FNL 1903' FEL**

**UEIS** Uintah Engineering & Land Surveying  
85 South 200 East Vernal, Utah 84078  
(435) 789-1017 \* FAX (435) 789-1813



**TOPOGRAPHIC** 08 03 09  
**M A P** MONTH DAY YEAR  
SCALE: 1:100,000 DRAWN BY: Z.L. REVISED: 07-13-11 **TOPO**





R	R
93	92
W	W

**LEGEND:**

- 1 18" CMP REQUIRED
- 2 24" CMP REQUIRED
- 3 INSTALL CATTLE GUARD

**LEGEND:**

- EXISTING ROAD
- - - PROPOSED ACCESS ROAD
- \* \* \* EXISTING FENCE
- \* \* \* PROPOSED FENCE

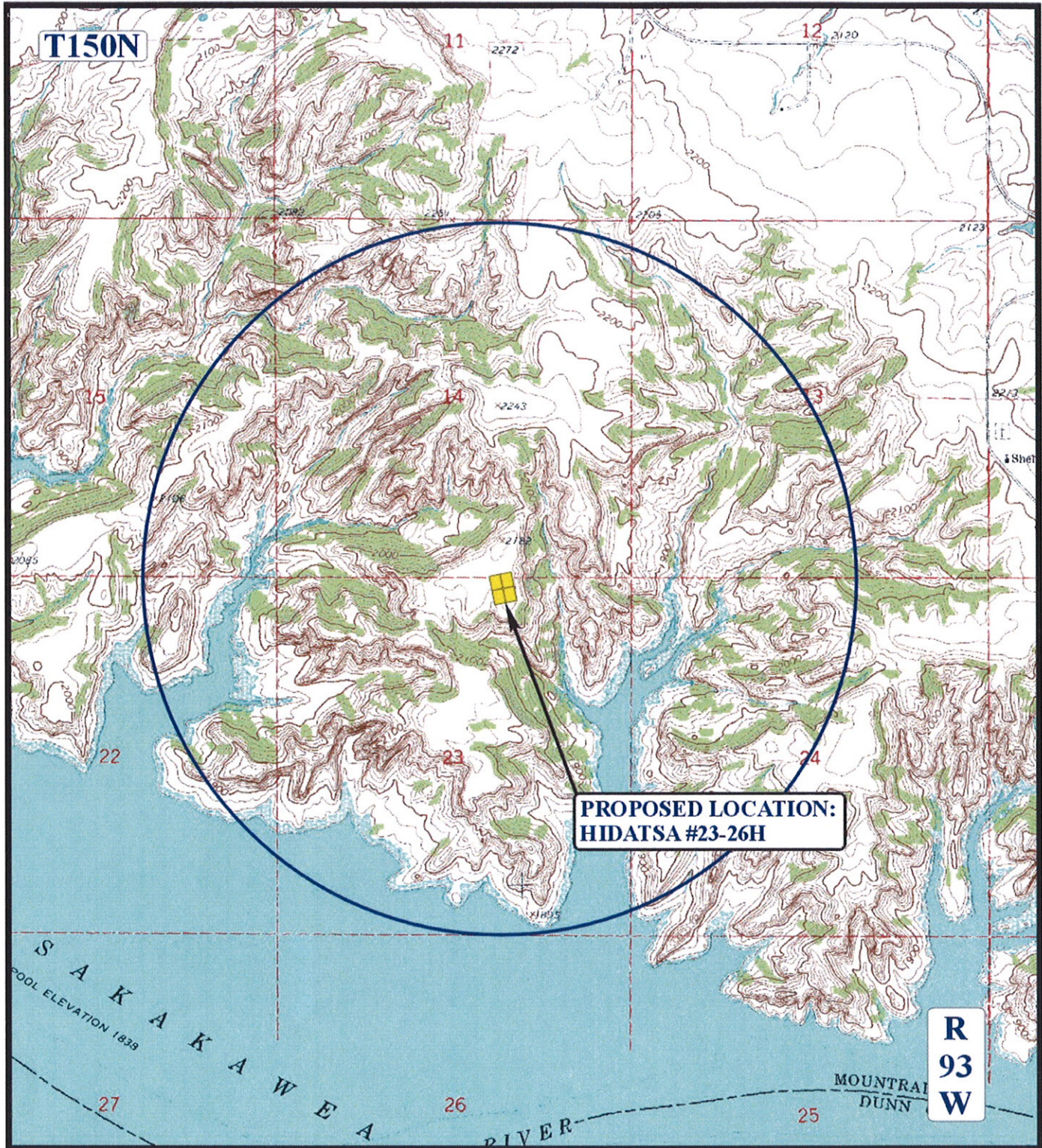
**DAKOTA-3 E&P COMPANY, LLC**  
**HIDATSA #23-26H**  
**SECTIONS 23, T150N, R93W, 5th P.M.**  
**160' FNL 1903' FEL**



**U&L S** **Utah Engineering & Land Surveying**  
 85 South 200 East Vernal, Utah 84078  
 (435) 789-1017 \* FAX (435) 789-1813

**TOPOGRAPHIC MAP** **08 03 09**  
 MONTH DAY YEAR  
 SCALE: 1" = 2000' DRAWN BY: Z.L. REVISED: 07-13-11 **B**  
 TOPO





**PROPOSED LOCATION:  
HIDATSA #23-26H**

**R  
93  
W**

**LEGEND:**

- DISPOSAL WELLS
- PRODUCING WELLS
- SHUT IN WELLS
- WATER WELLS
- ABANDONED WELLS
- TEMPORARILY ABANDONED



**DAKOTA-3 E&P COMPANY, LLC**

**HIDATSA #23-26H  
SECTIONS 23, T150N, R93W, 5th P.M.  
160' FNL 1903' FEL**



**Utah Engineering & Land Surveying**  
85 South 200 East Vernal, Utah 84078  
(435) 789-1017 \* FAX (435) 789-1813

**TOPOGRAPHIC MAP**  
09 30 09  
MONTH DAY YEAR  
SCALE: 1" = 2000' DRAWN BY: Z.L. REVISED: 05-05-11





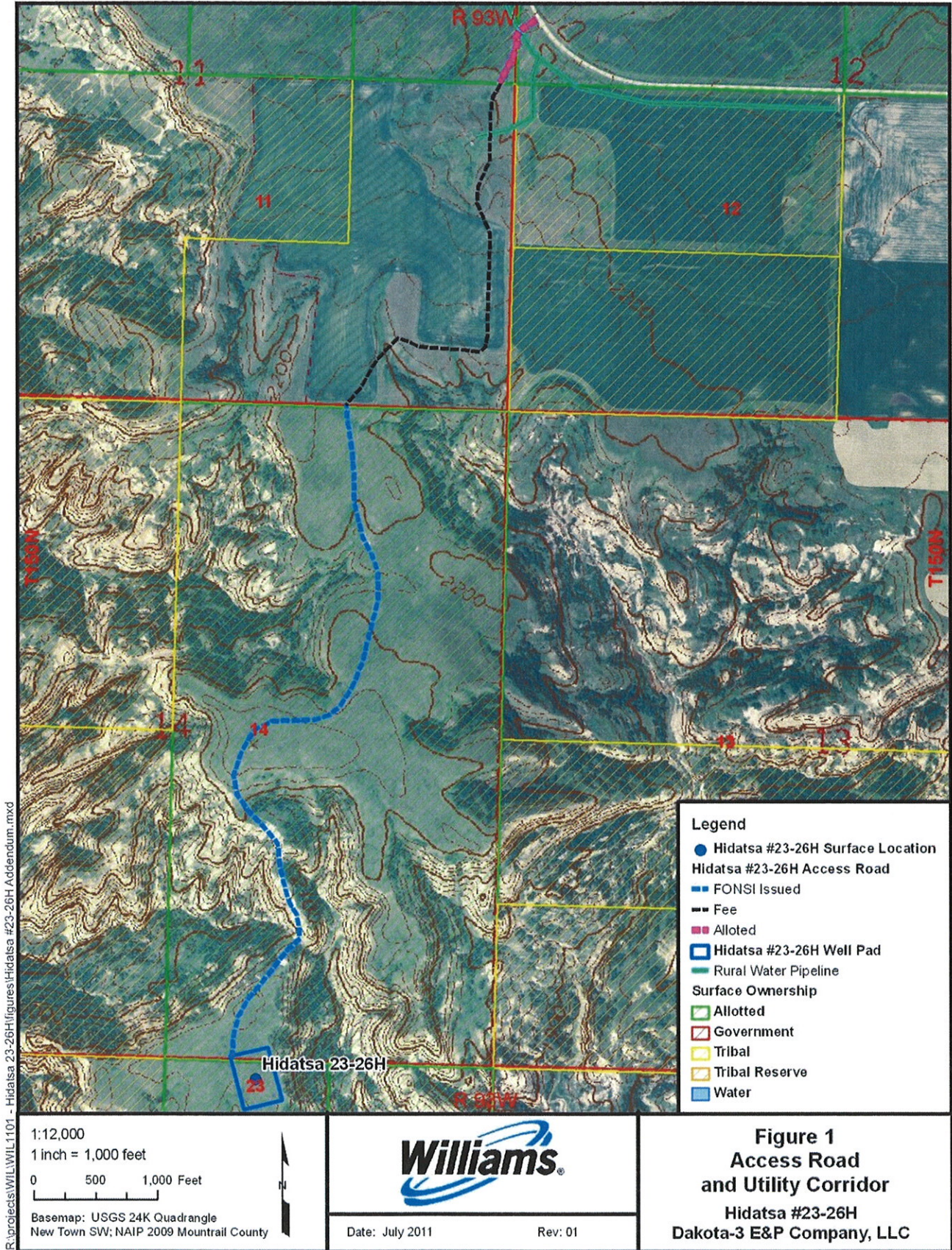


Figure 1. Hidatsa #23-26H Access Route and Utility Corridor



# **Notice of Availability and Appeal Rights**

*Dakota 3 E&P Company, LLC: Environmental Assessment Addendum  
Access Road and Utility Corridor for Hidatsa #23-26H*

**The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Environmental Assessment Addendum to Authorize Land Use for an access road and utility corridor of which 476 feet will cross allotted land in T150N, R92W, Section 11, 5th P.M. (Mountrail County) as shown on the attached map. Construction by Dakota-3 is expected to begin in 2011.**

**An environmental assessment (EA) addendum determined the 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).**

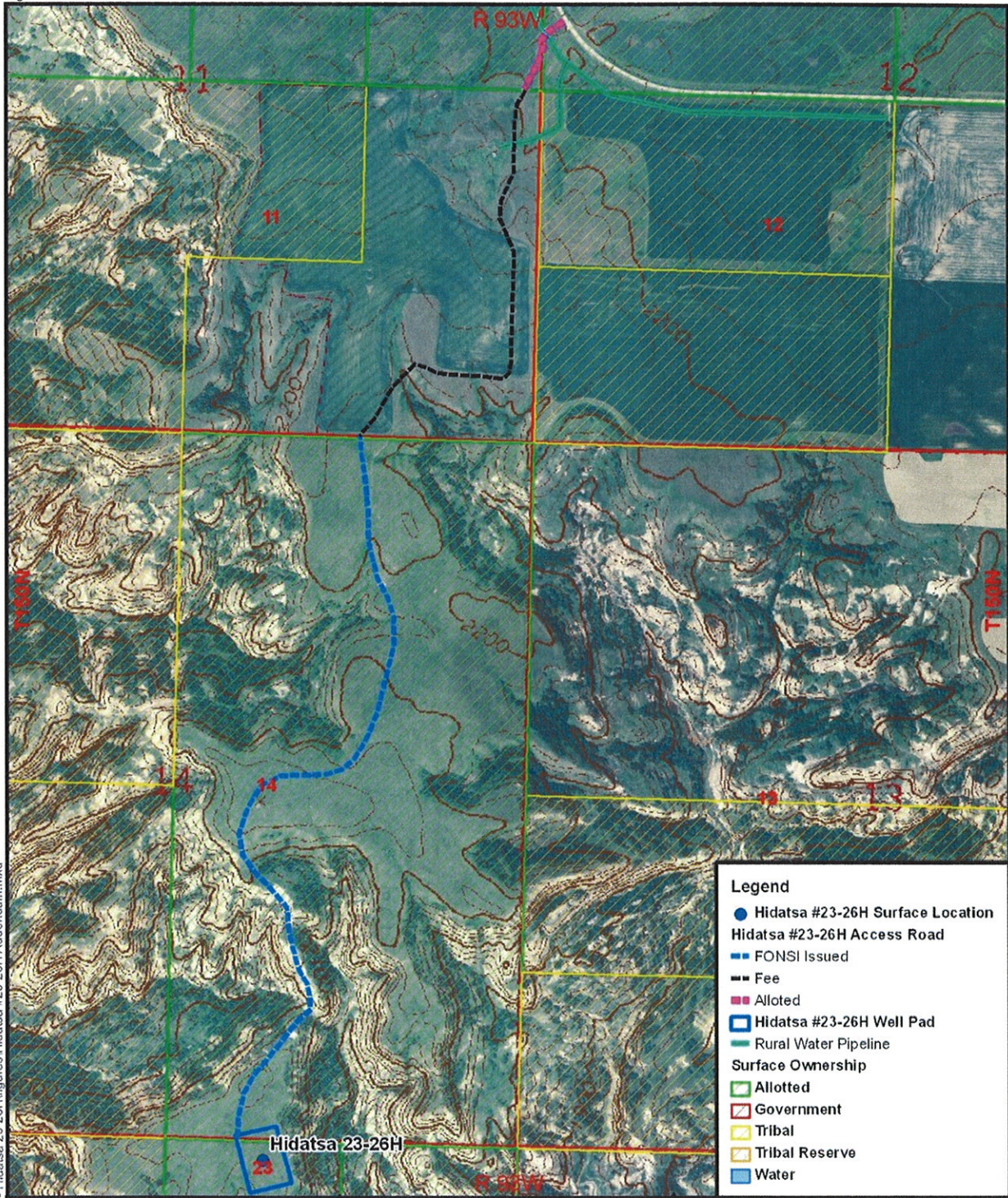
**The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until October 7, 2011, by contacting:**

**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.**



**Legend**

- Hidatsa #23-26H Surface Location
- Hidatsa #23-26H Access Road
- FONSI Issued
- Fee
- Alloted
- Hidatsa #23-26H Well Pad
- Rural Water Pipeline
- Surface Ownership**
- Allotted
- Government
- Tribal
- Tribal Reserve
- Water

R:\projects\WIL\WIL1101 - Hidatsa #23-26H\Figures\Hidatsa #23-26H Addendum.mxd

1:12,000  
1 inch = 1,000 feet

Basemap: USGS 24K Quadrangle  
New Town SW; NAIP 2009 Mountrail County

Date: July 2011      Rev: 01

**Figure 1**  
**Access Road**  
**and Utility Corridor**  
**Hidatsa #23-26H**  
**Dakota-3 E&P Company, LLC**