



# 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:  
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MC-208

NOV 03 2011

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: <sup>Acting</sup> 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 Environmental Assessment Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The addendum authorizes land use for an additional well and access road rights-of-way to the Hans #20-21H well pad on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy 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)  
Joey Sheeley, SWCA (with attachment)  
Jonathon Shelman, Corps of Engineer  
Jeff Hunt, Fort Berthold Agency

## Finding of No Significant Impact

### Enerplus Resources (USA) Corporation

#### Addendum to Environmental Assessment to Authorize an Additional Well and to Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad

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

The U.S. Bureau of Indian Affairs (BIA) has received a proposal to a proposal to authorize an additional well and to authorize expansion of the access road right-of-way to the Hans #20-21H well pads on the Fort Berthold Indian Reservation in Dunn County, North Dakota. 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.

Potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that 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, 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, archeological, 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 projects will improve the socio-economic condition of the affected Indian community.

Acting

  
Regional Director

Date

11/3/11

**ENVIRONMENTAL ASSESSMENT  
Addendum**

**United States Bureau of Indian Affairs**

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



**Peak North Dakota, LLC**

**Addendum to Environmental Assessment to Authorize an Additional Well and to  
Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad**

**Fort Berthold Indian Reservation**

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

The purpose of the proposed action is to authorize an additional well and to authorize land use by Enerplus Resources (USA) Corporation (Enerplus) for the expansion of the access road right-of-way (ROW) to the Hans #20-21H well pad.

## **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 well pad and access road are located in the SE $\frac{1}{4}$  of Section 18, NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, and the NW $\frac{1}{4}$  of Section 20, Township 148 North, Range 93 West, in Dunn County, North Dakota (Figure 1).

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

Enerplus proposes to drill one additional well to the Three Forks Formation on the approved well pad, as detailed above. There would be no additional surface disturbance to the well pad.

Enerplus also proposes to increase the ROW from 50 feet to 100 feet to properly construct access roads and to accommodate utility corridors (oil, gas, and produced water pipelines, and underground electric and fiber optic lines) at each location. ROW disturbance would increase approximately 4.6 acres from 4.7 to 9.3 acres. Appendix A provides detailed schematics of the proposed ROWs.

Approximately 4,062 feet of new access road would be constructed with a maximum disturbed ROW width of 100 feet. Construction of the proposed locations would disturb 4.7 additional acres. *Note: The access approach detailed in Appendix A shows a total length of 4,003 feet. The access plats are used to determine payment to the surface owners; the additional 59 feet fall within the fenced area and are not included in the ROW length description. However, the entire length is accounted for in the Line Table, which is used to calculate disturbance acreage.* The area of loss shows an increase in potential well pad disturbance from 5.9 acres to 10.4 acres; however, the locations described in the environmental assessment showed only actual pad disturbance and did not include the area of loss (cut/fill areas and cuttings, spoil, and topsoil piles) within the fence. Signed agreements would be in place allowing road construction across affected private and allotted land surfaces, and any applicable approach permits and/or easements would be obtained prior to any construction activity. All additional wells would be drilled according to the technical drilling specifications of the original Bakken well on the pads.

Construction would follow road design standards outlined in the Bureau of Land Management Gold Book (Bureau of Land Management and U.S. Forest Service 2007<sup>1</sup>). At a minimum, 6 inches of topsoil would be removed from the access road corridors. This stockpiled topsoil would then be placed on the outside slopes of the ditches following road construction. The ditches would be reseeded as quickly as possible using a seed mixture determined by the Bureau of Indian Affairs (BIA). Care would be taken during road construction to avoid disturbing or disrupting any buried utilities that may exist near established corridors. The access road would be surfaced with a minimum of 4 inches of aggregate if the site were to be established as a commercial production site. The roadway is proposed to remain in use for the life of the wells.

## **5. Surveys for Proposed Action**

Kadmas, Lee, and Jackson (KLJ) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands at all three locations on July 13, 2010, and on-site assessments were conducted on July 14 and 15, 2010. The study area consisted of 10 acres around the proposed well pad center point and a 100-foot-wide corridor along the proposed access road. The well pad and access road location were finalized, and the BIA gathered information needed to develop site-specific mitigation measures and best management practices (BMPs) to be incorporated into the final documents. Location placement and mitigation measures/BMPs were used to minimize impacts to sensitive wildlife and botanical resources.

On July 14 and 15, 2010, Beaver Creek Archaeology, Inc. personnel conducted a cultural resource inventory using an intensive pedestrian methodology. Approximately 17 acres were inventoried at the Hans #20-21H location (Herson 2010<sup>2</sup>). No cultural resources were identified that appear to possess the quality of integrity or meet at least one criterion (Title 36 Code of Federal Regulations 60.6) for inclusion on the National Register. The BIA reached a determination of *No Historic Properties Affected*. This determination was communicated to the Tribal Historic Preservation Office (THPO) on August 3, 2010; however, the THPO did not respond within the allotted 30-day period.

## **6. Potential Effects**

Potential impacts to cultural resource sites would occur as a result of direct disturbance and/or the loss of sites eligible for the National Register of Historic Places. Potential impacts to natural resources may include the 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 were mitigated via field survey and subsequent avoidance of any eligible cultural resource sites within the proposed ROW, stockpiling and re-using topsoil for reclamation, and completing interim reclamation immediately following construction.

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<sup>1</sup> Bureau of Land Management and U.S. Forest Service. 2007. Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development. BLM/WO/ST-06/021+3071/REV 07. Bureau of Land Management. Denver, Colorado. 84pp.

<sup>2</sup> Herson, Chandler. 2010. Hans #20-21H Dual Well Pad and Access Road: A Class III Cultural Resource Inventory in Dunn County, North Dakota. Beaver Creek Archaeology, Inc. for Peak North Dakota, LLC, Durango, CO.

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, implementation of BMPs to control the introduction of noxious weeds, and by minimizing the length of time between construction and reclamation. These mitigation measures are consistent with the approved National Environmental Policy Act (NEPA) document, which received a finding of no significant impact (October 15, 2010).

Based the resource surveys, evaluation of potential effects and mitigation measures, and consistency with the applicable NEPA document, no new, significant direct, indirect, or cumulative impacts to natural and cultural resources are anticipated as a result of the changes proposed in this addendum.

## **7. Pipeline/Gathering Line Construction and Safety Information**

The utility corridor is sized to accommodate the installation of buried oil, gas, and water gathering pipelines and buried electric and fiber optic lines. Gathering pipelines would tie into main pipeline trunk lines.

Gathering pipelines consist of oil, gas, and water pipelines. Gathering lines are designed and sized to prevent erosion—which is an internal pipe condition caused by excessive abrasion of fine particles in the pipeline system or by excessive velocity of the transported product—by a safety factor of approximately two. Based on these criteria, the oil and gas pipelines would be steel and 12 inches or less in diameter and the water pipelines would be Fiberspar and 6 inches or less in diameter. The gathering lines would be coated with between 14 and 16 millimeters of fusion bonded epoxy, which helps protect the pipelines against corrosive elements in the soil. Field joints are also protected by shrink sleeves. Specialty coatings are also used, as applicable, for underground fittings and bore crossings, to provide additional levels of protection from leakage or corrosion. The coating and shrink sleeves are inspected thoroughly at the time of installation, both visually and electronically. All pipelines are clearly marked following the U.S. Department of Transportation's (USDOT's) rules and regulations, 49 CFR Parts 192 and 195. To prevent potential erosion or rupturing of the pipeline within critical areas near Lake Sakakawea or in drainages, the placement and bore depth of gathering lines is designed based on soil types in the area and surface drainage area within the vicinity of the bore. Gathering lines will be bored underneath drainages at a minimum depth of 8 feet. Additionally, bore pipes will be coated with specialty abrasion-resistant coating that provides substantial protection on the off chance that a large erosion or flooding event occurs. Pipelines are also equipped with check valves and manual valves between the trunk line and gathering line, or lateral line, which provide connections to help limit the volume of potential spills. Saddle Butte Pipeline (SBP) has developed a Spill Response Plan (Plan) for its pipeline construction and operation activities. The Plan includes spill preventative measures and monitoring protocols, notification procedures, spill detection and on-scene spill mitigation procedures, response activities, contacts, training and drill procedures, and response plan review and update procedures. SBP is committed to adhering to the Plan as well as the procedures and requirements set forth by federal law (49 CFR Part 194). SBP has committed

to providing the site specific spill response plan to the BIA prior to the commencement of construction activities.

Following installation of the gathering lines, the lines will be cleaned and inspected via internal tools (e.g., cleaning pigs and smart pigs), which helps to identify issues in the pipes. Hydrostatic testing is conducted to ensure that there is no leakage of the pipe. A cathodic survey using test stations, rectifier pads, and other means designed by cathodic protection specialists is also conducted. Any stress or damage issues identified in the pipelines can be quickly identified and remedied prior to backfill. Throughout the life of the gathering lines, an appropriate amount of cathodic active current is placed on pipeline segments and monitored in accordance with the strict pipeline safety requirements set forth in the USDOT's rules and regulations. In order to assure the quality of the installation and the effectiveness of its corrosion control systems, pig launchers and receivers are also installed on the trunk lines and primary laterals to identify pipeline conditions both internally and externally, in order to maintain the integrity.

## **8. Pipeline/Gathering Line and Well Pad Reclamation Information**

### **Reclamation and Stabilization**

The purpose of this section is to describe the methods for topsoil replacement, reseeding, erosion control, and monitoring in order to ensure reclamation success. All disturbed areas would be reclaimed and reseeded immediately following construction. The construction contractor, according to specifications outlined in this document, would restore all lands disturbed by that contractor including, but not limited to, ROWs, well pads, construction yards, temporary work spaces, ancillary facilities, and staging areas. Enerplus would recontour the disturbed areas and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land and in the ROW. Enerplus would also restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient. Loose soil, fill, and culverts would be removed from drainage channels as directed by the authorized officer.

Enerplus would measure the success of the reclamation by monitoring site stabilization and percentage of revegetation. By maintaining vegetative cover, "the interactive process between the soil and the plant are sufficient to cope with erosive forces" (Lal 1998<sup>3</sup>) and recent research has suggested that soil with "30% total cover provided adequate erosion protection" (Linse et al. 2001<sup>4</sup>). Enerplus would measure the success of its short-term reclamation goals by establishing a minimum of 30% vegetation cover and ensuring that no gullies or rills would occur. Final stabilization would be achieved when all surface-disturbing activities are completed and a uniform perennial native vegetative cover with a density of 70% has been established on all disturbed areas not covered by permanent structures. The success of reclamation goals would be monitored for the life of the pipeline.

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<sup>3</sup> Lal, Ratan. 1988. Soil Erosion Research Methods. American Society of Agronomy 1988:164–165.

<sup>4</sup> Linse, S.J., D.E. Mergen, J.L. Smith, and M.J. Trlica. 2001. Upland erosion under a simulated most damaging storm. *Journal of Range Management* 54 (2001):356–361.



Work sites would be restored using excess materials, vegetation, and topsoil stockpiled for that purpose. The contractor would dispose of excess soil materials, rock, and other objectionable materials that cannot be used in restoration work, at an approved landfill. All topsoil material stockpiled after construction of well pads, and following interim reclamation, would be immediately placed in windrows no higher than 2 to 4 feet, seeded with a certified weed-free annual ryegrass at a rate of 10 pounds per acre, and covered with fiber matting to prevent erosion and maintain soil fertility.

## **Interim Reclamation**

### Well Pad

Rat and mouse holes would be backfilled and compacted, from bottom to top, immediately following release of the completion rig from the location. All disturbed lands associated with this project, including the well location and access road, would be expediently reclaimed and reseeded. Disturbed lands would be reshaped to the approximate original contour of the adjacent undisturbed surface. After the well is drilled, the location would be reduced in size to create a smaller location footprint.

The cuttings pit would be closed and recontoured as soon as it is dry, but not later than 90 days from the time drilling and completion operations cease. If this timeframe cannot be met due to unforeseen circumstances, an extension would be requested from the authorized officer. The cuttings pit would not be squeezed. Following closure and backfilling, the pit area would be monitored. Any subsidence of the reclaimed pit would be corrected immediately.

If the wells prove to be productive, the fill slopes would be reduced from 2:1 slopes to 4:1 slopes and the cut slopes would be reduced from 1:1 slopes to 3:1 slopes by pushing the fill material back up into the cut. All disturbed areas would be scarified to a depth of 1 foot and topsoil would be spread evenly over reclaimed areas.

Areas with high erosion potential would also have special applications to aid reclamation. This may include one or more of the following: mulching, fiber blankets/rolls, hydro blankets, an annual cover crop (i.e., barley), water bars, and diversion ditches.

### Pipeline/Gathering Line Corridor

Reclamation would continue to occur over the life of the pipelines. Interim reclamation would commence after initial construction and following any maintenance work or additions to infrastructure. SBP would be responsible for successfully reclaiming and restoring any damage or disturbance it may have caused to the property.

Following trench backfilling and compaction, disturbed areas would be restored to the original land contour and the subsoil on the working side of the ROW and other work areas would be ripped to alleviate compaction. The salvaged and stockpiled topsoil would then be redistributed over the ROW and graded and erosion control measures would be installed as appropriate. If construction is stopped before interim reclamation can be completed due to winter weather conditions, the topsoil will be respread over the ROW after the trench is

backfilled and matting or straw will be placed over the all bare ground as a barrier to aid in the prevention of subsidence. If construction is planned for winter months, SBP will partially fill the trench with useable, non-frozen, back-fill soil to the extent possible. SBP would then back-fill the trench and distribute the topsoil as soon as practicable after the soil has defrosted. Topsoil piles would be covered to eliminate the potential for rill erosion and subsequent loss of soil during spring snow melt and precipitation events.

The seedbed would be prepared by disking to a depth of 4 to 6 inches below ground surface. No reclamation work would be completed when soils are frozen or overly wet and no depressions would be left to trap water or form ponds. The seed mixture would be determined by the BIA and the landowner. Seed would be drilled on the contour with a seed drill. If a drill seeder cannot be used due to topography, the location would be broadcast seeded at double the above rate. The broadcasted seed would be covered by raking or harrowing.

Topsoil would not be mixed with spoil material before or during replacement. Topsoil from areas that had not been stripped would not be used to cover adjacent disturbances. Topsoil would not be handled under excessively wet or windy conditions.

Replaced topsoil would be left in a roughened condition to discourage erosion and additional stabilization techniques may be required on steeper slopes, in areas that have highly erodible soils, and in areas adjacent to, or within, drainages. Woody and non-woody vegetation cleared and stored along the edges of the ROW during construction would be randomly scattered over the ROW and temporary use areas.

No unnatural depressions would be left that would trap water or form ponds; the trench would be compacted at 1- to 2-foot lifts to avoid subsidence. In no instance would the ROW or expanded work areas be lower than the natural grade.

### **Seed Specifications and Selection**

Seed mixtures determined by the BIA may need to be modified as a result of limited species availability, poor seed quality, or differences in site conditions. These modifications would be dependent on site-specific conditions and requirements and modifications would only be approved after consultation with the landowner or the authorized officer.

All seed would meet all the requirements of the Federal Seed Act of 1939 and the seed and noxious weed laws of North Dakota. Seed would be purchased from a certified seed source in accordance with Pure Live Seed specifications for seed mixtures and would be certified weed free. If requested, evidence of seed certification would be provided to the authorized officer. The seed would be consistent with the characteristics of the reclaimed area and would be used within nine (9) months of testing to assure seed viability.

### **Seedbed Preparation**

Seedbed preparation pertains to the preparation of the surface to receive the seed. Prior to seedbed preparation, the contractor or Enerplus would remove all foreign materials (e.g.,

garbage, paper, etc.), but leave all rocks, limbs, or minor woody debris. Seedbed preparation would be performed immediately prior to seeding.

The topsoil layer would be roughened, if necessary, prior to seed application using a standard disk or spring bar harrow under the proper soil moisture conditions to achieve the desired surface texture. Dirt clods and chiseled voids would provide microsites for seed establishment and increase surface area for water collection. The soil would be disked/harrowed to a maximum of 2 inches deep with 2- to 4-inch clods. Sites where this method is not practical (steep slopes, rocky areas, etc.) would be left with adequate roughness following topsoil placement to provide microsites for seed germination and to reduce soil movement.

Seedbed preparations would not be performed in areas with the desired post-construction soil characteristics. The authorized officer may review and approve the results of the seedbed preparations prior to the seed application if desired.

### **Seed Application**

The seed mixture would be applied as directed by the BIA and no seed mixture changes would be made without approval from the authorized officer.

Seeding would normally take place in the fall after September 15 and prior to prolonged ground frost, or in the spring after the frost leaves the ground, after May 15. Seeding would be repeated until a satisfactory stand, as determined by the BIA authorized officer, is achieved. The seed mixture would be broadcast on the disturbed area after seedbed preparations are complete. After broadcasting on lands held in trust by the BIA, the seed would be lightly harrowed or raked into the ground prior to the application of stabilizing material. Seeding would not take place when wind velocities reach speeds that make uniform application of the seed mixture unlikely.

If the seed does not germinate and establish at least one desirable perennial species per square foot after two growing seasons, the contractor or Enerplus would perform a one-time reseeding during a period acceptable to the BIA. Success criteria would be based on a qualitative assessment of reclaimed areas and adjacent undisturbed habitat. If there is a need for immediate soil stabilization, a chemical soil binder may be applied, either alone or with mulch. These chemical stabilizers would be applied per the manufacturer's recommended rate.

### **Reclamation Monitoring and Evaluation of Reclamation Success**

A monitoring program would be implemented following construction and reclamation to determine the need for additional reclamation. Monitoring would continue for an unspecified length of time, determined through mutual agreement between Enerplus and the BIA.

Monitoring would be conducted by a specialist to ensure revegetation of native herbaceous and woody species. Any identified problem areas would be remediated as soon as possible. Effectiveness of erosion and sediment control measures would be assessed during construction, following revegetation. Corrective actions would be taken on any problem areas.

Any identified unauthorized vehicle access would be noted during reclamation monitoring and additional measures to block access would be taken.

Enerplus would conduct reclamation evaluations in conjunction with the BIA. Evaluations would include assessment of soil stability and revegetation success and final revegetation success would be determined with the help of the following criteria.

- Post-disturbance plant cover is at least 70% of that on adjacent lands. In forested and shrubby areas where comparison to adjacent lands is impractical, success would be measured by evaluating the revegetation density and composition as a result of having met soil stabilization goals.
- Species composition includes a high percentage of seeded species and natural invasion of desirable volunteers from adjacent communities.
- Ability to withstand grazing pressure is similar to adjacent areas. In areas where revegetation may be sensitive to grazing pressure, Enerplus may negotiate with the BIA or the landowner to defer, reduce, or control grazing or to fence sensitive areas on the ROW for one to three growing seasons until plants are well established.
- Plant reproduction is evident.
- Where applicable, replanted woody species have at least a 50% survival rate.
- Vegetative cover is established and sufficient to, with the help of the noxious weed management plan, control invasion of noxious weeds.
- Vegetative cover is sufficient to mitigate visual impacts.

Soil stability determination would be made by watching for the following erosion indicators.

- Headcuts or bank failure in drainages.
- Existence of soil pedestals that are 0.50 inch high or more and/or at a frequency of 10 or more per 100 square feet.
- Existence of rills more than 3 inches deeps and found at 10-foot intervals.
- Gullies occurring more frequently than 200-foot intervals and that appear unstable (do not support perennial vegetation).
- Trench subsidence or slumping.
- Disturbance of plant root systems.
- Existence of wind-scoured depressions deeper than 0.50 inch over 25% of a 100-square-foot area.
- Flow patterns that show translocation of soil and surface litter.

### **Noxious Weed Control**

Efforts to reduce the spread of noxious weeds would be made during the project construction and maintenance processes. The use of construction equipment and supplies during reclamation of the pipeline construction can potentially cause the spread of noxious weeds. The following guidelines would be followed during construction, reclamation, and maintenance stages of the project to control the spread of noxious weeds.

- Construction equipment, materials, and vehicles will be stored at construction sites or at specified construction yards.
- All personal vehicles, sanitary facilities, and staging areas will be confined to a limited number of specified locations to decrease chances of incidental disturbance and spread of weeds.
- Contractors will be required to ensure that vehicles arrive at the work site clean and weed free. All equipment, including personal vehicles, entering the ROW must be washed at a designated location and identified with a tag certifying that it is clean and weed free.
- In areas with existing noxious weed infestations, vegetation, soils, and trench spoil material will be stockpiled adjacent to the removal point and, following construction, will be returned to their original locations to prevent their spread along the ROW.
- Following completion of work at identified noxious weed-infested sites, the contractor will be required to use compressed air or other means to remove soil and propagules from equipment and vehicles to prevent transport along the ROW.
- Prompt reestablishment of the desired vegetation in disturbed areas is required. Seeding will occur during the frost-free periods after construction. Certified “noxious weed-free” seed will be used on all areas to be seeded.

Furthermore, Enerplus has committed to control the spread of noxious weeds within the project area during the construction, reclamation, and maintenance phases of the project. BIA personnel would assist with the identification of noxious weeds during required line maintenance activities. The authorized officer would be contacted prior to any herbicide use. If a noxious weed community is found, it would be eradicated unless the community is too large, in which case it would be controlled or contained to prevent further growth. The services of a qualified weed control contractor would be utilized.

### **Final Abandonment**

A termination and reclamation plan would be developed and submitted to the BIA at least one year prior to abandonment. This plan would include, but would not be limited to, removal of aboveground facilities, reclamation procedures for aboveground facility sites and access roads, and an abandonment and reclamation schedule.

All surface facilities would be removed upon abandonment. Compacted areas would be ripped and, following recontouring, stockpiled topsoil would be redistributed, prepared, and revegetated. Enerplus would be responsible for reclamation until it meets BIA requirements.

Availability of soil nutrients changes over time, so soils in long-term stockpiles would be analyzed to determine nutrient status and fertilizer application rates prior to redistribution.

Upon final abandonment of the pipeline location and/or access roads related to the Enerplus project, water diversion measures would be installed and both the access roads and pipeline locations would be restored to approximately the original ground contour(s).

Because the economic and environmental costs preclude excavation and removal of the pipeline, it would be purged and abandoned in place.

## **9. Applicable NEPA Document(s)**

Environmental Assessment: *Drilling Bradfield #31-14H, Hans #20-21H, Likes Eagle #2-31H, Mandan #8-21H, Mandan #8-31H, Walker #18-34H, and Youngbird #12-21H Exploratory Oil and Gas Wells* (October 2010).

## **10. NEPA Adequacy Criteria**

This document has identified one previously prepared NEPA document, *Environmental Assessment: Drilling Bradfield #31-14H, Hans #20-21H, Likes Eagle #2-31H, Mandan #8-21H, Mandan #8-31H, Walker #18-34H, and Youngbird #12-21H Exploratory Oil and Gas Wells* (October 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 sites specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed actions 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 actions.
5. The direct and indirect impacts of the proposed actions are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed actions 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 an Additional Well and to Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad (October 2011)

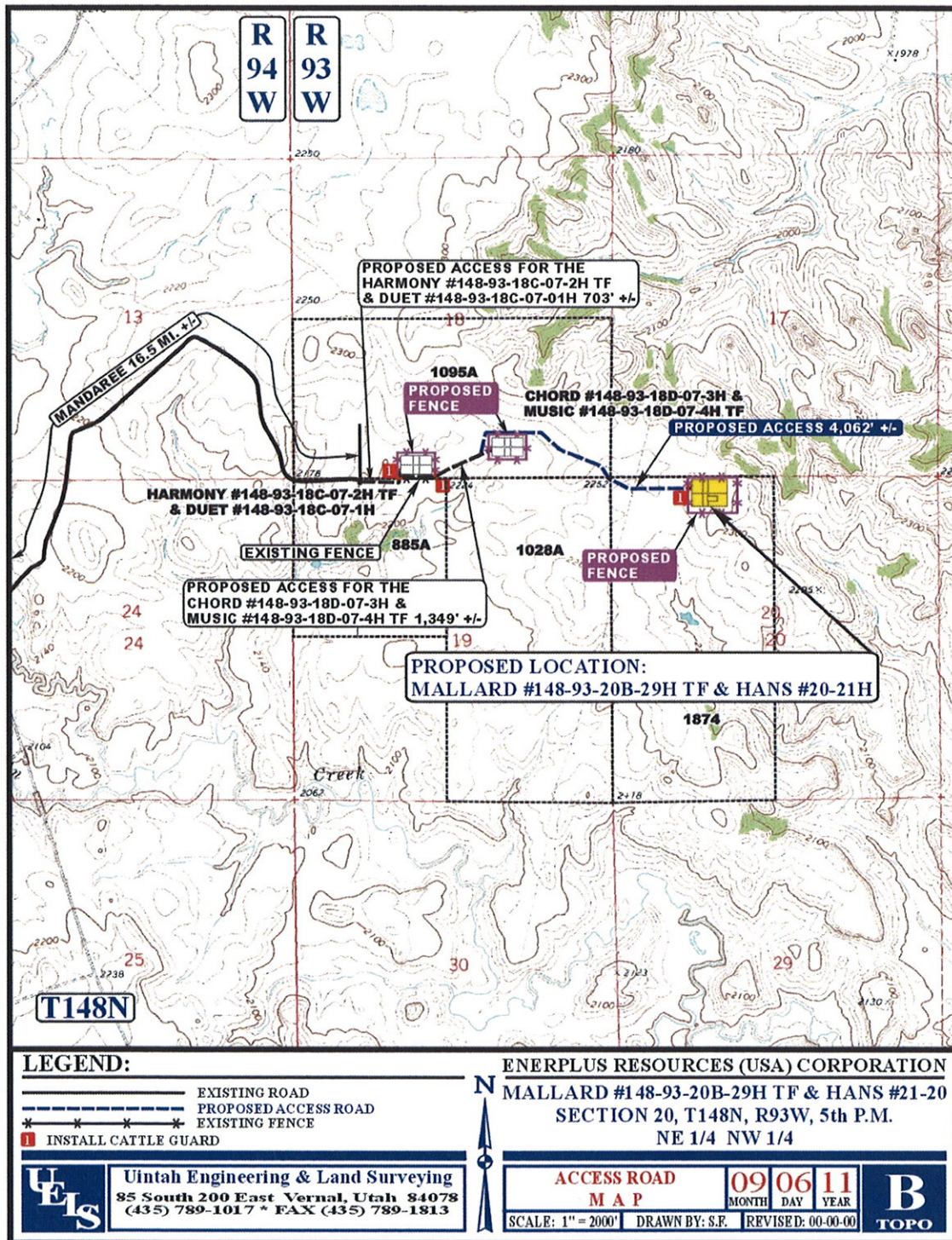
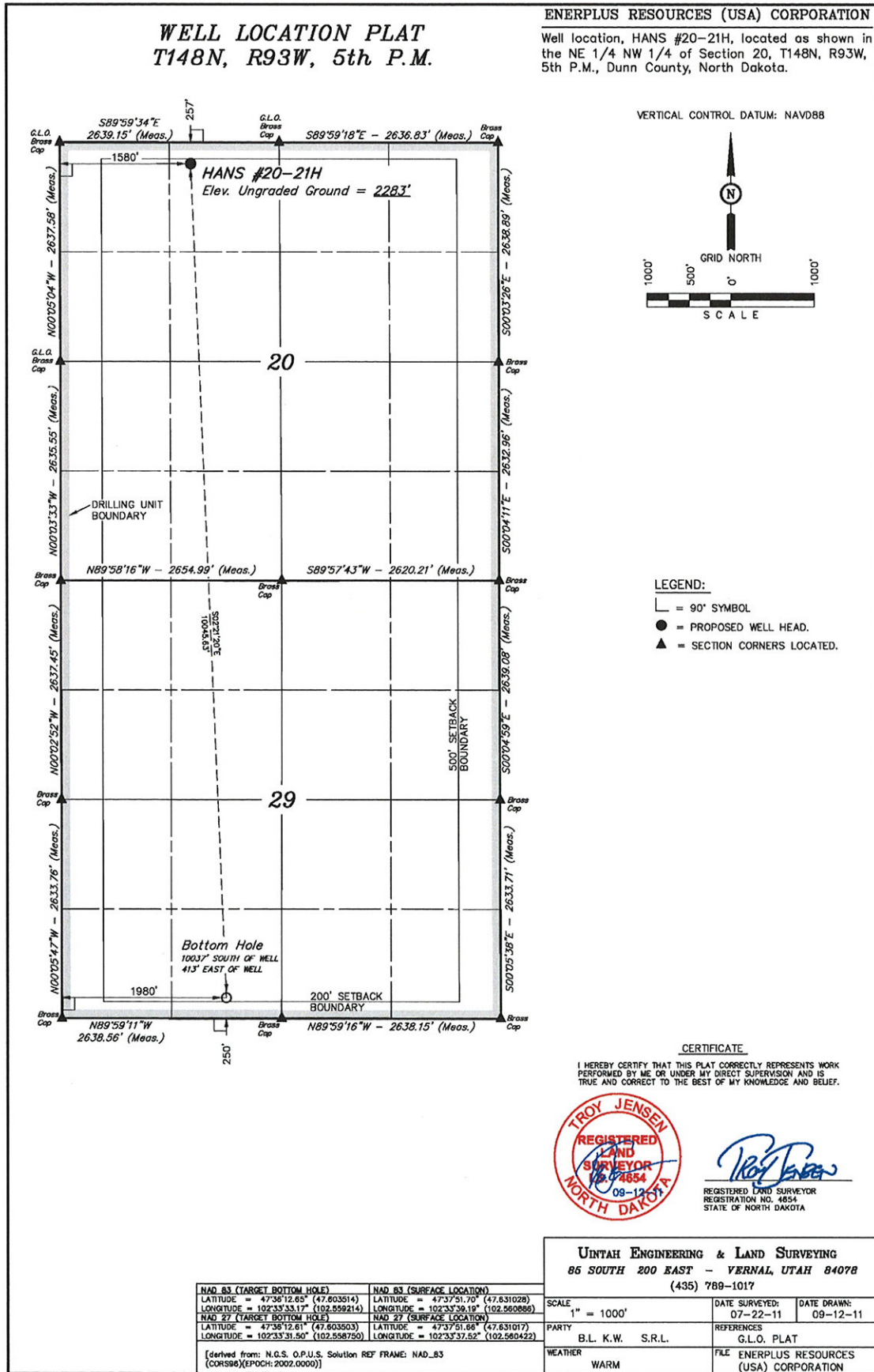


Figure 1. Location Hans #20-21H/Mallard #148-93-20B-29H TF well pad and access road.

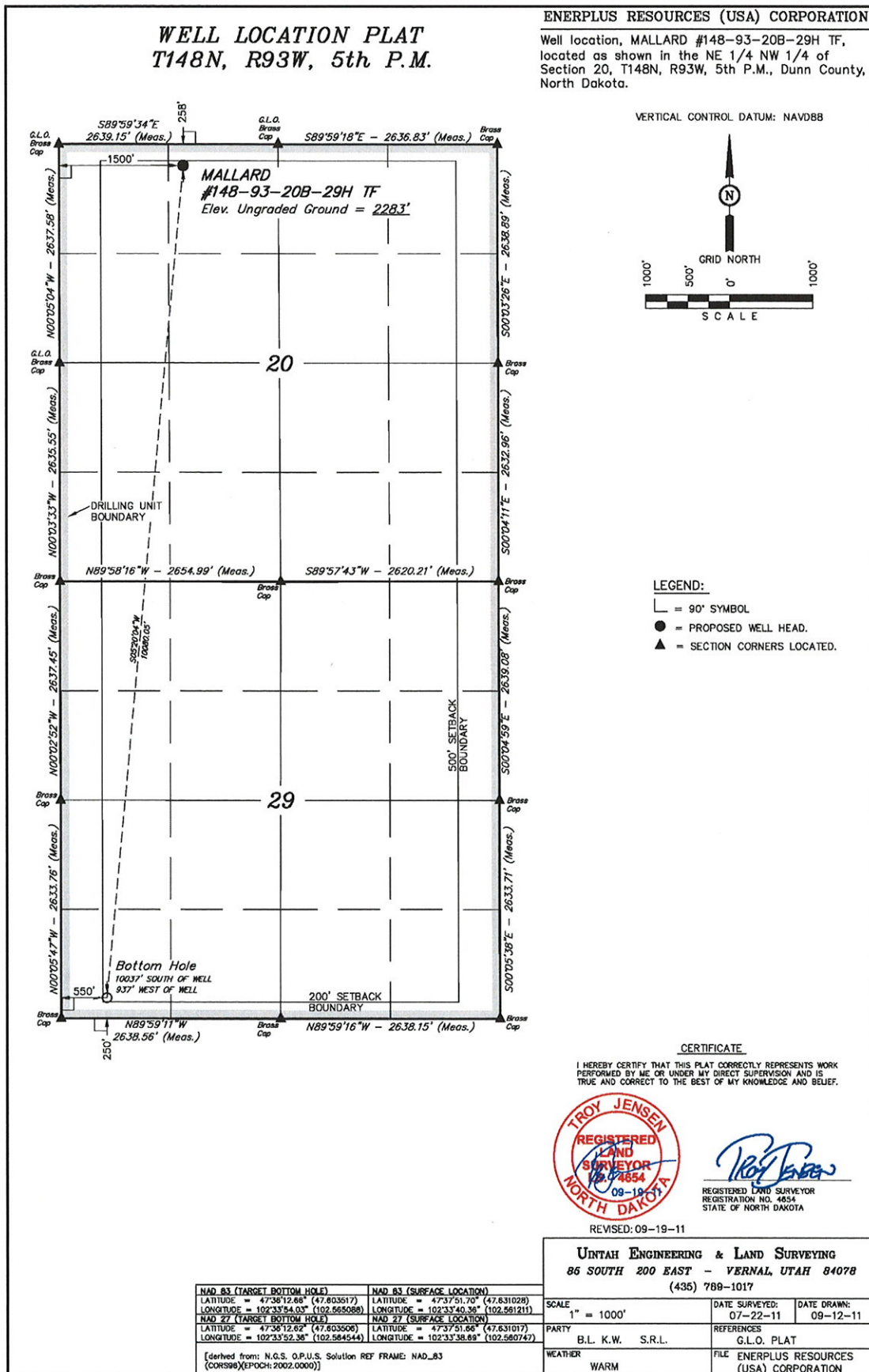
**APPENDIX A**  
**Plats, Drawings, and Diagrams for the Proposed**  
**Mallard #148-93-20B-29H TF Well**  
**(Hans #20-21H Well Pad)**



*Addendum to Environmental Assessment to Authorize an Additional Well and to Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad (October 2011)*



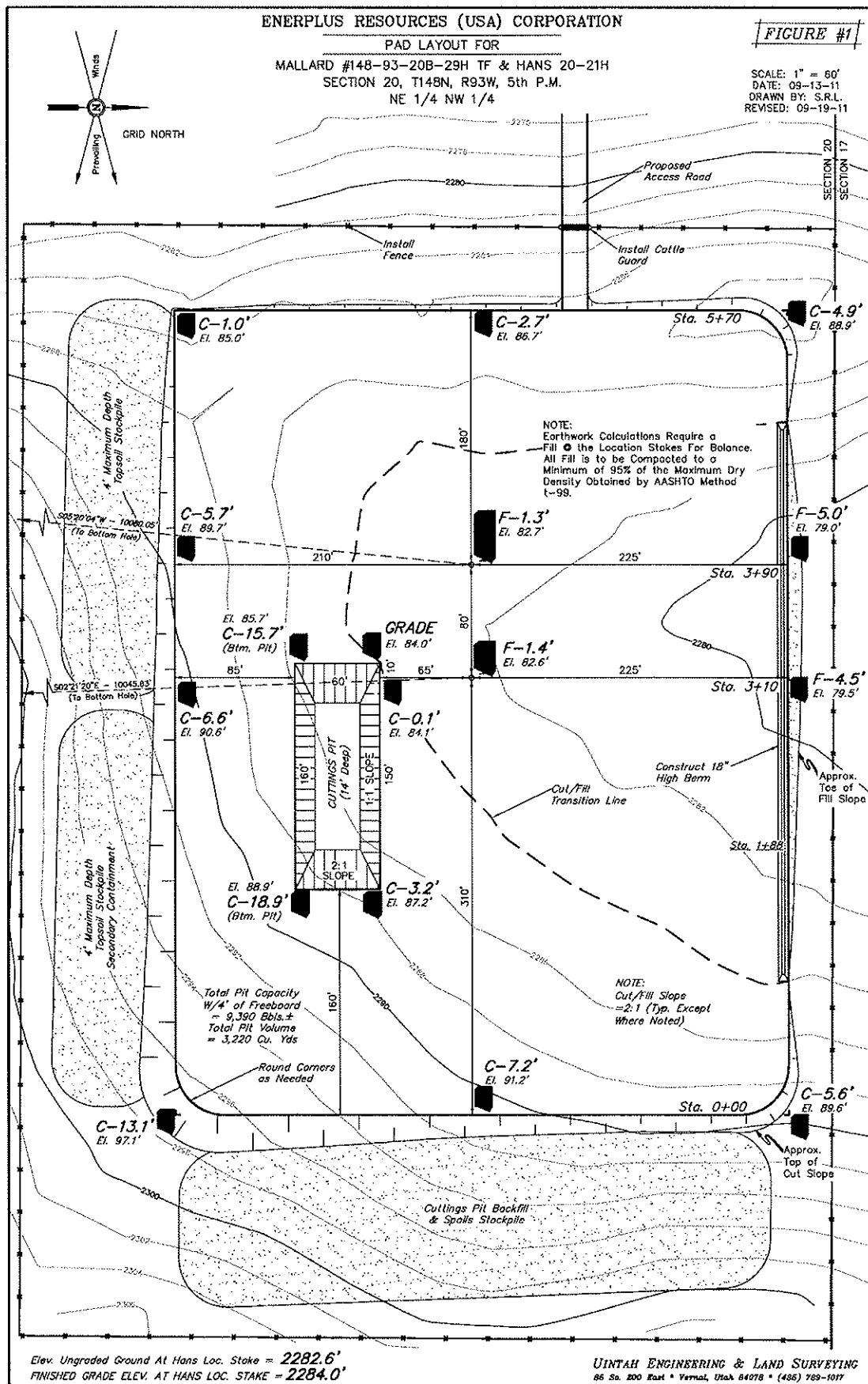
*Addendum to Environmental Assessment to Authorize an Additional Well and to Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad (October 2011)*



NAD 83 (TARGET BOTTOM HOLE)	NAD 83 (SURFACE LOCATION)
LATITUDE = 47°36'12.86" (47.603517)	LATITUDE = 47°37'51.70" (47.631028)
LONGITUDE = 102°33'54.03" (102.565088)	LONGITUDE = 102°33'40.38" (102.561211)
NAD 27 (TARGET BOTTOM HOLE)	NAD 27 (SURFACE LOCATION)
LATITUDE = 47°38'12.82" (47.635508)	LATITUDE = 47°37'51.86" (47.631017)
LONGITUDE = 102°33'52.36" (102.564544)	LONGITUDE = 102°33'38.89" (102.560747)

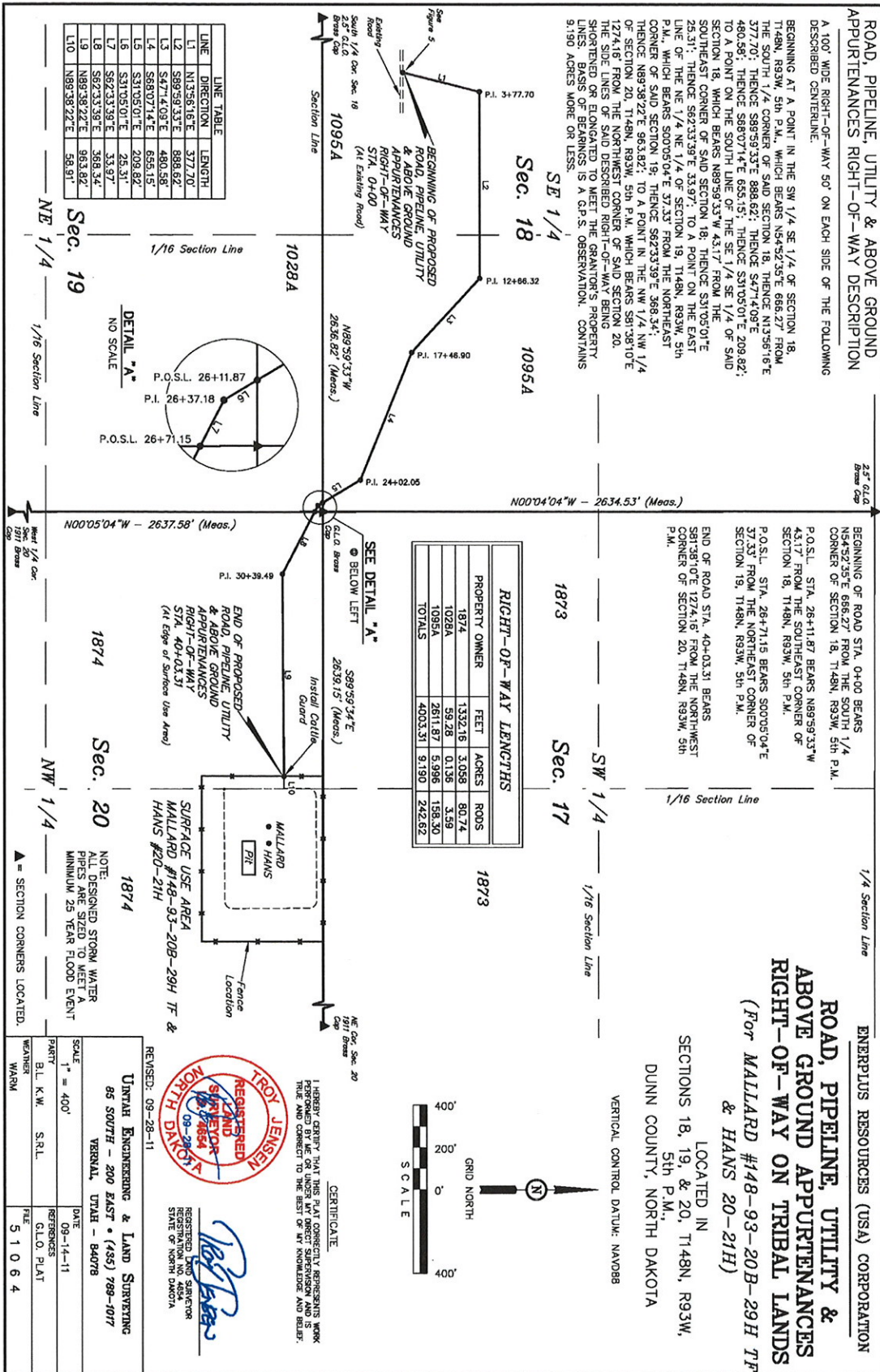
[derived from: N.G.S. O.P.U.S. Solution REF FRAME: NAD\_83 (CORRS9@EPOCH: 2002.0000)]

*Addendum to Environmental Assessment to Authorize an Additional Well and to Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad (October 2011)*





*Addendum to Environmental Assessment to Authorize an Additional Well and to Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad  
(October 2011)*



# **Notice of Availability and Appeal Rights**

**Enerplus: Addendum to Environmental Assessment to Authorize an Additional Well and to Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad**

**The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Environmental Assessment to Authorize an Additional Well and to Authorize Expansion of the Access Road Right-of-Way to the Hans #20-21H Well Pad as shown on the attached map. Construction by Enerplus 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 December 3, 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

