



# 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

NOV 22 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 Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The addendum authorizes land use for gathering pipelines connecting the Ethan Hall #2-14H Well to the proposed Arrow Phase 3 SW pipeline 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)  
Michael Madson, SWCA (with attachment)  
Jonathon Shelman, Corps of Engineers (with attachment)  
Jeff Hunt, Fort Berthold Agency

## **Finding of No Significant Impact Dakota-3 E&P**

### **Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipelines Connecting the Ethan Hall #2-14H Well to the Proposed Arrow Phase 3 SW Pipeline**


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

The U.S. Bureau of Indian Affairs (BIA) has received a proposed Addendum to Environmental Assessment authorizing land use for gathering pipelines connecting the Ethan Hall #2-14H Well to the proposed Arrow Phase 3 SW pipeline 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.

The potential of the proposed actions to impact the human environment is analyzed in the attached Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed EA, I have determined that the proposed projects will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement was solicited and environmental issues related to the proposal were identified.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed action and the No Action alternative.
3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) (MBTA), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).
4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed projects will improve the socio-economic condition of the affected Indian community.

  
Acting Regional Director

11-22-2011  
Date

**ENVIRONMENTAL ASSESSMENT  
Addendum**

**United States Bureau of Indian Affairs**

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



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

**Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipelines  
Connecting the Ethan Hall #2-14H Well to the Proposed Arrow Phase 3 SW Pipeline**

**Fort Berthold Indian Reservation**

**November 2011**

For information contact:  
Bureau of Indian Affairs, Great Plains Regional Office  
Division of Environment, Safety and Cultural Resources Management  
115 4th Avenue SE, Aberdeen, South Dakota 57401  
(605) 226-7656

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A. Layout and Right-of-Way for Proposed Ethan Hall #2-14H Gathering Pipelines

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

The purpose of the proposed action is to authorize the land use by Dakota-3 E&P (Dakota-3) to construct 1.07 miles of gathering pipelines that would consist of one oil line, one gas line, and one water line, all of which will not individually exceed a diameter of 8 inches and would connect the existing Ethan Hall #2-14H well to the proposed Arrow Phase 3 SW Pipeline (Phase 3 SW) on the Fort Berthold Indian Reservation. The proposed gathering pipeline system would transport oil, gas, and produced water from productive wells to markets and disposal facilities. If warranted, a buried electrical line may be installed in the future within the currently proposed ROW.

Developments have been proposed on land held in trust by the United States in Dunn County, North Dakota. The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments. The economic development of available resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers substantial economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nations and to individual tribal members.

## **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 proposed Ethan Hall #2-14H gathering lines would be located on trust land originating from the south west side of the well pad in the NE¼ of Section 14, Township (T) 148 North (N), Range (R) 94 West (W), 5<sup>th</sup> Prime Meridian (P.M.), Dunn County, North Dakota, and run south west, terminating at the proposed Phase 3 SW Pipeline in the SW¼ of Section 14, T148N, R94W, 5<sup>th</sup> P.M. This location is approximately 7.04 miles south of Mandaree, North Dakota.

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

Oil, gas, and water pipelines would be buried in either two 2.5-foot-wide trenches, spaced 5.0 feet apart, or one 5.0-foot-wide trench. Oil and gas pipelines would be no greater than 8 inches in diameter and constructed of steel. The water pipeline would also be no greater than 8 inches in diameter and constructed of Fiberspar<sup>®</sup> or similar material. Technical descriptions for the materials, corrosion rates, spill response plans, pipeline marking procedures, quality assurance/control, valve locations, boring locations, and reclamation plans are Arrows' specific procedures for pipeline construction.

Approximately 1.07 miles of oil, gas, and water line would be needed to connect the proposed Ethan Hall #2-14H wells to the proposed Phase 3SW Pipeline. All construction disturbances would occur within a 100-foot temporary right-of-way (ROW) and permanent surface disturbance would occur within a 50-foot ROW between the Ethan Hall #2-14H well pad and the proposed Phase 3 SW Pipeline, which has been surveyed for impacts to natural and cultural resources with no significant findings. In total, approximately 12.97 acres will be temporarily disturbed and 6.48 acres will be permanently disturbed, as a result of activities associated with the construction of the proposed gathering pipeline. Pipeline plats are provided in Appendix A.

Dakota-3 may chose to transfer ownership of this gathering line to another operator who would then assume responsibility for adherence to the commitments of this Addendum and any conditions detailed by the BIA under a FONSI.

## **5. Materials Information and Corrosion Rates**

Dakota-3 proposes to construct the oil, gas, and water pipelines according to the specifications used by Arrow Pipeline, LLC (Arrow). These specifications may vary is Dakota-3 uses different materials and methods to install the pipelines. If the technical specifications of the materials vary from those contained herein, D3 will provide the BIA with a revised technical specification explanation that contains the same or similar information as disclosed below.

### **Steel Pipe**

Dakota-3 proposes to construct the oil and gas pipelines using new steel pipe rated by the American Petroleum Institute (API) as 5L X52. Dakota-3 would ensure that each steel pipe segment is coated with approximately 14 to 16 millimeters of fusion bonded epoxy coating. Further, Dakota-3 would deploy an active cathodic protection system for all steel pipe, which further reduces the likelihood of external corrosion. Dakota-3 would ensure that each steel pipe segment is allotted a 1/16-inch corrosion allowance; however, because of the non-corrosive nature of Bakken crude and the low concentrations of hydrogen sulfide, Dakota-3 does not anticipate any external or internal corrosion during the operating lifetime of the pipe, which, at a minimum, is estimated to be 50 years.

### **Fiberspar® or Similar Pipe**

Dakota-3 proposes to construct the produced water gathering pipeline using a material known as Fiberspar or one with the same corrosion resistant characteristics as Fiberspar. This type of material is not subject to internal or external corrosion.

## **6. Spill Response Plan**

The operator has developed a Spill Response Plan (Plan) (Middick 2011<sup>1</sup>) for the Phase 3SW pipeline. The 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, as referenced in the plan, apply to the proposed pipelines, so long as Arrow remains the operator. A copy of the

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<sup>1</sup> Middick, Andy. 2011. *Operations Monitoring and Spill Response Plan*. Blackshare Environmental Solutions. Oklahoma City, Oklahoma.

plan has been filed with the BIA and Dakota-3 has legally committed to adhering to the procedures and requirements as defined by federal law (Title 49 Code of Federal Regulations [CFR] 194). Dakota-3 is committed to developing a project specific spill response plan that will be submitted to the BIA prior to the commencement of construction activities.

## **7. Pipeline Marking Procedures**

Dakota-3 adheres to the requirements of 49 CFR 192.707 with regard to the marking of buried pipelines. Specifically, Dakota-3 would place pipeline markers within 1,000 feet of one another, at all public road crossings, railroad crossings, creek crossings, fence crossings, and at all points of major direction change.

## **8. Quality Control/Quality Assurance Measures**

Dakota-3 purchases steel pipe that is rated as API 5L X52 and inspects all pipe while at the mill to ensure quality. Dakota-3 is also present to ensure that external epoxy coating is applied to a minimum thickness of 14 millimeters. During construction, all welds are visually inspected for quality and completeness by qualified professionals. Once welds have passed visual inspection, they are subjected to 100 percent Non Destructive Testing. After passing these tests, the weld areas are covered for corrosion protection. After the weld areas have been covered, the external coating of the pipe is inspected using a jeepmeter to detect holes and cracks. The pipe is lowered into the trench and buried. Prior to being put into service, the steel pipe is hydrotested to approximately 1.5 times the minimum design pressure of 1,180 pounds per square inch gauge (psig).

The produced water pipe is designed to sustain a minimum pressure of 750 psig and is hydrotested to approximately 900 psig prior to being approved for service.

## **9. Valve Locations**

Two valves would be installed at each end of the proposed pipelines. One valve would be installed at the well location while the second valve would be installed at the proposed tie-in. The installation of two valves would allow Dakota-3 to isolate the proposed gathering pipelines if required.

## **10. Reclamation**

### **Interim Reclamation**

Reclamation would continue over the life of the gathering line and would include the return of topsoil, and contouring and seeding of native vegetation. Initial reclamation would be required 6 months after construction, if environmentally feasible, and then following any maintenance work or additions of infrastructure. Reclamation would be required before final abandonment of the decommissioned gathering line. A successful reclamation would at all times be the responsibility of the operator.

The portions of the gathering line not used for functionality would be back-filled, assuming frozen or saturated soils are not present. Topsoil piles would be stored on site during construction. If construction is to occur during winter, Dakota-3 will partially use non-frozen back-fill soil to the extent possible and cover the entire ROW with straw. Topsoil would be distributed 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.

Applicable short- and long-term best management practices would be used to minimize and control erosion in disturbed areas. To reduce compaction, the gathering line ROW would be plowed before the stockpiled topsoil is distributed.

The disturbed areas would be reclaimed and contoured as soon as possible after construction is complete (fall/spring). The gathering line ROW would be covered with stockpiled topsoil and reseeded with a seed mixture determined by the BIA. Dakota-3 would control noxious weeds within the ROW by approved chemical or mechanical methods. If seeding of the ROW does not occur due to growing season constraints, Dakota-3 will deploy approved weed-free hay across the entire ROW. The presence of hay across the ROW will reduce the potential for excessive erosion as a result of spring snow melt and precipitation.

The entire ROW would be monitored for erosion, subsidence, or noxious weeds. In areas where problems are found to occur, reclamation efforts would continue until the BIA feels the ROW is successfully reclaimed. Reclamation is considered successful when:

- seeded areas are established;
- adjacent vegetative communities spread back into the disturbed areas; and
- noxious weeds are under control.

If after two growing seasons the new seeding is not successful, the BIA may require additional efforts to establish vegetation. The BIA has developed a weed management plan to treat known or likely to occur noxious weed species.

### **Final Reclamation**

Final reclamation would occur when the gathering line is decommissioned. All disturbed areas would be reclaimed, reflecting the BIA's view of oil and gas exploration and production as temporary intrusions on the landscape. All facilities would be removed and work areas would be leveled or backfilled as necessary, scarified, recontoured, and seeded.

### **11. Surveys**

SWCA Environmental Consultants (SWCA) conducted natural resource surveys of the proposed gathering pipeline from Ethan Hall #2-14H well to the Arrow Phase 3SW Pipeline on September 20, 2011. Surveys were conducted for soils and vegetation, threatened and endangered species, migratory birds, bald and golden eagles, and wetlands.



Both soils and vegetation were consistent with previous NEPA documents. The sites consisted of loamy soils. Vegetation was typical of rolling prairie grassland ecosystems, consisting predominantly of grass and forbs species including little bluestem (*Schizachyrium scoparium*), western wheatgrass (*Pascopyron smithii*), and blacksamson echinacea (*Echinacea angustifolia*), stiff goldenrod (*Solidago rigida*), and western yarrow (*Achillea millefolium*). Woody shrubs were encountered, consisting of fringed sagewort (*Artemisia frigida*), western sagewort (*Artemisia campestris*), yellow sweetclover (*Melilotus officianalis*), curlycup gumweed (*Grindelia squarrosa*), western snowberry (*Symphoricarpos occidentalis*), and silver buffaloberry (*Shepherdia argentea*). The project area is considered migratory bird nesting habitat. Migratory bird species encountered include; Western Meadowlarks (*Sturnella neglecta*), and Mallard (*Anas platyrhynchos*).

No protected species including threatened and endangered species or bald/golden eagles were observed during the natural resource survey.

A cultural resource inventory of this pipeline route was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 70.99 acres were inventoried between September 20 and 22, 2011 (Riordan et al. 2011). One archaeological site was located that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of no historic properties affected for this undertaking, as the archaeological site will be avoided. This determination was communicated to the THPO on October 24, 2011; however the THPO did not respond within the allotted 30 day comment period.

Riordan, Carolyn, Chandler S. Herson and Damien Reinhart

(2011) A Class I and Class III Cultural Resource Inventory of the Ethan Hall #2-14H Gathering Pipeline, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for Dakota-3 E & P Company, LLC, Denver.

## 12. Potential Effects

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, implementing a stormwater pollution prevention plan and best management practices, completing reclamation of the pipeline corridors with native grasses and other appropriate native vegetation, and stockpiling and re-using topsoil for reclamation. Soils observed in the project area are known to support native grassland vegetation, which may substantially increase the probability for successful and permanent reclamation, provided land reclamation takes place immediately after construction has ceased. Best management practices (BMPs) would be used to prevent erosion, minimize runoff and loss of sediment, and ensure soil stabilization. The implementation of BMPs by the operator would reduce project effects and maintain negligible levels of erosion; therefore, no significant adverse impacts are anticipated to soil resources or long-term impacts on vegetation or wildlife resources.

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 best management practices to control the introduction of noxious weeds, and minimization of the length of time between trenching, pipeline burial, and reclamation. These mitigation measures are consistent with the approved National Environmental Policy Act (NEPA) documents, which received a finding of no significant impact.

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. Any 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, Resource surveys and the supplementary assessment of the potential impacts of the proposed action were completed (September 2011). Based on the surveys and the mitigation measures committed to by Dakota-3, no significant impacts to natural and cultural resources are anticipated.

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

*Environmental Assessment and Finding of No Significant Impact: Arrow Pipeline, LLC Phase 3 Southwest Pipeline (September 2011).*

### **14. Other Relevant Documentation**

*Environmental Assessment and Finding of No Significant Impact: Zenergy Operating Company, LLC, Dakota-3 Nathan Hale #4-25H, Dakota-3 TAT (751A) #14-19H, Dakota-3 Cross #2-13H, and Dakota-3 Ethan Hall #2-14H. (January 2009)*

### **15. NEPA Adequacy Criteria**

This document has identified one previously prepared NEPA document, *Environmental Assessment and Finding of No Significant Impact: Zenergy Operating Company, LLC, Dakota-3 Nathan Hale #4-25H, Dakota-3 TAT (751A) #14-19H, Dakota-3 Cross #2-13H, and Dakota-3 Ethan Hall #2-14H. (January 2009)* 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.

Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipeline  
Connecting Ethan Hall #2-14H Well to the Arrow Phase 3 SW Pipeline (November 2011)

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4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.

Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipeline  
Connecting Ethan Hall #2-14H Well to the Arrow Phase 3 SW Pipeline (November 2011)

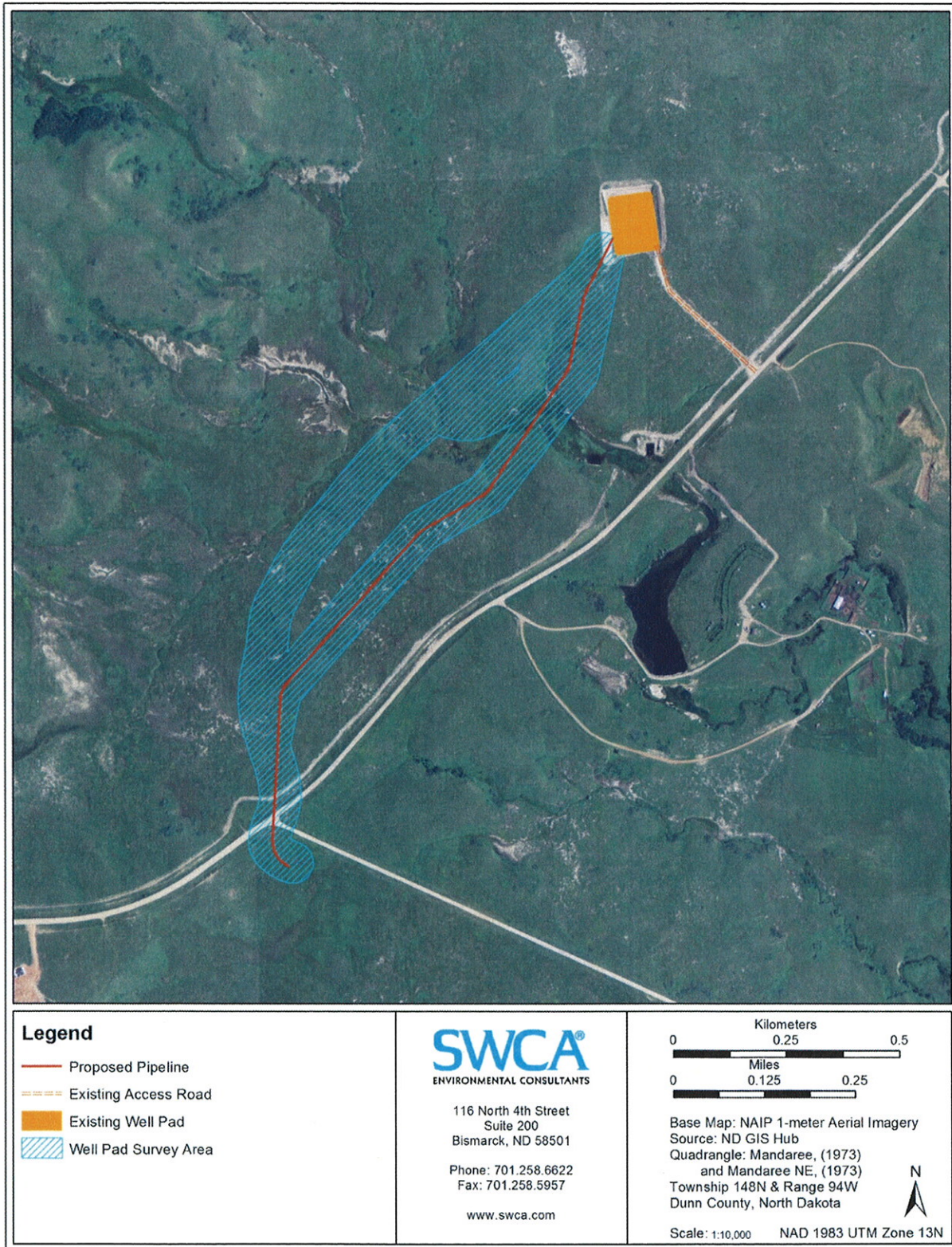


Figure 1. Ethan Hall #2-14H Well Pad and Proposed Gathering Pipelines.

Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipeline  
Connecting Ethan Hall #2-14H Well to the Arrow Phase 3 SW Pipeline (November 2011)



IN REPLY REFER TO:  
DESCRM  
MC-208

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



OCT 24 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 an oil well gathering line in Dunn County, North Dakota. Approximately 70.99 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. One archaeological site (32DU1666) was located that 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 site 32DU1666 will be avoided. Catalogued as **BIA Case Number AAO-2024/FB/12**, the proposed undertaking, location, and project dimensions are described in the following report:

Riordan, Carolyn, Chandler S. Herson and Damien Reinhart  
(2011) A Class I and Class III Cultural Resource Inventory of the Ethan Hall #2-14H Gathering Pipeline, Fort Berthold Indian Reservation, Dunn County, North Dakota. SWCA Environmental Consultants for 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,

A handwritten signature in black ink, appearing to read 'Tom Lawrence', written over a horizontal line.

ACTING Regional Director

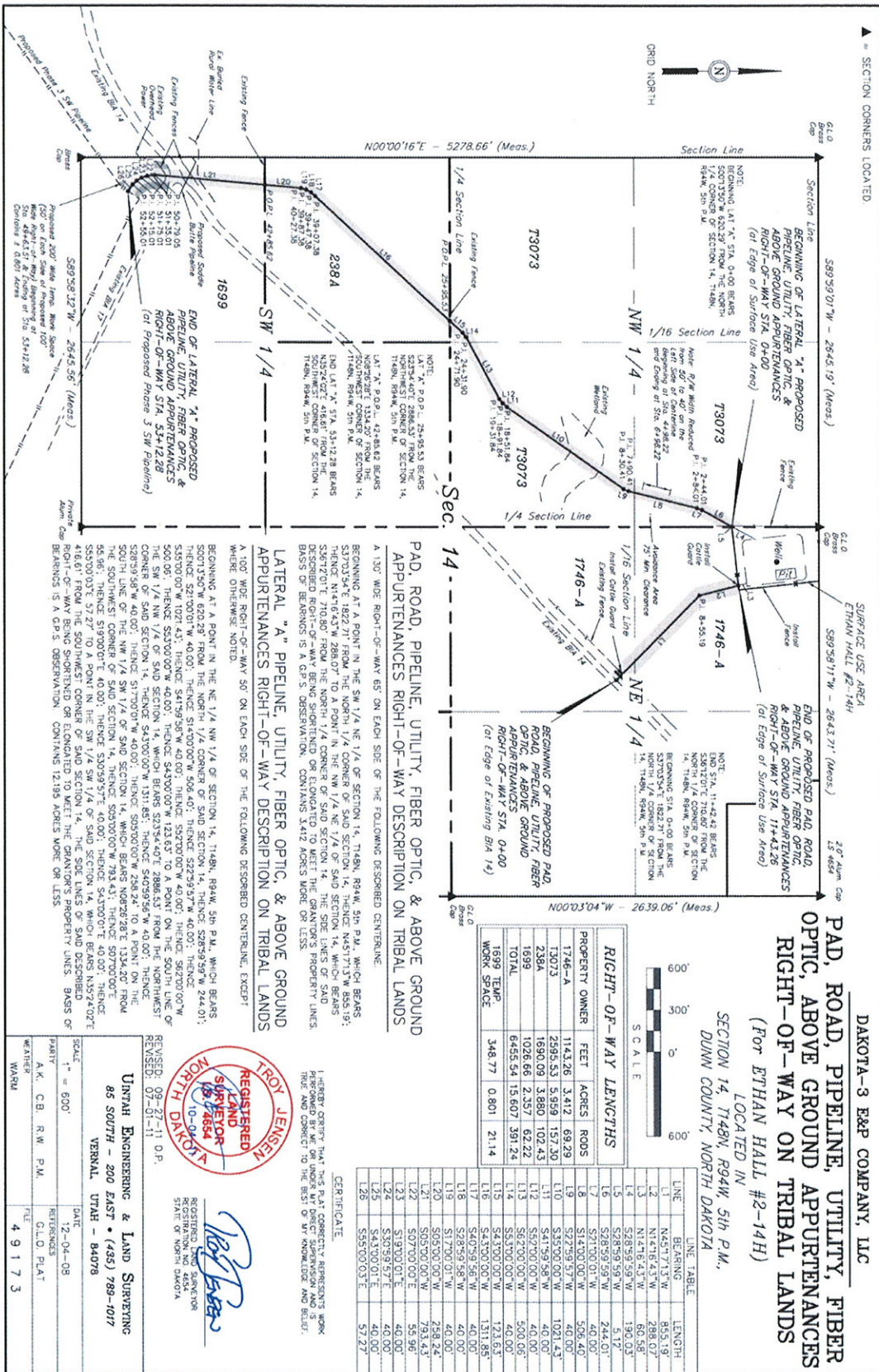
Enclosure

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

**APPENDIX A**

**Layout and Right-of-Way for Proposed Ethan Hall #2-14H Gathering Pipelines**

# Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipeline Connecting Ethan Hall #2-14H Well to the Arrow Phase 3 SW Pipeline (November 2011)



▲ = SECTION CORNERS LOCATED

SURFACE USE AREA  
ETHAN HALL #2-14H

DAKOTA-3 E&P COMPANY, LLC

**PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, ABOVE GROUND APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS**

(For ETHAN HALL #2-14H)

LOCATED IN  
SECTION 14, T148N, R94W, 5th PM,  
DUNN COUNTY, NORTH DAKOTA



RIGHT-OF-WAY LENGTHS	FEET	ACRES	RODS
1746-A	1143.28	3.412	69.29
1746-B	2985.53	8.589	157.43
2384	1690.09	5.060	102.43
1699	1026.66	2.937	62.22
TOTAL	6455.54	19.001	391.24
1699 TEMP. WORK SPACE	348.77	0.801	21.14

LINE	BEARING	LENGTH
L1	N45°17'13"W	855.19'
L2	N14°18'43"W	288.07'
L3	N14°18'43"W	60.58'
L4	S28°59'59"W	190.03'
L5	S28°59'59"W	5.17'
L6	S28°59'59"W	244.01'
L7	S28°59'59"W	506.40'
L8	S28°59'59"W	506.40'
L9	S28°59'59"W	506.40'
L10	S28°59'59"W	1021.43'
L11	S41°59'58"W	40.00'
L12	S62°00'00"W	500.06'
L13	S62°00'00"W	40.00'
L14	S53°00'00"W	173.63'
L15	S43°00'00"W	131.85'
L16	S40°59'58"W	40.00'
L17	S28°59'58"W	40.00'
L18	S28°59'58"W	40.00'
L19	S17°00'01"W	293.44'
L20	S09°00'00"W	793.44'
L21	S09°00'00"W	55.96'
L22	S07°00'00"E	40.00'
L23	S19°00'01"E	40.00'
L24	S30°59'57"E	40.00'
L25	S43°00'01"E	40.00'
L26	S55°00'03"E	57.27'

**CERTIFICATE**  
I HEREBY CERTIFY THAT THIS PLAN 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

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

SCALE = 600'  
PARTY: A.K., C.B., R.W., P.M.  
DATE: 12-04-08  
REFERENCE: THE OLD PLAN  
NUMBER: 49173

**PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY DESCRIPTION ON TRIBAL LANDS**

A 100' WIDE RIGHT-OF-WAY 65' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, EXCEPT WHERE OTHERWISE NOTED:

**LATERAL "A" PIPELINE, UTILITY, FIBER OPTIC, & ABOVE GROUND APPURTENANCES RIGHT-OF-WAY DESCRIPTION ON TRIBAL LANDS**

BEING A 100' WIDE RIGHT-OF-WAY 65' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

SECTION 14, T148N, R94W, 5th PM, WHICH BEARS S62°03'42" E 1822.21' FROM THE NORTH 1/4 CORNER OF SAID SECTION 14, THENCE N45°17'13" W 855.19'; THENCE N14°18'43" W 288.07' TO A POINT IN THE NW 1/4 CORNER OF SAID SECTION 14, WHICH BEARS S36°12'01" E 716.80' FROM THE NORTH 1/4 CORNER OF SAID SECTION 14. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES BASES OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 3412 ACRES MORE OR LESS.

BEING A 100' WIDE RIGHT-OF-WAY 65' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, EXCEPT WHERE OTHERWISE NOTED:

BEING A 100' WIDE RIGHT-OF-WAY 65' ON EACH SIDE OF SECTION 14, T148N, R94W, 5th PM, WHICH BEARS S00°15'00" E 620.29' FROM THE NORTH 1/4 CORNER OF SAID SECTION 14, THENCE S28°59'57" W 244.01'; THENCE S21°00'01" W 40.00'; THENCE S14°00'00" W 506.40'; THENCE S22°59'57" W 40.00'; THENCE S21°00'01" W 1021.43'; THENCE S41°59'58" W 40.00'; THENCE S62°00'00" W 40.00'; THENCE S62°00'00" W 500.06'; THENCE S53°00'00" W 173.63' TO A POINT ON THE SOUTH LINE OF THE SW 1/4 NW 1/4 OF SAID SECTION 14, WHICH BEARS S28°59'58" W 244.01' FROM THE NORTHWEST CORNER OF SAID SECTION 14, THENCE S28°59'58" W 506.40' TO A POINT ON THE SOUTH LINE OF THE SW 1/4 NW 1/4 OF SAID SECTION 14, WHICH BEARS S28°59'58" W 506.40' TO A POINT ON THE SOUTH LINE OF THE NW 1/4 SW 1/4 OF SAID SECTION 14, THENCE S05°00'00" W 793.44'; THENCE S07°00'00" E 40.00'; THENCE S19°00'01" E 40.00'; THENCE S30°59'57" E 40.00'; THENCE S43°00'01" E 40.00'; THENCE S55°00'03" E 57.27' TO A POINT IN THE SW 1/4 SW 1/4 OF SAID SECTION 14, WHICH BEARS N35°24'02" E 416.61' FROM THE SOUTHWEST CORNER OF SAID SECTION 14, THENCE S05°00'00" W 793.44' TO THE POINT OF BEGINNING IS A G.P.S. OBSERVATION. CONTAINS 12199 ACRES MORE OR LESS.

**Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipeline  
Connecting Ethan Hall #2-14H Well to the Arrow Phase 3 SW Pipeline (November 2011)**

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DAKOTA-3 E&P COMPANY, LLC  
ETHAN HALL #2-14H  
PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, ABOVE GROUND APPURTENANCES RIGHT-OF-WAY  
SECTION 14, T148N, R94W, 5th P.M.

TOTAL PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, ABOVE GROUND  
APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS

TOTAL LENGTH OF RIGHT-OF-WAY IS 1143.26' OR 0.217 MILES. WIDTH OF RIGHT-OF-WAY  
IS 130' (65' PERPENDICULAR ON EACH SIDE OF CENTER LINE). CONTAINS 3.412 ACRES  
MORE OR LESS.

TOTAL PIPELINE, UTILITY, FIBER OPTIC, ABOVE GROUND  
APPURTENANCES RIGHT-OF-WAY ON TRIBAL LANDS

TOTAL LENGTH OF RIGHT-OF-WAY IS 5312.28' OR 1.006 MILES. WIDTH OF RIGHT-OF-WAY  
IS 100' (50' PERPENDICULAR ON EACH SIDE OF CENTER LINE), EXCEPT WHERE NOTED.  
CONTAINS 12.195 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 PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, ABOVE GROUND APPURTENANCES 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, 1.223 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 PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, ABOVE GROUND APPURTENANCES RIGHT-OF-WAY, 1.223 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN, THAT SAID PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC, ABOVE GROUND APPURTENANCES 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



# **Notice of Availability and Appeal Rights**

**Dakota-3 E&P: Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipelines  
Connecting the Ethan Hall #2-14H Well to the Proposed Arrow Phase 3 SW Pipeline**

**The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Environmental Assessment Authorizing Land Use for Gathering Pipelines Connecting the Ethan Hall #2-14H Well to the Proposed Arrow Phase 3 SW Pipeline on the Fort Berthold Reservation as shown on the attached map. Construction by Dakota-3 E&P Resources is expected to begin in 2011.**

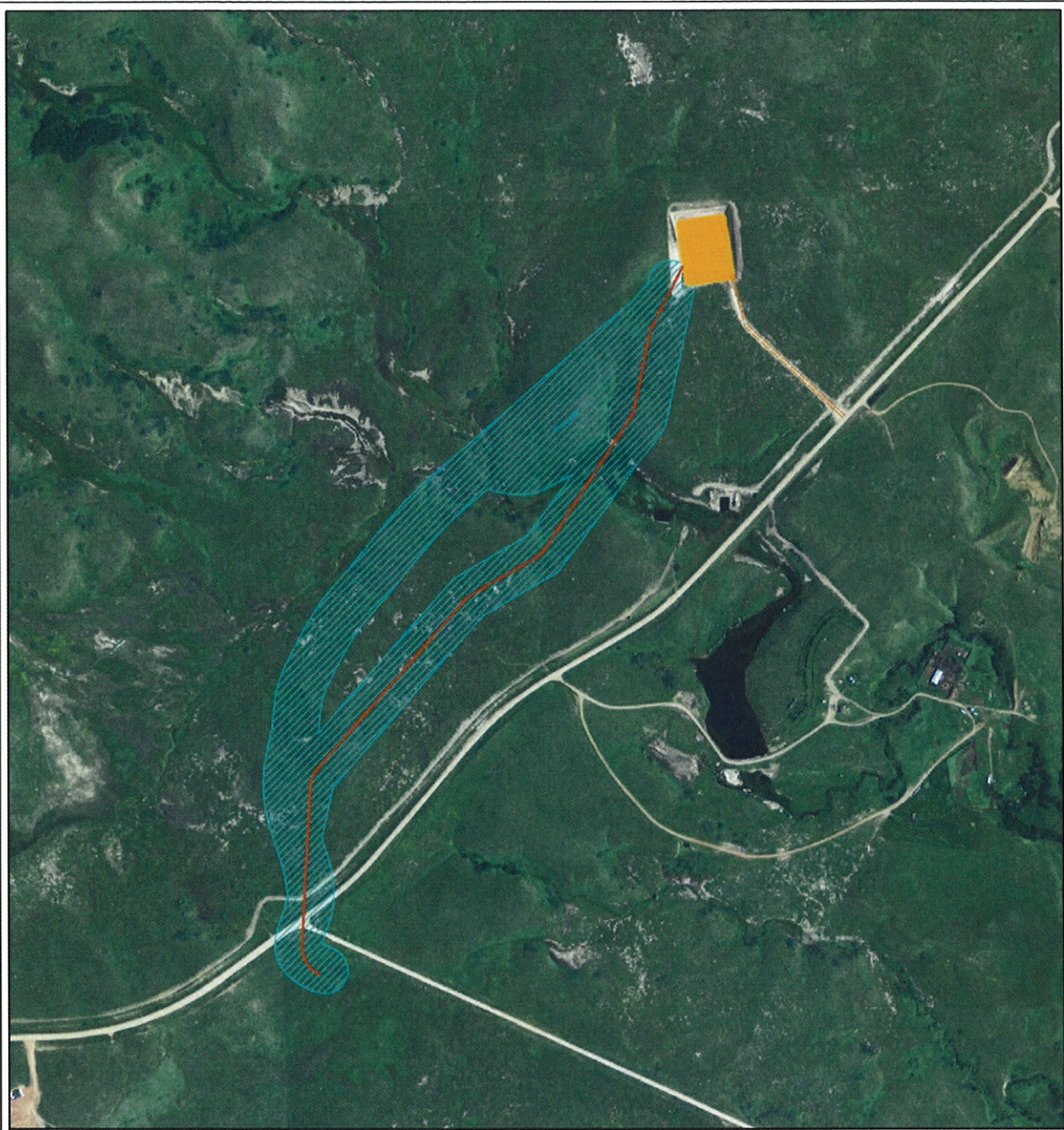
**An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No Significant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

**The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until December 23, 2011, by contacting:**





**United States Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Indian Appeals  
801 N. Quincy Street, Suite 300, Arlington, Va 22203.**

**Procedural details are available from the BIA Fort Berthold Agency at 701-627-4707.**

**Project locations.**



**Legend**

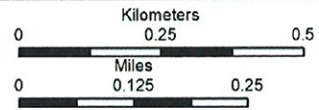
-  Proposed Pipeline
-  Existing Access Road
-  Existing Well Pad
-  Well Pad Survey Area



116 North 4th Street  
Suite 200  
Bismarck, ND 58501

Phone: 701.258.6622  
Fax: 701.258.5957

[www.swca.com](http://www.swca.com)



Base Map: NAIP 1-meter Aerial Imagery  
Source: ND GIS Hub  
Quadrangle: Mandaree, (1973)  
and Mandaree NE, (1973)  
Township 148N & Range 94W  
Dunn County, North Dakota



Scale: 1:10,000 NAD 1983 UTM Zone 13N