



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

DEC 12 2011

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region

SUBJECT: Supplemental to Environmental Assessment

A Categorical Exclusion has been completed in compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed Supplemental Categorical Exclusion is for information tiering off of an existing Environmental Assessment for Dakota-3 E & P Company, LLC, and authorizes construction of a compressor station on the existing Rubia #16-24 well pad. No new surface disturbances will be associated with the proposed action.

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

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, THPO (with attachment)
Derek Enderud, BLM, Dickinson, ND (with attachment)
Damien Reinhart, SWCA (with attachment)
Jeffrey Hunt, Fort Berthold Agency



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EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: Rubia #16-24H; Addendum to authorize construction of compressor station.

Date: 12/9/2011

Nature of Proposed Action: To authorize Dakota-3 to construct a compressor station on the existing Rubia #16-24H well pad. There will be no additional surface disturbance to the well pad as the result of the addition of a compressor station on a previous approved location. This document is tied to an Environmental Assessment; Zenergy Operating Company, LLC, Dakota-3 Black Hawk #15-34H, Dakota-3 Rubia #16-24H, Dakota-3 Beaks #36-35H, Dakota-3 Stevenson #15-8H, and Dakota-3 KYW #27-34H (February 2010).

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

Evaluation of Exceptions to use of Categorical Exclusion:

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

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

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

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

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

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

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

NEPA Action - - - CE X EA _____

Preparer's Name and Title: Courtney Lafferty, Environmental Specialist

Regional Archeologist Concurrence with Item 7 Campbell R, 12/9/11

Concur: [Signature] Date: 12-9-2011
Regional Office/Agency Environmental Coordinator

Concur: [Signature] Date: 12/12/11
Regional Director/Superintendent

**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 as Documentation for the Accompanying
Categorical Exclusion Form to Authorize Construction of a Compressor Station on the
Existing Rubia #16-24H Well Pad**

Fort Berthold Indian Reservation

December 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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1. Purpose and Need for the Proposed Action

Dakota-3 E&P Company, LLC (Dakota-3) is proposing to construct a compressor station on the existing Rubia #16-24H well pad (well pad) on the Fort Berthold Indian Reservation. Developments have been proposed on land held in trust by the United States in McKenzie County, North Dakota (ND).

The Bureau of Indian Affairs (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 Nation and to individual tribal members.

This action would qualify under the BIA categorical exclusion 516 DM F (1). Information in this addendum is provided to document analysis of impacts leading to this designation. For further criteria see accompanying Categorical Exclusion form.

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 approved well pad is located approximately 1.75 miles southeast of Mandaree, ND, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township (T) 149 North (N), Range (R) 94 West (W), McKenzie County, ND (Figure 1).

4. Scope of Work for Proposed Action

A compressor station that will be used to propel gathered gas through the gathering pipelines is proposed for construction on the existing well pad. Alternatively, a mobile compressor plant may be used instead. In either instance, no additional surface disturbance will occur outside of the permitted well pad or access road footprints.

5. Applicable National Environmental Policy Act (NEPA) Document(s)

Environmental Assessment: Zenergy Operating Company, LLC, Dakota-3 Black Hawk #15-34H, Dakota-3 Rubia #16-24H, Dakota-3 Beaks #36-35H, Dakota-3 Stevenson #15-8H, and Dakota-3 KYW #27-34H (February 2010).

6. NEPA Adequacy Criteria

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

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA document, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA document. The analysis is still valid in light of new studies or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.

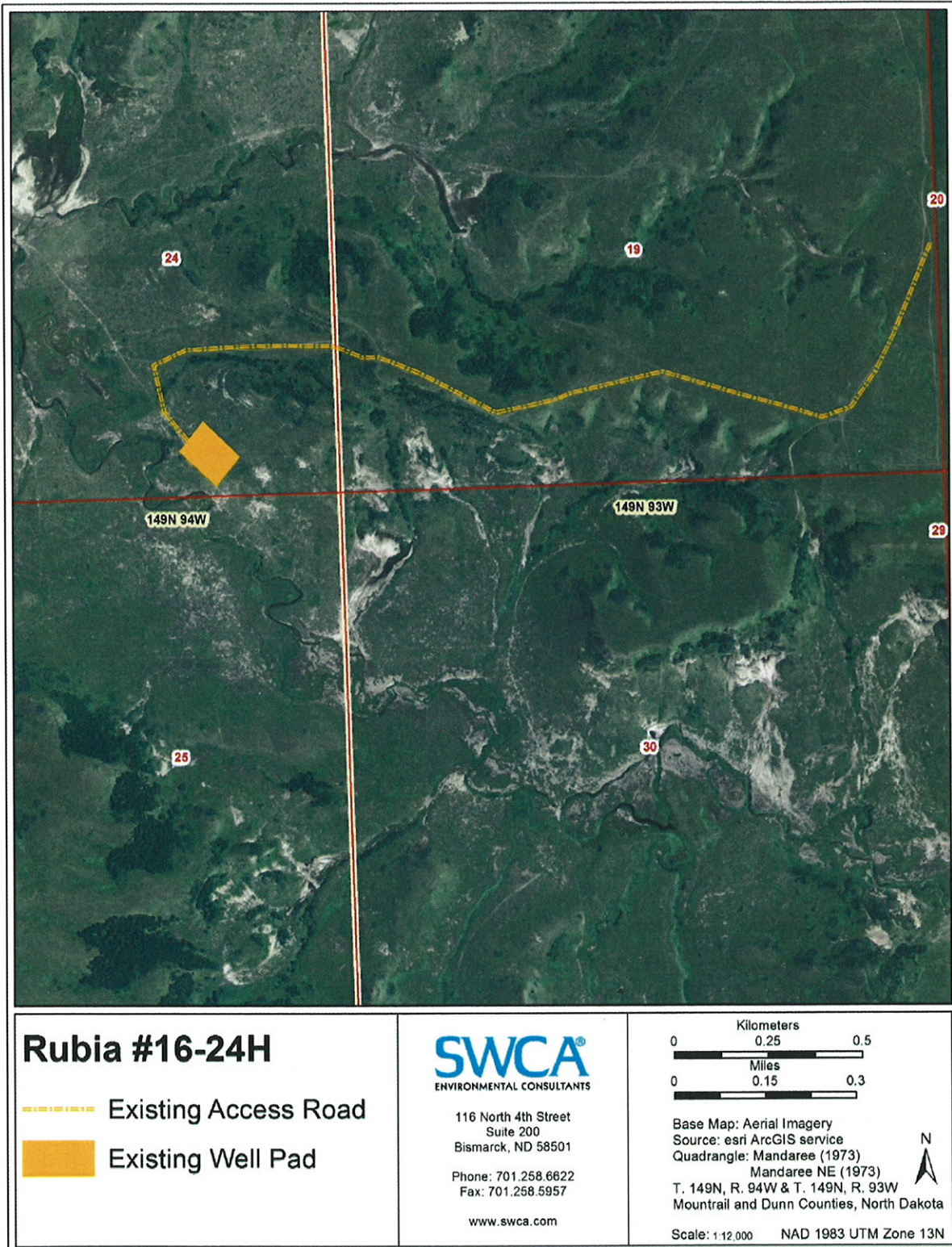


Figure 1. Map of the Existing Rubia #16-24H Well Pad Location.