



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

FEB 13 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{ACTING} 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 the Crows Flies High 31-4H and Windy Boy 12-35H gas pipelines 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 (40 C.F.R. Section 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)
Grady Wolf, KLJ (with attachment)
Jonathon Shelman, Corps of Engineers
Jeff Hunt, Fort Berthold Agency

Finding of No Significant Impact

***ONEOK Rockies Midstream, LLC (ONEOK)
Crow Flies High 31-4H & Windy Boy 12-35H Gas Pipelines***

Addendum to:

***Marathon Oil Company October 2010 Environmental Assessment
Windy Boy USA 12-35H and Windy Boy USA 13-35H Wells***

&

***Marathon Oil Company March 2010 Environmental Assessment
Crow Flies High – USA #31-4H, Danks – USA #11-3H, and TAT – USA #34-22H Wells***

***Fort Berthold Indian Reservation
McKenzie County, North Dakota***

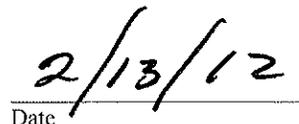
The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the above referenced Environmental Assessments (EA). The proposal is to acquire a 50-foot right-of-way (ROW) corridor (25 feet of temporary ROW and 25 feet of permanent ROW) for construction of approximately 6,325 feet of high density poly ethylene natural gas pipelines up to 6-inches in diameter in McKenzie County, North Dakota, on the Fort Berthold Reservation. Portions of the proposed pipelines would be located on Tribal land not previously cleared for installation of pipeline including approximately 5,850 feet for the Crow Flies High 31-4H Pipeline and approximately 475 feet for the Windy Boy 12-35H Pipeline. The new lines would connect the Marathon Crow Flies High 31-4H and Windy Boy 12-35H Well Pads (October 2010 and March 2010 EA/Finding of No Significant Impact (FONSI)) to an existing Plaza Natural Gas Line (ROW Easement granted May 1989 and renewal granted March 2010). Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing 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 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 actions 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.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.).
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


Date

ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



ONEOK Rockies Midstream, LLC
***Crow Flies High 31-4H &
Windy Boy 12-35H Gas Pipelines***

Addendum to:

Marathon Oil Company October 2010 Environmental Assessment
Windy Boy USA 12-35H and Windy Boy USA 13-35H Wells

&

Marathon Oil Company March 2010 Environmental Assessment
Crow Flies High – USA #31-4H, Danks – USA #11-3H, and TAT – USA #34-22H Wells

Fort Berthold Indian Reservation

February 2012

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

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1 PURPOSE AND NEED FOR THE PROPOSED ACTION

ONEOK Rockies Midstream, LLC (ONEOK) proposes to construct approximately 9,296 feet of high density poly ethylene natural gas pipelines within a 50-foot right-of-way (ROW) corridor (25 feet of temporary ROW and 25 feet of permanent ROW) in McKenzie County, North Dakota on the Fort Berthold Indian Reservation. The pipelines would consist of two new pipeline segments, one which would connect to the Marathon Crow Flies High 31-4H and one to the Windy Boy 12-35H well pads (Submitted October 2010 and March 2010 EA/Finding of No Significant Impact (FONSI)). These pipelines are proposed to connect the existing well pads in Section 35, T152N, R94W (Windy Boy 12-35H), and Section 4, T151N, R94W (Crow Flies High 31-4H), to the existing Plaza Gas Pipeline.

The purpose of the proposed action is to allow ONEOK to install the proposed pipelines to transport gas from the previously approved Marathon wells to the previously approved Plaza Gas Pipeline, which then would transport the gas to a central facility for further transport to markets. Installation of the proposed pipelines would further support important benefits associated with oil and gas development to the Three Affiliated Tribes. It would also aid in providing individual members of the tribes with needed employment and income.

Installation of the proposed pipelines would reduce waste of valuable resources associated with continued flaring of produced gas.

Please refer to *Project Location Map* below.

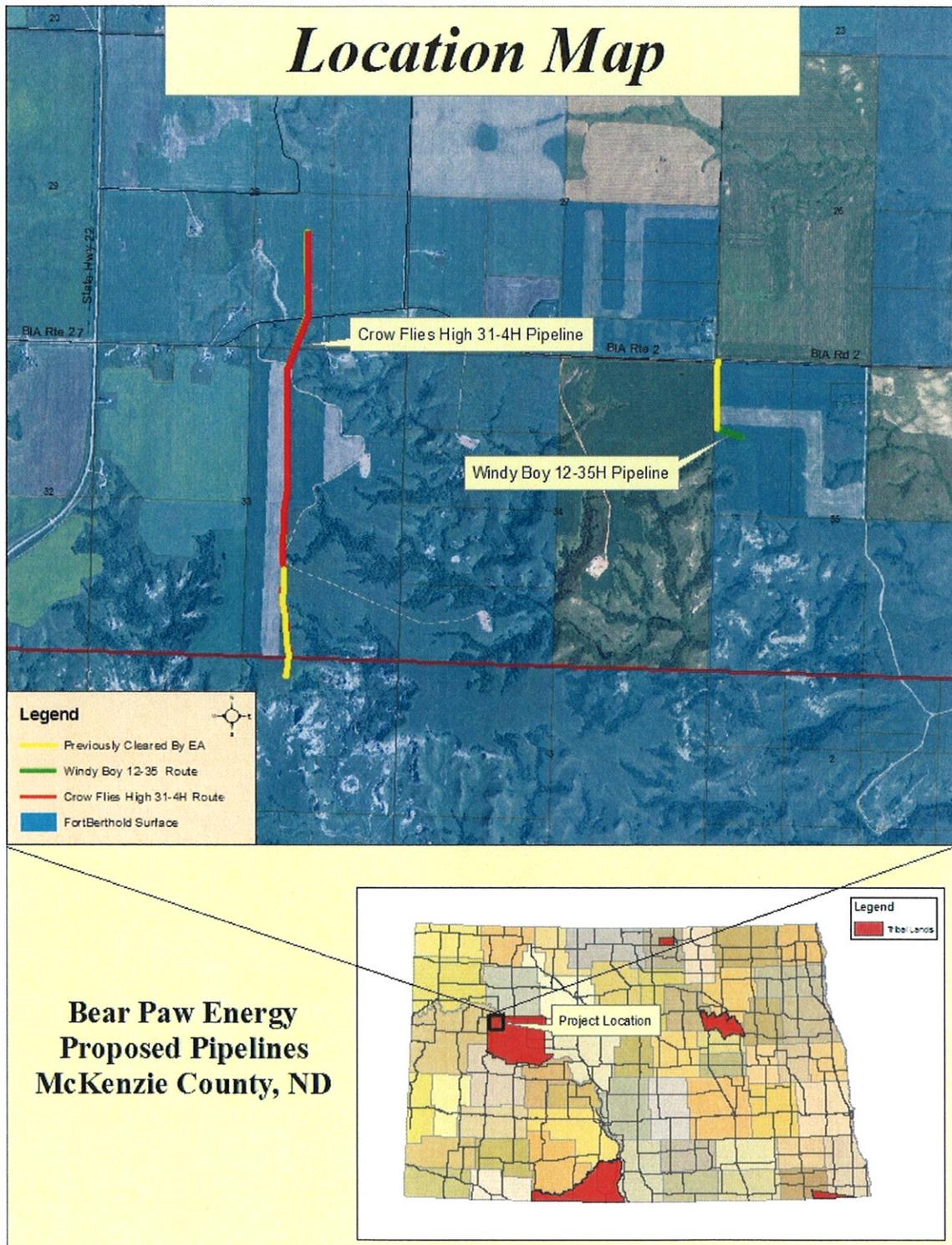


Figure 1, Project Location Map

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 OF PROPOSED ACTION

The proposed gas pipelines would be located in McKenzie County, North Dakota, in the following locations:

- Crow Flies High 31-4H; T152N, R94W, Section 28 & 33
- Windy Boy 12-35H; T152N, R94W, Section 35

4 SCOPE OF WORK FOR PROPOSED ACTION

The proposed action includes authorization by the BIA to install natural gas pipelines and other appurtenances above or below ground to move gas to a suitable processing location.

The proposed pipeline corridors would allow for installation of high density poly ethylene gas pipelines up to 6-inches in diameter for transporting gas, as well as above or below ground appurtenances such as installation of valve sets, launchers, receivers, and cathodic protection equipment.

The proposed project would require approval for the associated ROW acquisition consisting of 25 feet of permanent ROW and 25 feet of temporary ROW for construction. Please refer to **Appendix A, Pipeline Plats**. Installation of the pipelines would require clearing and grading within the 50-foot ROW along the entire pipeline corridor. Every effort would be made to minimize surface disturbance during the construction process. Topsoil would be separated and stockpiled along either side of any disturbed cross section to be used for prompt reseeding and reclamation of the disturbed area. If construction occurs during the winter months, reclamation would be completed to the best of the ability of the contractor immediately following construction along with spreading and crimping straw over disturbed areas in order to hold soil in place. Remaining reclamation activities would be completed the following spring as soon as conditions allow. All existing roadways, utilities, or pipelines encountered would be bored under. Potential impacts to standing crops would be negotiated with the respective producer. Trenches would be excavated using a trencher or trackhoe to a depth sufficient to maintain a minimum of 48 inches of ground coverage over the pipeline. Coverage would be increased to 72 inches of burial depth at roadway crossings and at any driveway crossings. Please refer to Figure 2, **Typical ROW Cross Section**. It is understood that other utilities

may be present in the project area and would need to be located prior to construction as well as coordinating potential crossings with the appropriate utilities. The proposed natural gas pipelines would be marked with above ground signs near all road and fenceline crossings. A trace wire would be buried alongside the proposed pipelines for locating purposes. Existing valve installations on the Plaza Line and at the well connect would control the proposed pipeline segments in case of potential spills. These valve installations are typically installed every 4-5 miles along pipeline segments. ONEOK has committed to developing a spill response plan that would be submitted to the BIA prior to the commencement of construction activities.

It is anticipated that the oil and gas field on Fort Berthold Reservation will be active 30 to 40 years. The proposed high density poly ethylene pipe is anticipated to have a design life extending well beyond 40 years. No maintenance of the pipeline segments due to deterioration during the life of the field is anticipated.

Quality control procedures for new pipeline segments include pressure testing each line to 1¼ times the actual maximum pressure of the proposed line. This series of pressure tests occurs for eight straight hours and is recorded and documented for each new gathering line segment.

PIPELINE CONSTRUCTION

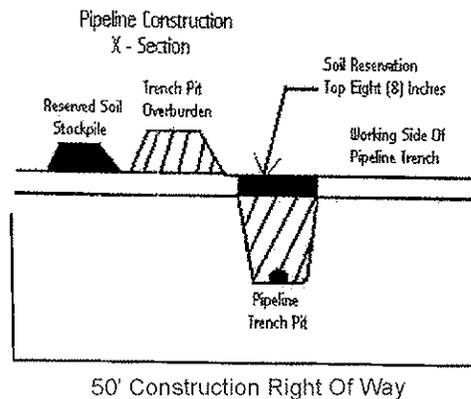


Figure 2, Typical ROW Cross Section

5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)/CLEARANCE DOCUMENTS

The following NEPA/Clearance documents have been previously approved by BIA for the proposed action:

- Environmental Assessment, Marathon Oil Company, Marathon Windy Boy USA 12-35H and Windy Boy USA 13-35H Oil and Gas Wells, Fort Berthold Indian Reservation, Submitted October 2010.
- Environmental Assessment, Marathon Oil Company, Marathon Crow Flies High – USA #31-4H, Danks – USA #11-3H, and TAT – USA #34-22H Oil and Gas Wells, Fort Berthold Indian Reservation, Submitted March 2010.
- ROW Easement 1989, Koch Gathering Systems, INC. Plaza Natural Gas Line.
- ROW Easement Renewal 2010, Bear Paw Energy, LLC. Plaza Natural Gas Line.

6 FIELD RESOURCE SURVEYS

An intensive, pedestrian resource survey of the proposed pipeline corridor was conducted on October 1st and October 4th, 2011 by Kadmas, Lee & Jackson (KL&J). The purpose of these surveys was to gather site-specific data and photos with regards to botanical, biological, threatened and endangered species, eagles, and water resources. A 200-foot wide pipeline corridor was evaluated for these sites. In addition, a 0.50 mile wide buffer around all areas of project disturbance was used to evaluate the presence of eagles and eagle nests. Resources were evaluated using visual inspection and pedestrian transects across the site.

The BIA EA on-site assessments of the pipeline corridors were conducted on October 4, 2011. The BIA Environmental Protection Specialist, ONEOK and KL&J participated in these assessments. During these assessments, construction suitability with respect to topography, stockpiling, drainage, erosion control, and other surface issues were considered. Those present at the on-site assessments agreed that the chosen locations, along with the minimization measures ONEOK plans to implement, are positioned in areas which would minimize impacts to sensitive wildlife and botanical resources.

A Class III cultural resource survey for the Windy Boy 12-35H well pad and access road on July 13th 2010. The previous survey included the corridor ONEOK plans to construct their pipeline in. A Class I Literature Review for the proposed Crow Flies High 31-4H pipeline was completed on October 3, 2011. A Class III Cultural Resources Survey was conducted for the Crow Flies High 31-4H pipeline by KL&J on October 4, 2011, with a tribal monitor from the Three Affiliated Tribes THPO simultaneously conducting Traditional Cultural Property Surveys. The Area of Potential Effect (APE), or area surveyed, consisted of approximately 35.1 acres which included a 200-foot corridor on both sides of the proposed pipeline centerline.

7 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following discussion addresses environmental and social impacts as a result of the extension of the pipeline corridor previously mentioned in EA's or ROW easements. Impacts are only discussed if the extension of the project has changed the impact assessment reflected in the October 2010 EA, March 2010 EA, the ROW Easement documents, or to note why the impact assessment has not changed.

A. Air Quality

Gas currently produced by the two wells is being flared at the site. The proposed project would collect gas from the sites and transport it to markets for use. The proposed project would have a beneficial impact on air quality due to the anticipated reduction in gas flaring.

B. Cultural Resources

Cultural resource inventories of these pipeline routes were conducted by personnel of Kadmas, Lee & Jackson, Inc., using an intensive pedestrian methodology. For the Windy Boy USA 12-35H gathering line approximately 10.2 acres were inventoried on July 12, 2011 (Ó Donnchadha 2011a). No historic properties were located that appear to 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. This determination was communicated to the THPO on August 11, 2011; however the THPO did not respond within the allotted 30 day comment period. For the Crow Flies High 31-4H gathering line approximately 35.1 acres were inventoried on October 4, 2011 (Ó Donnchadha 2011b). No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. On the basis of the information provided, BIA reached a determination of no historic properties affected for this undertaking. This determination was communicated to the THPO on January 10, 2012; however the THPO did not respond within the allotted 30 day comment period.

Ó Donnchadha, Brian
(2011a) Windy Boy USA 12-35H Natural Gas Connector Pipeline: A Class III Cultural Resource Inventory, McKenzie County, North Dakota. KLJ Cultural Resources for Bear Paw Energy, LLC, Sidney, MT.

(2011b) Crow Flies High 31-4H Natural Gas Tie-In Pipeline: A Class III Cultural Resource Inventory, McKenzie County, North Dakota. KLJ Cultural Resources for Oneok Rockies Midstream, LLC, Sidney, MT.

If cultural resources are discovered during construction or operation, work shall immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work shall not resume until written authorization to proceed has been received from the BIA. All project workers are prohibited from collecting artifacts or disturbing cultural resources in any area under any circumstances.

C. Land Use

The proposed project area is located within a predominantly rural area; land use consists primarily of grassland (12%), cultivated land (86%), and developed land (2%). Please refer to **Photos #1 & 2 below for a depiction of the landscape along the routes**. The proposed project would temporarily convert approximately 10.67 acres of land not previously cleared through a NEPA document from its existing use into a pipeline corridor. The pipelines would be buried underground and the majority of existing land uses would resume following construction and reclamation activities. Some activities, such as

those associated with developed lands, may be restricted within the permanent 25-foot ROW. No mitigation is proposed.



Photo #1- Drainage Crossing Along Crow Flies High 31-4H Pipeline Route, View North



Photo#2- Windy Boy USA 12-25H Pipeline Route, View Southeast

D. Public Health and Safety

Third-party intrusions are one of the biggest contributing factors to spills. To aid in the prevention of such intrusions, ONEOK would fully comply with the marking requirements specified in the US Department of Transportation's rules and regulations, specifically contained in 49 CFR Parts 192 and 195. To ensure such compliance, ONEOK developed construction specifications to delineate the requirements for pipeline marking in accordance with applicable laws, rules, and regulations, including the locations of such markings (e.g., road crossings, waterbody crossings, line of sight, etc.) and the manner of marking such pipelines (e.g., height of markings and signage on the markings).

ONEOK has committed to developing a spill response plan that would be submitted to the BIA prior to the commencement of construction activities. The response plan would include procedures that specifically address making the appropriate contacts, isolating the incident, protecting waterways and providing contact information for all the appropriate contractors and experts necessary to facilitate a rapid response.

8 COMMITMENTS

ONEOK has committed to following the avoidance and minimization measures described below.

- BIA Road 2 and Marathon Crow Flies High 31-4H access road would be bored under to avoid traffic disturbances.

- Construction activities occurring in the drainage of Crow Flies High 31-4H route would be completed within a 24-hour period to minimize disturbances or ONEOK may choose to bore the location.
- Straw wattles, silt fences, fiber matting and/or other BMPs would be placed on all slopes greater than 5 percent along with drainage areas.
- Woody vegetation would be shredded and mixed with topsoil during reclamation.
- Topsoil would be segregated and stored on-site to be used in the reclamation process. All disturbed areas would be re-contoured to original elevations as part of the reclamation process.
- BMPs would be implemented to minimize wind and water erosion of soil resources.
- Disturbed vegetation would be re-seeded with an approved seed mixture from the BIA Environmental Protection Specialist upon completion of the project. The seeding would be maintained until such time that the vegetation be consistent with surrounding undisturbed areas and the area be free of noxious weeds.
- If cultural resources are discovered during construction or operation, work would immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work would not resume until written authorization to proceed has been received from the BIA.
- All project workers are prohibited from collecting artifacts or disturbing cultural resources in any area under any circumstances.
- Prior to construction, ONEOK would coordinate with the Fort Berthold Water Authority Director to ensure minimization of impacts to existing water distribution pipelines.
- Utility modifications would be identified during design and coordinated with the appropriate utility company.
- Suitable mufflers would be put on all internal combustion engines and certain compressor components to mitigate noise levels.
- No construction activities would take place between February 1 and July 15 in order to avoid potential impacts to raptors and migratory bird breeding and nesting; unless mowing/grubbing of the ROW area occurs prior to the breeding/nesting season. Instead of mowing, ONEOK may also choose to have a preconstruction survey conducted by a qualified biologist within five days prior to project construction in order to identify any birds or nests within the construction area.
- If a whooping crane is sighted within one-mile of a well site or associated facilities while it is under construction, that all work cease within one-mile of that part of the project and the USFWS be contacted immediately. In coordination with USFWS, work may resume after the bird(s) leave the area.

- During reclamation, slopes would be roughened where possible to reduce erosion.

9 NEPA ADEQUACY CRITERIA

This document has identified two previously prepared NEPA and two ROW easement documents: Environmental Assessment, Marathon Oil Company, Marathon Windy Boy USA 12-35H and Windy Boy USA 13-35H Oil and Gas Wells, Fort Berthold Indian Reservation, October 2010, Environmental Assessment, Marathon Oil Company, Marathon Crow Flies High – USA #31-4H, Danks – USA #11-3H; TAT – USA #34-22H Oil and Gas Wells, Fort Berthold Indian Reservation, March 2010; ROW Easement 1989, Koch Gathering Systems, INC. Plaza Natural Gas Line; and ROW Easement Renewal 2010, Bear Paw Energy, LLC. Plaza Natural Gas Line; which adequately describes the environmental consequences of the newly proposed actions described herein, and meets the following NEPA Adequacy Criteria:

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



United States Department of the Interior

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



IN REPLY REFER TO:
DESCRM
MC-208

AUG 11 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 gathering pipeline in McKenzie County, North Dakota. Approximately 10.2 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. No historic properties were located which appear to 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. Catalogued as BIA Case Number **AAO-1959/FB/11**, the proposed undertaking, location, and project dimensions are described in the following report:

Ó Donnchadha, Brian
(2011) Windy Boy USA 12-35H Natural Gas Connector Pipeline: A Class III Cultural Resource Inventory, McKenzie County, North Dakota. KLJ Cultural Resources for Bear Paw Energy, LLC, Sydney, MT.

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,

Regional Director

Enclosure

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



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

JAN 10 2012

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 gathering pipeline in McKenzie County, North Dakota. Approximately 35.1 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. No historic properties were located that appear to 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 which 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. Catalogued as **BIA Case Number AAO-2034/FB/12**, the proposed undertaking, location, and project dimensions are described in the following report:

Ó Donnchadha, Brian
(2011) Crow Flies High 31-4H Natural Gas Tie-In Pipeline: A Class III Cultural Resource Inventory, McKenzie County, North Dakota. KLJ Cultural Resources for Oneok Rockies Midstream, LLC, Sidney, MT.

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

APPENDIX A

PIPELINE LAYOUT AND RIGHT-OF-WAY PLATS

FOOTAGE REPORT PREPARED FOR:



BEAR PAW
ENERGY

A SUBSIDIARY OF ONEOK PARTNERS

FOOTAGE REPORT PREPARED BY:



**WILLIAM H. SMITH
& ASSOCIATES P.C.**

SURVEYING CONSULTANTS
CORPORATE OFFICE PHONE: 307-875-3638
550 EAST SECOND NORTH 307-875-3639
GREEN RIVER, WY www.whsmithpc.com

TO

NAME: Ann Wetherelt
COMPANY: Bear Paw Energy
NO. OF PAGES TO FOLLOW: 1 OF 1
SUBJECT: CROW FLIES HIGH USA 31-4H
FAX TO:

FROM

NAME: Will Dolinar
DATE: 10/13/2011
HARD COPY TO FOLLOW: Yes No

Lot 2 Section 4, T151N, R94W, Mckenzie County, North Dakota
337.92 feet (20.48 Rods)

U.S. Dept of the Interior - Allotment #527A-C
Cultivation = 307.05 feet (18.61 Rods)
Area = 0.53 acres
Location = 30.87 feet (1.87 Rods)
Area = 0.05 acres

W1/2 E1/2 Section 33, T152N, R94W, Mckenzie County, North Dakota
5,321.33 feet (322.50 Rods)

U.S. Dept of the Interior - Allotment #520A
Cultivation = 5,321.33 feet (322.50 Rods)
Area = 9.16

W1/2 SE1/4 Section 28, T152N, R94W, Mckenzie County, North Dakota
2,675.73 feet (162.17 Rods)

U.S. Dept of the Interior - Allotment #524A
Cultivation = 2,013.54 feet (122.03 Rods)
Area = 3.47

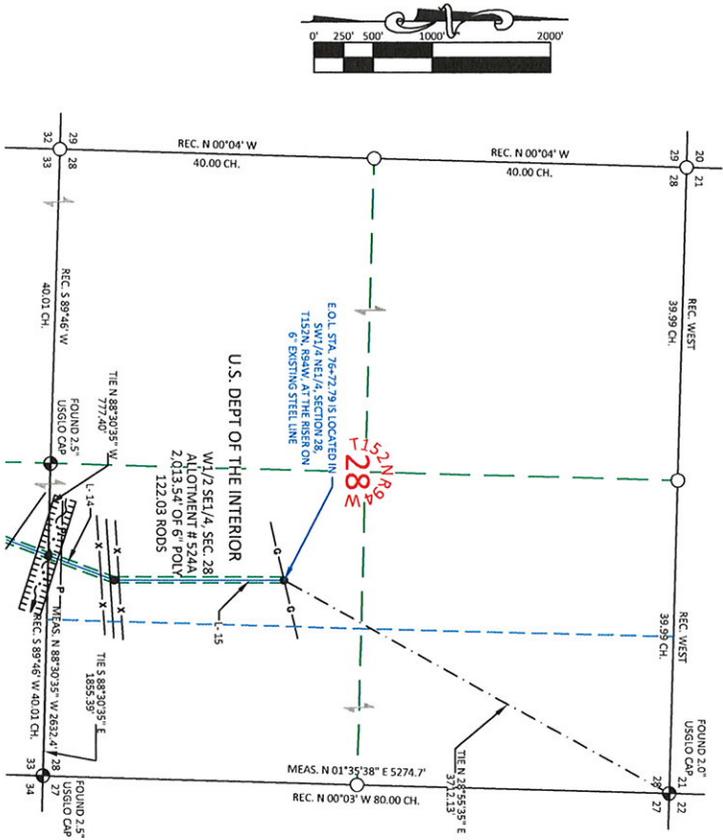
CROW FLEES HIGH USA 31-4H / PRODUCER: MARATHON OIL CO. / DEMICK LAKE GATHERING SYSTEM
 W1/2 SE1/4 SECTION 28, T152N, R94W, 5TH PRINCIPAL MERIDIAN
 MCKENZIE COUNTY, NORTH DAKOTA

LINE TABLE

PI #	LATITUDE	LONGITUDE	STATION	LINE	BEARING	DISTANCE
PI-12	47°57'1.22"	102°42'50.74"	62+48.91	L14	N 20°28'44" E	589.66
E.O.L.	47°57'15.25"	102°42'51.34"	76+72.79	L15	N 00°00'02" E	2086.06

LINE CROSSINGS TABLE

STATION	DESCRIPTION
56+59.25	SECTION LINE CROSSING
56+66.56	CREEK CROSSING
57+25.87	POWER LINE CROSSING
61+29.87	FENCE CROSSING
62+11.78	ROAD CROSSING
62+48.90	END BORE
62+91.09	FENCE CROSSING
76+72.79	E.O.L. AT EXISTING 6" PIPELINE



- NOTES
- This document is for pipeline easement purposes and does not constitute a title or boundary survey.
 - Basis of bearings are GRID, based on the North Dakota State Plane Coordinate System, North Zone, North American Datum 1983 from GPS observations occupying a WGS control point (S/8" rebar) and having the Location and Elevation derived from an Opus Solution.
 - Distances shown are Ground Distances using a combined scale factor of 1.000159904.
 - Information provided by Bear Paw Energy.
 - Recorded plat numbers are made a part thereof.
 - Road and utility easements shown are based on the General Land Office Survey plat approved on the 10th day of May 1911.

75' Temporary construction Right-of-way:
 50' Permanent Right-of-way width
 Total Right-of-way width: 125.25'
 Total disturbance area: 13.21 acres
 Apparent recorded ownership: U.S. DEPT OF THE INTERIOR
 SIGNED BY: ALIOTTE, S24A:

LEGEND:

- FOUND MONUMENT
- MONUMENT EITHER NOT SEARCHED OR NOT FOUND
- FIBER OPTIC
- CALCULATED CORNER
- POINT OF INTERSECTION
- CENTER LINE OF R.O.W.
- EDGE OF R.O.W.
- OWNERSHIP LINE
- P.O.T. = POINT OF TAKEOFF
- E.O.L. = END-OF-LINE

SURVEYOR'S CERTIFICATE:

William H. Dolinar states he is by occupation a Registered Land Surveyor employed by Bear Paw Energy to make the survey of the pipeline as described and shown on this map; that the survey of the pipeline as described and shown on this map, was commenced on the 7th day of August, 2011; and that such survey is accurately represented upon this map.



WILLIAM H. SMITH & ASSOCIATES P.C.
 SURVEYING CONSULTANTS
 307 8th St. N
 Bismarck, ND 58102
 PHONE: 701.252.4488
 FAX: 701.252.4489
 WWW.WHSMITHPC.COM

CROW FLEES HIGH USA 31-4H
 PIPELINE PLAT
 W1/2 SE1/4 SECTION 28, T152N, R94W,
 MCKENZIE COUNTY, NORTH DAKOTA

BRAR PAW ENERGY

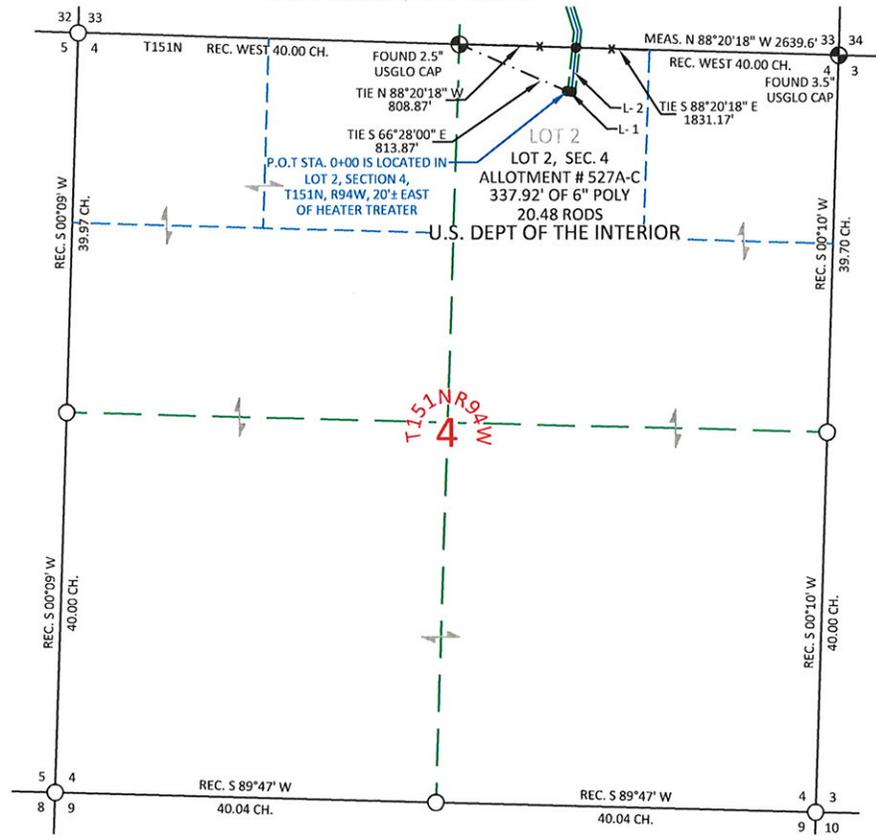
DRAWN BY: AWT
 PROJECT NO.: N/A
 SCALE: 1"=100'
 DATE: 08/08/2011
 REVISIONS: PROPOSED R.O.W. REALIGNMENT 11/11

CHECKED BY: WHD
 JOB NO.: 2011200
 SHEET 2 OF 2

CONFIDENTIALITY NOTES

The information contained in this plat is legally privileged and confidential information intended only for the use of the recipients. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this information is strictly prohibited.

EXHIBIT "A"
 CROW FLIES HIGH USA 31-4H
 LOT 2, SECTION 4, T151N, R94W,
 MCKENZIE COUNTY, NORTH DAKOTA



LINE TABLE

PI #	LATITUDE	LONGITUDE	STATION	LINE	BEARING	DISTANCE
P.O.T.	47°56'0.62"	102°42'53.95"	0+00.00	L1	S 83°11'02" E	31.10
PI-1	47°56'0.59"	102°42'53.5"	00+31.10	L2	N 05°53'11" E	306.82

SURVEYOR'S CERTIFICATE:

William H. Dolinar states he is by occupation a Registered Land Surveyor employed by Bear Paw Energy to make the survey of the pipeline as described and shown on this map; that the survey of said work was made under his supervision and authority, commencing on the 7th day of August, 2011; and that such survey is accurately represented upon this map.

LEGEND:

- G — G — GAS LINE
- P — P — OVERHEAD POWER
- O — O — FIBER OPTIC
- — — ROAD
- X — X — FENCE
- [Symbol] — DRAINAGE
- [Symbol] — CENTER LINE OF R-O-W
- [Symbol] — EDGE OF R-O-W
- [Symbol] — OWNERSHIP LINE
- [Symbol] — ONE - SIXTEENTH LINE
- P.O.T. = POINT OF TAKEOFF
- E.O.L. = END OF LINE
- ⊕ FOUND MONUMENT
- MONUMENT EITHER NOT SEARCHED OR NOT FOUND
- ⊗ CALCULATED CORNER
- POINT OF INTERSECTION

75' Temporary construction Right-of-way:
 50' Permanent Right-of-way width
 Total distance 337.92'
 Total rods 20.48
 Total disturbance area 0.58 acres
 Apparent recorded ownership: U.S. DEPT OF THE INTERIOR

SIGNED BY: ALLOTTEE: 527A-C: _____

NOTES:

- This document is for pipeline easement purposes and does not constitute an asbuilt or boundary survey.
- Basis of bearings are GRID, based on the North Dakota State Plane Coordinate System, North Zone, North American Datum 1983 from GPS observations occupying a WHS control point (5/8" rebar) and having the Location and Elevation derived from an Opus Solution.
- Distances shown are Ground Distances using a combined scale factor of 1.000159904 Information provided by Bear Paw Energy.
- Details attached hereto are made a part thereof.
- Record Bearings and Distances as shown are based on the General Land Office Survey plat approved on the 10th day of May 1911.
- Coordinates shown are WGS 84, NAD83.

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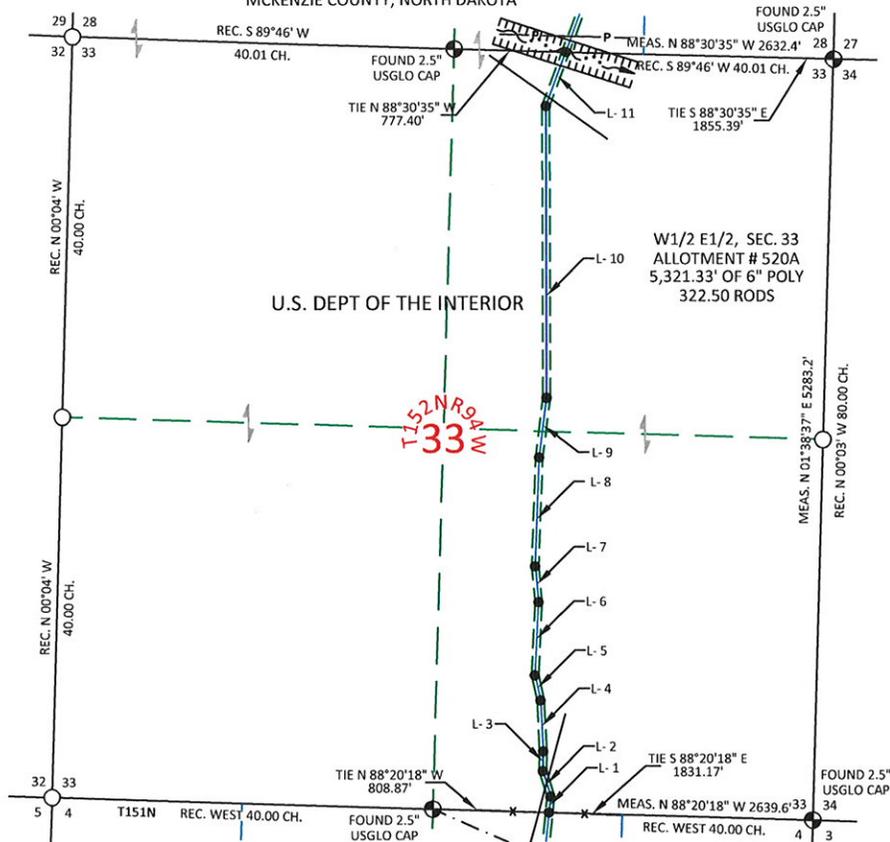
WILLIAM H. SMITH & ASSOCIATES P.C.
 SURVEYING CONSULTANTS
 CORPORATE OFFICE PHONE: 307-875-3638
 550 EAST SECOND NORTH 307-875-3639
 GREEN RIVER, WY www.whsmithpc.com

CROW FLIES HIGH USA 31-4H
 PIPELINE PLAT
 LOT 2, SECTION 4, T151N, R94W, 5th P.M.
 MCKENZIE COUNTY, NORTH DAKOTA



DRAWN BY: AKI	CHECKED BY: WHD
PROJECT NO: N/A	JOB NO: 2011200
SCALE: 1"=1000'	EXHIBIT "A"
DATE: 08/07/2011	SHEET 1 OF 3
REVISIONS: PROPOSED R-O-W REALIGNMENT 11/11	

EXHIBIT "A"
CROW FLIES HIGH USA 31-4H
W1/2 E1/2, SECTION 33, T152N, R94W,
MCKENZIE COUNTY, NORTH DAKOTA



LINE TABLE

PI #	LATITUDE	LONGITUDE	STATION	LINE	BEARING	DISTANCE
PI-2	47°56'4.71"	102°42'53.04"	04+49.84	L1	N 05°53'11" E	111.92
PI-3	47°56'6.44"	102°42'53.9"	06+33.91	L2	N 16°52'47" W	184.07
PI-4	47°56'7.78"	102°42'53.93"	07+70.38	L3	N 00°48'04" E	136.47
PI-5	47°56'11.27"	102°42'54.33"	11+24.73	L4	N 02°43'00" W	354.35
PI-6	47°56'12.98"	102°42'54.98"	13+03.49	L5	N 12°36'24" W	178.76
PI-7	47°56'18.00"	102°42'54.8"	18+11.99	L6	N 03°00'12" E	508.50
PI-8	47°56'20.44"	102°42'55.25"	20+61.30	L7	N 05°27'53" W	249.31
PI-9	47°56'27.90"	102°42'55.14"	28+17.77	L8	N 02°12'23" E	756.47
PI-10	47°56'31.99"	102°42'54.54"	32+33.74	L9	N 07°17'06" E	415.97
PI-11	47°56'51.96"	102°42'55.42"	52+58.43	L10	N 00°02'53" W	2024.69
				L11	N 20°26'44" E	400.82

LEGEND:

	GAS LINE		CENTER LINE OF R-O-W		FOUND MONUMENT
	OVERHEAD POWER		EDGE OF R-O-W		MONUMENT EITHER NOT SEARCHED OR NOT FOUND
	FIBER OPTIC		OWNERSHIP LINE		CALCULATED CORNER
	ROAD		ONE-SIXTEENTH LINE		POINT OF INTERSECTION
	FENCE		P.O.T. = POINT OF TAKEOFF		
	DRAINAGE		E.O.L. = END OF LINE		

75' Temporary construction Right-of-way:
50' Permanent Right-of-way width
Total distance 5,321.33'
Total rods 322.50
Total disturbance area 9.16 acres
Apparent recorded ownership: U.S. DEPT OF THE INTERIOR

SIGNED BY: ALLOTTEE: 520A: _____

NOTES:

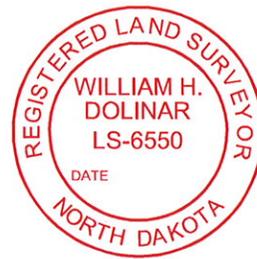
- This document is for pipeline easement purposes and does not constitute an asbuilt or boundary survey.
- Basis of bearings are GRID, based on the North Dakota State Plane Coordinate System, North Zone, North American Datum 1983 from GPS observations occupying a WHS control point (5/8" rebar) and having the Location and Elevation derived from an Opus Solution.
- Distances shown are Ground Distances using a combined scale factor of 1.000159904. Information provided by Bear Paw Energy.
- Details attached hereto are made a part thereof.
- Record Bearings and Distances as shown are based on the General Land Office Survey plat approved on the 10th day of May 1911.
- Coordinates shown are WGS 84, NAD83.

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SURVEYOR'S CERTIFICATE:

William H. Dolinar states he is by occupation a Registered Land Surveyor employed by Bear Paw Energy to make the survey of the pipeline as described and shown on this map; that the survey of said work was made under his supervision and authority, commencing on the 7th day of August, 2011; and that such survey is accurately represented upon this map.



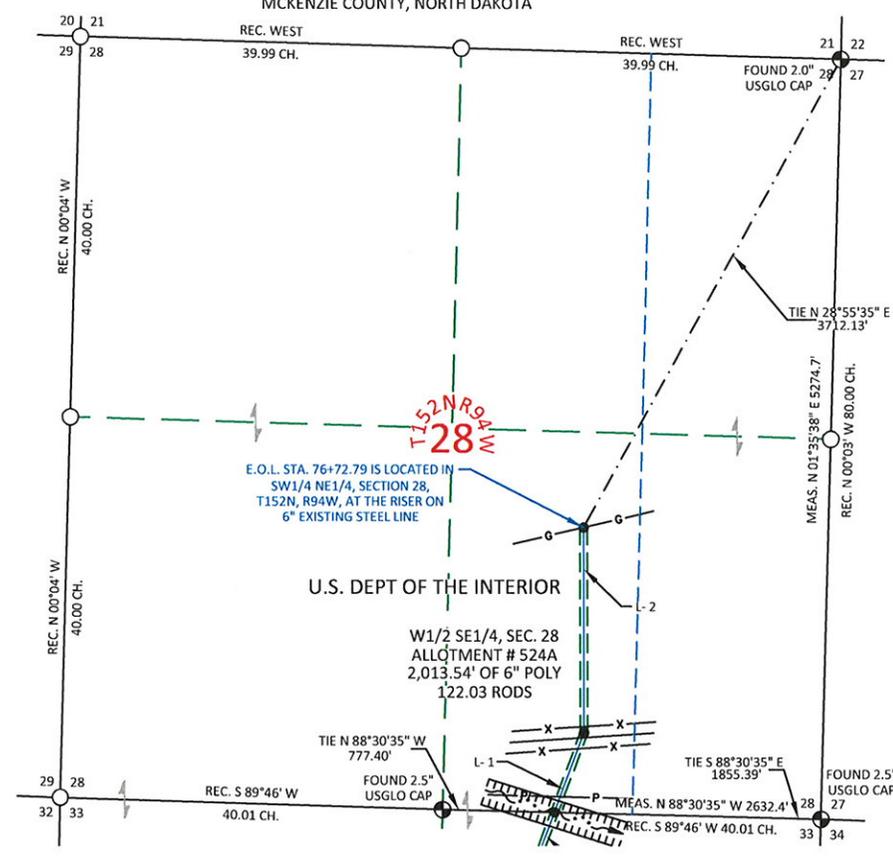
WILLIAM H. SMITH & ASSOCIATES P.C.
SURVEYING CONSULTANTS
CORPORATE OFFICE PHONE: 307-875-3638
550 EAST SECOND NORTH 307-875-3639
GREEN RIVER, WY www.whsmithpc.com

CROW FLIES HIGH USA 31-4H
PIPELINE PLAT
W1/2 E1/2, SECTION 33, T152N, R94W,
MCKENZIE COUNTY, NORTH DAKOTA



DRAWN BY: AKT	CHECKED BY: WHD
PROJECT NO: N/A	JOB NO: 2011200
SCALE: 1"=1000'	EXHIBIT "A"
DATE: 08/07/2011	SHEET 2 OF 3
REVISIONS: PROPOSED R-O-W REALIGNMENT 11/11	

EXHIBIT "A"
 CROW FLIES HIGH USA 31-4H
 W1/2 SE1/4 SECTION 28, T152N, R94W,
 MCKENZIE COUNTY, NORTH DAKOTA



LINE TABLE

PI #	LATITUDE	LONGITUDE	STATION	LINE	BEARING	DISTANCE
PI-12	47°57'1.22"	102°42'50.74"	62+48.91	L1	N 20°26'44" E	589.66
E.O.L.	47°57'15.25"	102°42'51.34"	76+72.79	L2	N 00°00'02" E	1423.88

SURVEYOR'S CERTIFICATE:
 William H. Dolinar states he is by occupation a Registered Land Surveyor employed by Bear Paw Energy to make the survey of the pipeline as described and shown on this map; that the survey of said work was made under his supervision and authority, commencing on the 7th day of August, 2011; and that such survey is accurately represented upon this map.

- LEGEND:**
- GAS LINE
 - OVERHEAD POWER
 - FIBER OPTIC
 - ROAD
 - FENCE
 - DRAINAGE
 - CENTER LINE OF R-O-W
 - EDGE OF R-O-W
 - OWNERSHIP LINE
 - ONE - SIXTEENTH LINE
 - P.O.T. = POINT OF TAKEOFF
 - E.O.L. = END OF LINE
 - FOUND MONUMENT
 - MONUMENT EITHER NOT SEARCHED OR NOT FOUND
 - CALCULATED CORNER
 - POINT OF INTERSECTION



75' Temporary construction Right-of-way:
 50' Permanent Right-of-way width
 Total distance 2,013.54'
 Total rods 122.03
 Total disturbance area 3.47 acres
 Apparent recorded ownership: U.S. DEPT OF THE INTERIOR
 SIGNED BY:
 ALLOTTEE: 524A :

- NOTES:**
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WILLIAM H. SMITH & ASSOCIATES P.C.
 SURVEYING CONSULTANTS
 CORPORATE OFFICE PHONE: 307-875-3638
 550 EAST SECOND NORTH 307-875-3639
 GREEN RIVER, WY www.wbsmithpc.com

CROW FLIES HIGH USA 31-4H
 PIPELINE PLAT
 W1/2 SE1/4, SW1/4 NE1/4 SECTION 28, T152N, R94W,
 MCKENZIE COUNTY, NORTH DAKOTA

	BEAR PAW ENERGY
DRAWN BY: AKT	CHECKED BY: WHD
PROJECT NO: N/A	JOB NO: 2011200
SCALE: 1"=1000'	EXHIBIT "A"
DATE: 08/07/2011	SHEET 3 OF 3
REVISIONS: PROPOSED R-O-W REALIGNMENT 11/11	

ONEOK ROCKIES MIDSTREAM, LLC.
CROW FLIES HIGH USA 31-4H WELL
PIPELINE RIGHT-OF-WAY
SECTION 4, T151N, R93W; SECTION 33 & 28 T152N, R93W, 5TH P.M.
McKENZIE COUNTY, NORTH DAKOTA

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

Total length of Right-Of-Way is 7,672.79 feet or 1.453 miles. Width of Right-Of-Way is 75'
(37.5' perpendicular on each side of the centerline). Contains 13.21 Acres more or less.

SURVEYOR'S AFFIDAVIT

STATE OF NORTH DAKOTA }
COUNTY OF DUNN } SS

William H. Dolinar, being first duly sworn, deposes and states that he is the registered land surveyor for ONEOK Rockies Midstream, 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 and 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, 1.453 miles in length beginning and ending as shown on this map is accurately represented.



REGISTERED LAND SURVEYOR
REGISTRATION NO. 6550
STATE OF NORTH DAKOTA

APPLICANT'S CERTIFICATE

I, _____, do hereby certify that I am the agent for ONEOK Rockies Midstream, LLC, herinafter designated the applicant; That William H. Dolinar 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 pipeline Right-Of-Way, 1.453 miles in length beginning at Sta. 0+00.00 and ending at Sta. 76+72.79, 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 assigned, grant, or otherwise.

APPLICANT

TITLE

FOOTAGE REPORT PREPARED FOR:



BEAR PAW
ENERGY

A SUBSIDIARY OF ONEOK PARTNERS

FOOTAGE REPORT PREPARED BY:



**WILLIAM H. SMITH
& ASSOCIATES P.C.**

SURVEYING CONSULTANTS
CORPORATE OFFICE PHONE: 307-875-3638
550 EAST SECOND NORTH 307-875-3639
GREEN RIVER, WY www.whsmithpc.com

TO

NAME: Ann Wetherelt
COMPANY: Bear Paw Energy
NO. OF PAGES TO FOLLOW: 1 OF 1
SUBJECT: WINDY BOY USA 12-35H
FAX TO:

FROM

NAME: Will Dolinar
DATE: 07/09/2011
HARD COPY TO FOLLOW: Yes No

W1/2 NW1/4 Section 35, T152N, R94W, Mckenzie County, North Dakota
1,625.41 feet (98.51 Rods)

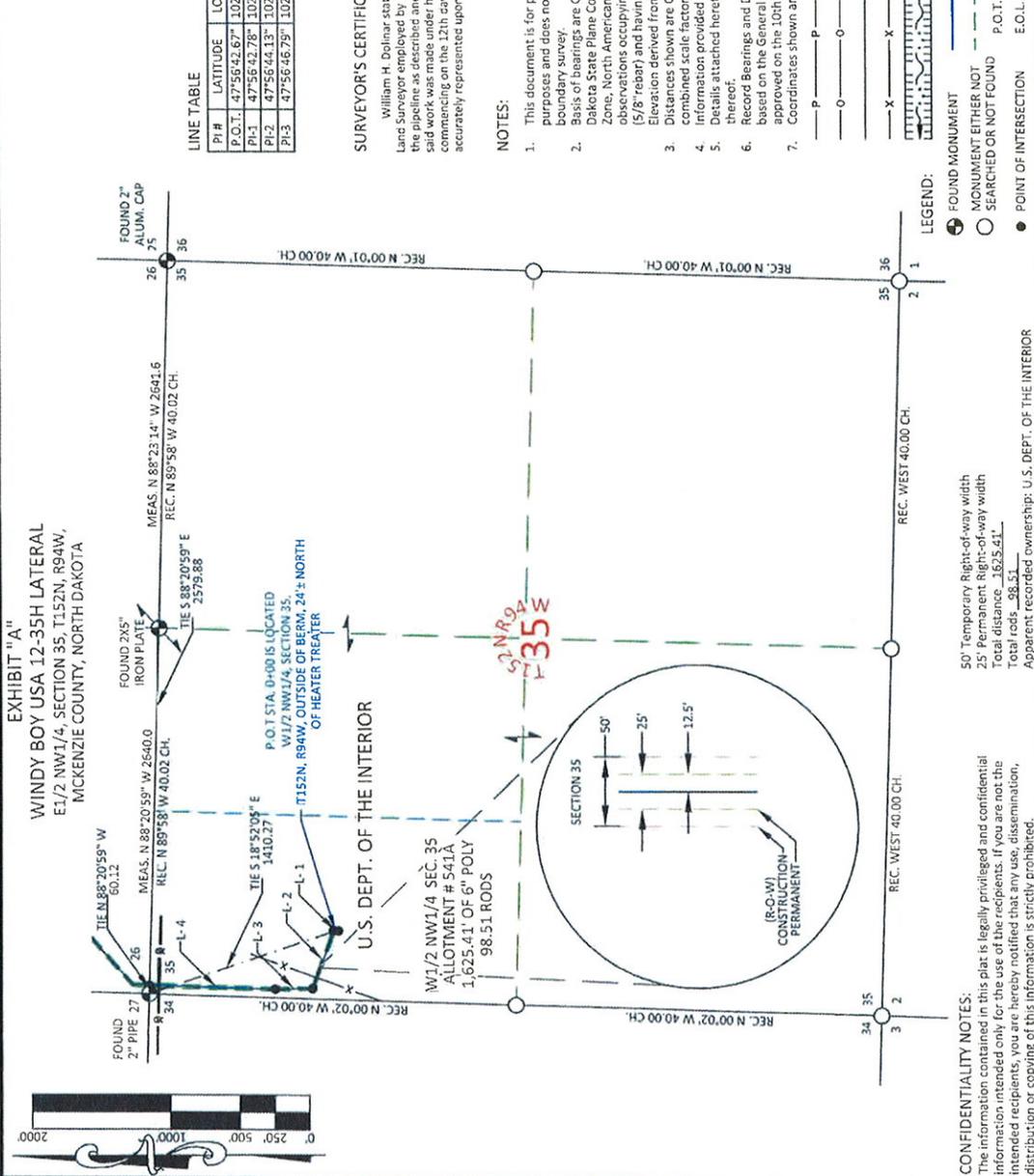
U.S. Dept. of the Interior - Allotment # 541A
Cultivation = 1,599.24 feet (96.92 Rods)
Location = 26.17 feet (1.59 Rods)

SW1/4 SW1/4 of Section 26, T152N, R94W, Mckenzie County, North Dakota
1,309.03 feet (79.34 Rods)

DEBORAH BAKLENKO LIVING TRUST &
KAYE GUDBRANSON LIVING TRUST
Cultivation = 1,309.03 feet (79.34 Rods)

EXHIBIT "A"

WINDY BOY USA 12-35H LATERAL
 E1/2 NW1/4, SECTION 35, T152N, R94W,
 MCKENZIE COUNTY, NORTH DAKOTA



LINE TABLE

PI#	LATITUDE	LONGITUDE	STATION	LINE	BEARING	DISTANCE
P.O.T.	47°56'42.67"	102°41'01.51"	0+00.00	L-1	N 00°07'03" W	12.04
PI-1	47°56'42.78"	102°41'01.52"	00+12.04	L-2	N 70°20'00" W	440.47
PI-2	47°56'44.13"	102°41'07.67"	04+52.51	L-3	N 01°19'38" W	269.87
PI-3	47°56'46.73"	102°41'07.87"	07+22.38	L-4	N 01°35'26" E	903.03

SURVEYOR'S CERTIFICATE:

William H. Dolinar states he is by occupation a Registered Land Surveyor employed by Bear Paw Energy to make the survey of the pipeline as described and shown on this map; that the survey of said work was made under his supervision and authority, commencing on the 12th day of July, 2011, and that such survey is accurately represented upon this map.

NOTES:

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- Information provided by Bear Paw Energy, thereof.
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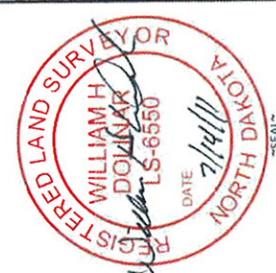
- P — P — OVERHEAD POWER
- O — O — FIBER OPTIC
- ROAD — ROAD
- X — X — FENCE
- DRAINAGE — DRAINAGE

LEGEND:

- FOUND MONUMENT
- MONUMENT EITHER NOT SEARCHED OR NOT FOUND
- POINT OF INTERSECTION
- E.O.L. = END OF LINE
- CENTER LINE OF R-O-W
- EDGE OF R-O-W
- P.O.T. = POINT OF TAKEOFF

50' Temporary Right-of-way width
 25' Permanent Right-of-way width
 Total distance 1625.41'
 Total rods 38.51
 Apparent recorded ownership: U.S. DEPT. OF THE INTERIOR

CONFIDENTIALITY NOTES:
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 CORPORATE OFFICE: PHONE: 307-875-8838
 101 WEST 10TH AVENUE, NORTH
 GREEN RIVER, WY. www.wbsmithpc.com

PIPELINE PLAT
 LOT 2, SECTION 4, T149N, R95W,
 MCKENZIE COUNTY, NORTH DAKOTA

BEAR PAW ENERGY

WINDY BOY USA 12-35H LATERAL

DRAWN BY: AKT	CHECKED BY: WHD
PROJECT NO: N/A	JOB NO: 2011200
SCALE: 1"=1000'	EXHIBIT "A"
DATE: 07/14/2011	SHEET 1 OF 2
REVISIONS:	

Notice of Availability and Appeal Rights

ONEOK: Crow Flies High 31-4H & Windy Boy 12-35H Gas Pipelines

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Authorize Land Use for the Crow Flies High 31-4H & Windy Boy 12-35H Gas Pipelines on the Fort Berthold Reservation as shown on the attached map. Construction by Oneok is expected to begin in 2012.

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 March 13, 2012, 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.

