



United States Environmental Protection Agency  
<http://www.epa.gov/air/tribal/tribalnsr.html>

**Part 1: Submit 30 Days Prior to Beginning Construction -- General Facility Information**

**FEDERAL IMPLEMENTATION PLAN FOR TRUE MINOR SOURCES IN INDIAN COUNTRY IN THE OIL AND NATURAL GAS PRODUCTION AND NATURAL GAS PROCESSING SEGMENTS OF THE OIL AND NATURAL GAS SECTOR**  
**Registration for New True Minor Oil and Natural Gas Sources and Minor Modifications at Existing True Minor Oil and Natural Gas Sources**

Please submit information to:

[Reviewing Authority  
 Address  
 Phone]

**A. GENERAL SOURCE INFORMATION (See Instructions Below)**

<b>1. Company Name</b>		<b>2. Source Name</b>	
<b>3. Type of Oil and Natural Gas Operation</b>		<b>4. New Minor Source?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
		<b>5. Minor Source Modification?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>6. NAICS Code</b>		<b>7. SIC Code</b>	
<b>8. U.S. Well ID(s) or API Number(s) [if applicable]</b>			
<b>9. Area of Indian Country</b>	<b>10. County</b>	<b>11a. Latitude</b>	<b>11b. Longitude</b>

**B. CONTACT INFORMATION (See Instructions Below)**

<b>1. Owner Name</b>	Title
Mailing Address	
Email Address	
Telephone Number	Facsimile Number
<b>2. Operator Name (if different from owner)</b>	Title
Mailing Address	
Email Address	
Telephone Number	Facsimile Number
<b>3. Source Contact</b>	Title
Mailing Address	
Email Address	
Telephone Number	Facsimile Number

<b>4. Compliance Contact</b>	Title
Mailing Address	
Email Address	
Telephone Number	Facsimile Number

**C. ATTACHMENTS**

Include all of the following information as attachments to this form:

- Narrative description of the operations.
- Identification and description of all emission units and air pollution generating activities (with the exception of the exempt emissions units and activities listed in §49.153(c).
- Identification and description of any air pollution control equipment and compliance monitoring devices or activities that are expected to be used at the facility.
- Estimated operating schedules.
- If satisfying the requirements under §49.104(a)(1), documentation that another federal agency has complied with its requirements under the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA) when authorizing the activities for the facility/activity covered under this registration. The appropriate documents shall clearly show that the other federal agency had met its obligations under both the ESA and NHPA. A simple reference to a Record of Decision or other final decision document will not be acceptable. Examples of acceptable documentation would be a letter from the U.S. Fish and Wildlife Service field office (for ESA) or a historic preservation office (for NHPA) stating they agree with the assessment conducted by the other federal agency for the subject project and that the requirements of those statutes have been met. The documentation shall be submitted within the Part 1 registration.
- If satisfying the requirements under §49.104(a)(2), the letter provided by the Reviewing Authority indicating satisfactory completion of the specified screening procedures to address threatened and endangered species and historic properties. The documentation shall be submitted under the Part 1 registration. (The procedures are contained in the following document: “Procedures to Address Threatened and Endangered Species and Historic Properties for the Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector,” <http://www.epa.gov/air/tribal/tribalnsr.html>).
- Other.

## Instructions for Part 1

Please answer all questions. If the item does not apply to the source and its operations write "n/a". If the answer is not known write "unknown".

### A. General Source Information

1. Company Name: Provide the complete company name. For corporations, include divisions or subsidiary name, if any.
2. Source Name: Provide the source name. Please note that a source is a site, place, or location that may contain one or more air pollution emitting units.
3. Type of Operation: Indicate the generally accepted name for the oil and natural gas production or natural gas processing segment operation (e.g., oil and gas well site, tank battery, compressor station, natural gas processing plant).
4. New True Minor Source: [Per Federal Indian Country Minor New Source Review Rule, 40 CFR 49.153].
5. True Minor Source Modification: [Per Federal Indian Country Minor New Source Review Rule, 40 CFR 49.153].
6. North American Industry Classification System (NAICS): The NAICS Code for your oil and natural gas source can be found at the following link for North American Industry Classification System:  
<http://www.census.gov/eos/www/naics/>.
7. Standard Industrial Classification Code (SIC Code): Although the new NAICS code has replaced the SIC codes, much of the Clean Air Act permitting processes continue to use these codes. The SIC Code for your oil and natural gas source can be found at the following link for Standard Industrial Classification Codes:  
[http://www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html).
8. U.S. Well ID or API Number: Unique well identifier as assigned by the Federal or State oil and gas regulatory agency with primacy, using the American Petroleum Institute (API) Standard for number format (pre-2014) or the Professional Petroleum Data Management (PPDM) Association US Well Number Standard (2014-present). Provide IDs for all oil and natural gas production wells associated with the facility, if applicable. May not be applicable for downstream production sources, such as compressor stations.
9. Area of Indian Country: Provide the name of the Indian reservation within which the source is operating.
10. County: Provide the County within which the source is operating.
11. Latitude & Longitude (11a. and 11b.): Provide latitude and longitude location(s) in decimal degrees, indicating the datum used in parentheses. These are GPS (global positioning system) coordinates. This information should be provided in decimal degrees with 6 digits to the right of the decimal point, indicating the datum used in parentheses (i.e., NAD 27, NAD 83, WGS 84 – WGS 84 is preferred over NAD 27).

### B. Contact Information

Please provide the information requested in full.

1. Owners: List the full name (last, middle initial, first) of all owners of the source.
2. Operator: Provide the name of the operator of the source if it is different from the owner(s).
3. Source Contact: The source contact must be the local contact authorized to receive requests for data and information.
4. Compliance Contact: The compliance contact must be the local contact responsible for the source's compliance with this rule. If this is the same as the Source Contact please note this on the form.

**C. Attachments**

The information requested in the attachments will enable the U.S. Environmental Protection Agency (EPA) to understand the type of oil and natural gas source being registered.

**Disclaimers:**

The public reporting and recordkeeping burden for this collection of information is estimated to average 6 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Information in these forms submitted in compliance with the final Federal Indian Country Minor New Source Review rule may be claimed as confidential. A company may assert a claim of confidentiality for information submitted by clearly marking that information as confidential. Such information shall be treated in accordance with EPA's procedures for information claimed as confidential at 40 CFR part 2, subpart B, and will only be disclosed by the means set forth in the subpart. If no claim of confidentiality accompanies the report when it is received by EPA, it may be made public without further notice to the company (40 CFR 2.203).

## C. Attachments

### Narrative description of the operations

The Bugs well site pad will be an Oil Production Facility and is planned to initially accommodate three producing oil wells; BEETLE 150-94-11C-12H; LADYBUG 150-94-11C-12H-TF; WASP 150-94-11C-12H. The wells will produce oil, water and natural gas which will be piped from the well through a two phase separator and then a three phase separator. Separated liquids will be piped to storage tanks and associated gas from the separators will be sold via pipeline. The oil from the storage tanks will also be sold via pipeline. Engineered flares control storage tank emissions (water and oil) and treater gas when the pipeline is unavailable. The pad will be powered by a natural gas generator whose size will be determined, based on power requirements, at start up.

### Identification and description of all emission units and air pollution generating activities (with the exception of the exempt emissions units and activities listed in §49.153(c))

Emission Units	Emission Source Description
Production Tanks	(3) 1000 Bbl Oil Storage Tanks (1) 400 Bbl Oil Storage Tank (1) 1000 Bbl Produced Water Storage Tanks
Heater Treater Burner	(2) 500,000 Btu/hr Heater Treater
Well Flaring	Associated Gas Flaring During Periods Pipeline Downtime
Generator	Natural Gas Generator (Size TBD)
Fugitives	Fugitive Equipment Leaks

### Identification and description of any existing air pollution control equipment and compliance monitoring devices or activities

#### Air Pollution Control Equipment-

Steffes Engineered Dual-Tip Flares will be used to control emissions from the oil and water storage tanks, and treater gas when pipeline is unavailable. Steffes flares are capable of 98% DRE.

#### Compliance Monitoring Devices or Activities-

Flare temperature will be monitored in SCADA.

Low pressure vent line pressures will be monitored by field operators via gauge.

Semi-annual FLIR camera inspections will be conducted in compliance with OOOOa leak detection requirements. Monthly AVO inspections will also be conducted.

### Estimated operating schedules

The Oil Production Facility will operate 8,760 hours per year.

Scheduled First Date of Construction	11/28/2016
Scheduled Date of Drilling Activities	1/1/2017
Scheduled Date of Completion	6/16/2017
Scheduled Date of First Production	7/6/2017

**Proof of Endangered Species Act and National Historic Preservation Act Compliance:**

Valid documentation demonstrating that prior Endangered Species Act (ESA) and/ or National Historic Preservation Act (NHPA) compliance has been completed by another federal agency in connection with the specific oil and natural gas activity operated under the FIP.

- ✓ Copy of the letter from the U.S. Fish and Wildlife Service agreeing that Enerplus addressed the effects of the project on listed species and critical habitat and demonstrated compliance by the federal action agency with ESA requirements.
- ✓ Copy of the letter from the Tribal Historic Preservation Office addressing the effects of the project on historic properties and demonstrating compliance by the federal action agency with NHPA requirements.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
North Dakota Ecological Services Field Office  
3425 Miriam Avenue  
Bismarck, North Dakota 58501  
(701) 250-4481, ndfieldoffice@fws.gov

**JUN 05 2014**

Marilyn Bercier, Regional Environmental Scientist  
Bureau of Indian Affairs  
115 4<sup>th</sup> Ave SE  
Aberdeen, South Dakota 57401

Dear Ms. Bercier:

This is the U.S. Fish and Wildlife Service's (Service) combined response to seven letters requesting informal consultation in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). The letters of requests originated from consultants previously designated by the Bureau of Indian Affairs (BIA) to serve as non-federal representatives concerning the environmental review for the proposed construction and operation of several well sites within the exterior boundaries of the Fort Berthold Indian Reservation in McKenzie and Dunn Counties, ND. The Service elected to combine our findings into one response letter directly to the BIA to facilitate a more efficient handling of the numerous requests.

According to information contained in the biological assessments that accompanied the requests, the proposed new or expansion of existing multi-well oil and gas well pads, roads and infrastructure have been approved by the BIA and the Bureau of Land Management. Construction for the following actions is planned for 2014.

Kodiak Oil & Gas Corporation:

- Two Shields Butte and Skunk Creek multi-well pad #4-24 (NWNW S24, T149N, R93W)
  - Skunk Creek Well 4-24-25-13H
  - Skunk Creek Well 4-24-25-13H3
  - Two Shields Butte Well 4-24-12-4H
  - Two Shields Butte Well 4-24-12-4H3
- Two Shields Butte and Skunk Creek multi-well pad #14-13 (SESW S24, T149N, R93W)
  - Skunk Creek Well 14-13-25-14H
  - Skunk Creek Well 14-13-25-14H3
  - Skunk Creek Well 14-13-25-14HA
  - Skunk Creek Well 14-13-25-15H3
  - Two Shields Butte Well 14-13-12-2H3



- Two Shields Butte Well 14-13-12-3H
- Two Shields Butte Well 14-13-12-3H3
- Two Shields Butte Well 14-13-12-3HA
- Two Shields Butte and Skunk Creek multi-well pad #1-24 (NENE S24, T149N, R93W)
  - Skunk Creek Well 1-24-25-16H
  - Skunk Creek Well 1-24-25-16H3
  - Two Shields Butte Well 1-24-12-1H
  - Two Shields Butte Well 1-24-12-1H3
- Charging Eagle multi-well pad #15-19 (SWSE S19, T149N, R91W)
  - Charging Eagle Well 15-19-18-2H
  - Charging Eagle Well 15-19-18-2H3
  - Charging Eagle Well 15-19-18-2H3A
  - Charging Eagle Well 15-19-18-2HA
- Charging Eagle multi-well pad #1521A (SWSE S21, T147N R92W)
  - Charging Eagle Well 15-21A-16-3H
  - Charging Eagle Well 15-21A-16-4H3
  - Charging Eagle Well 15-21A-16-4H
- Two Shields Butte multi-well pad #13-21 (SWSW S21, T149N, R92W)
  - Two Shields Butte Well 13-21-16-4H3
  - Two Shields Butte Well 13-21-33-13H
  - Two Shields Butte Well 13-21-16-3H3
  - Two Shields Butte Well 13-21-33-13H3
  - Two Shields Butte Well 13-21-33-15H3

#### Marathon Oil Company

- TAT USA multi-well pad #13-23H (S22, T151N, R94W)
  - Jerome USA Well 12-23TFH-2B
  - Jorgenson USA Well 12-23H
  - Joshua USA Well 13-23TFH
  - Lamarr USA Well 13-23TFH-2B
  - Loren USA Well 14-23TFH
  - Whitebody USA Well 14-23H
  - Yellowface USA Well 14-23TFH-2B
- Myrmaon USA Infill multi-well pad (S35, T152N, R94W and S2, T151N, R94W)

#### QEP Energy Company

- Multi-well pad #15-E (two wells; NW S04, T149N, R91W)
- Multi-well pad #13-4E (two wells; SW S04, T149N, R91W)

#### Missouri River Resources

- MHA Nation multi-well pad (four wells: S½SW S3, T149N, R94W))

#### Enerplus Resources (USA)

- One multi-well pad (NWSW S11, T150N R94W)

- Tick Well 150-94-11C-12H-TF
- Mantis Well 150-94-11C-12H
- Cricket Well 150-94-11C-12H
- Ant Well 150-94-11C-12H
- Wasp Well 150-94-11C-12H-TF
- Ladybug 150-94-11C-12H
- Beetle 150-94-11C-12H

In accordance with section 7 of the Act, the consultants acting on BIA's behalf have requested Service concurrence with the determinations that each of the above-mentioned well pads "may affect, are not likely to adversely affect" the endangered whooping crane (*Grus americana*), endangered interior least tern (*Sterna antillarum*), endangered pallid sturgeon (*Scaphirynchus albus*), threatened piping plover (*Charadrius melodus*), and designated critical habitat for the piping plover. Based upon the project locations and associated commitments by the BIA and the oil companies to avoid or minimize impacts as described in the documents provided by the consultants, the Service has concluded the effects of the proposed well pads are either insignificant or discountable. Thus, the Service **concurs** with the determinations.

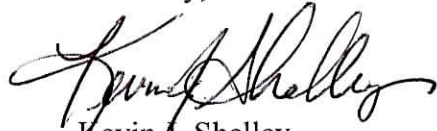
The BAs submitted for the multi-well pads proposed by Enerplus Resources (USA), Kodiak Oil & Gas Corporation, and Marathon Oil Company also included determinations of "not likely to jeopardize the continued existence" for the proposed northern long-eared bat (*Myotis septentrionalis*), Dakota skipper (*Hesperia dacotae*), rufa red knot (*Calidris canutus rufa*), and/or (candidate) Sprague's pipit (*Anthus spragueii*). Although the Service has not received a request from BIA for conferencing on these species, the Service agrees with the determinations.

In addition, the BAs included "no effect" determinations for the endangered gray wolf (*Canis lupus*) and endangered black-footed ferret (*Mustella nigripes*) with the construction and operation of all six well pads. There is no requirement under the implementing regulations of the Act (50 CFR Part 402) for action agencies to receive Service concurrence with "no effect" determinations, therefore the responsibility for "no effect" determinations remains with the BIA. Accordingly, we recommend the BIA retain the documentation of the "no effect" determinations in the BIA's decisional records for these federal actions.

The Service's concurrence is based on the information contained within the documents and correspondence received from your non-federal representatives. Pursuant to the implementing regulations of the Act (50 CFR 402.13), this letter concludes informal consultation on the above actions. The BIA should re-analyze these actions if: (1) new information reveals effects of the actions that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; (2) the actions are subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (3) a new species is listed or critical habitat is designated that may be affected by the construction and operation of these well pads.

We appreciate your efforts to insure the conservation of listed species as part of our joint responsibilities under the Act. If you have any questions, please feel free to contact me directly at (701) 355-8512 or at the letterhead address.

Sincerely,



Kevin J. Shelley  
Acting Assistant Field Supervisor  
North Dakota Field Office

cc: Bureau of Indian Affairs, Great Plains Regional Office, Aberdeen, SD (D. Daugherty)  
Bureau of Land Management, ND Field Office Manager, Dickinson, ND (R. Rymerson)  
U.S. Fish and Wildlife Service, ND and SD Field Supervisor, Pierre, SD (S. Larson)  
KLJ, Bismarck, ND (G. Wolf, S. Czczok)  
Wenck Associates, Inc., Mandan, ND (J. Beckers)  
SWCA Environmental Consultants, Sheridan, WY (W. Epperson)



# 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 04 2014

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 pad project in McKenzie County, North Dakota. Approximately 155.64 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 (32MZ2387) was revisited which may possess the quality of integrity and meet at least one of the criteria (36 C.F.R. § 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 U.S.C. § 1996 [1994]).

As the surface management agency, and as provided for in 36 C.F.R. § 800.5 (2004), we have reached a determination of **no historic properties affected** for this undertaking, as the archaeological site will be avoided. Catalogued as BIA Case Number **AAO-3139/FB/13** the proposed undertaking, location, and project dimensions are described in the following report:


Schleicher, Jolene, and Scott Yost

(2014) A Class I and Class III Cultural Resource Inventory of the Enerplus Beetle 150-94-11-12H, Wasp 150-94-11-12H, Cricket 150-94-11-12H and Tick 150-94-11-12H Well Pad and Access Road/Utility Corridor, Fort Berthold Indian Reservation, McKenzie County, North Dakota. SWCA Environmental Consultants for Enerplus Resources, 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,

  
Regional Director

Enclosure

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