From: "Bohan, Suzanne" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0A83D74CCF7C4B40ACDBF09C093F3B16-BOHAN, SUZANNE>

To: Card
"Joan; Beeler"
Cindy

CC:

Date: 11/12/2014 3:28:45 PM

Subject: FW: Letter to Crestwood/Arrow Regarding Bear Den Saltwater SpillCleanup

Attachments: fwdlettertocrestwoodarrowregardingbeardensaltwater.zip

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FYI. I'll be sharing the report with our water enforcement folks.

Suzanne

From: Herman, Mark [mailto:mark.herman@bia.gov]
Sent: Wednesday, November 12, 2014 1:24 PM
To: Bohan, Suzanne
Cc: Bercier, Marilyn
Subject: Fwd: Letter to Crestwood/Arrow Regarding Bear Den Saltwater Spill Cleanup

Suzanne

Attached is a zip file of the info that the Fort Berthold Agency received from Crestwood. Also below is the email with suggestions I sent to the Agency after reviewing the information.

I already informed the Regional Director that you were invited to the Federal Partners meeting, and if it is too short of notice to attend, I can also see if a call in number can be made available.

In a phone call just now I got word informally that the Tribe owns 2%.

Thanks,

Mark

---------- Forwarded message ----------
From: **Herman, Mark** <mark.herman@bia.gov>
Date: Fri, Nov 7, 2014 at 1:23 PM
Subject: Re: Letter to Crestwood/Arrow Regarding Bear Den Saltwater Spill Cleanup
To: "Danks, Kayla" <kayla.danks@bia.gov>
Cc: Marilyn Bercier <marilyn.bercier@bia.gov>, Thomas Wells <thomas.wells@bia.gov>, Jeffrey Hunt <jeffrey.hunt@bia.gov>, Jeffrey Desjarlais <jeffrey.desjarlais@bia.gov>, Christopher McLaughlin <chris.mclaughlin@bia.gov>, Renita Howlingwolf <renita.howlingwolf@bia.gov>

Kayla

We will all need more time to review and conduct an analysis of the information attached but in the brief review of the information attached I have included some suggestions below:

- Give **no** indication that the BIA will commit to or agree to clean closure of this incident. In any release a long term monitoring of the area is always standard practice. Typically a three year period of monitoring soils, groundwater and surface water for potential impacts in conducted before any decision is made.
- One of the letters is requesting authorization to release spring runoff into Lake Sac. The BIA should make no indication that this is acceptable, the COE is the controlling entity for the lake system and any such authorization would need to be acceptable to them. The USFWS would also have to be part of the consulted parties on this.
- The Tribe may not agree, but USEPA also has some authorities in relation to the CWA and would need to be involved.
- We would also need a copy of the Tribes independent consultant report for comparison to the information provided by the operator.

These are initial thoughts for internal use until a thorough review of all information can be completed. I can say that the information provided by Crestwood is seriously lacking in detail for a spill of this magnitude. There has to be a lot more than what we are being provided within these attachments. Most of what they are presenting in test data but no analysis or trends.

My initial thought with the time available.

Thanks,

Mark

On Fri, Nov 7, 2014 at 11:56 AM, Danks, Kayla <kayla.danks@bia.gov> wrote:

> All,
>
> I am forwarding you the information that Crestwood sent the BIA providing a status on the spill that occurred in July of this year. This documentation is in response to the Fort Berthold Agency's letter dated November 3, 2014, notifying Crestwood that the BIA & the Tribe must review the clean up status prior to releasing them of any and all clean up on the identified contaminated site.
>
> The Tribe has hired their own contractor (WHPacific) to review the contaminated site which will serve as a baseline comparison along with Crestwood's data. Today at 2:00 p.m. WHPacific will brief us, via conference call, on the clean up status of the contaminated site.
>
> Mark and Marilyn, can you please call the Fort Berthold Agency at 2:00 p.m. to join the call. The number you should call is 701-627-6519. I hope you can join in on the call, sorry for the short notice but I just received verification of today's briefing.
>
> Thanks,
>
> ***Kayla Danks, Superintendent***
> ***Great Plains Region, Fort Berthold Agency***
> ***202 Main Street***
> ***P.O. Box 370***
> ***New Town, N.D. 58763***
> ***Telephone: 701-627-4707***
>
> ---------- Forwarded message ----------
> From: **Barry Holman** <Barry.Holman@crestwoodlp.com>
> Date: Tue, Nov 4, 2014 at 7:38 AM
> Subject: RE: Letter to Crestwood/Arrow Regarding Bear Den Saltwater Spill Cleanup
> To: "Danks, Kayla" <kayla.danks@bia.gov>, George Abe <gabe@mhanation.com>, "frankielee@mhanation.com" <frankielee@mhanation.com>, Elizabeth Berndt <elizabeth.berndt@bia.gov>, Thomas Wells <thomas.wells@bia.gov>, Jeffrey Desjarlais <jeffrey.desjarlais@bia.gov>, Christopher McLaughlin <chris.mclaughlin@bia.gov>, "Fred W. Fox" <ffox@mhanation.com>
> Cc: Miranda Jones <miranda.jones@crestwoodlp.com>, Josh Swann <jswann@keitu.com>, "Kathleen Spilman, PE" <kspilman@keitu.com>, Kelley Bryan <kelley.bryan@crestwoodlp.com>

Ms. Danks,

Please find the attached information that was also submitted to the Three Affiliated Tribes and that you have requested. I do apologize that we have not been in communication, this is an oversight on my part. Once you and your team have had time to review the information, please give me a call and we can discuss. If you would like to set up a time to meet face to face with all parties involved let me know. (BIA, MHA, MHA contractor WHPacific, Crestwood and Crestwood contractor Keitu).

As you review if you have questions or need more information please do not hesitate to contact me anytime.

Regards

Barry Holman
ESR Director, Western Division

Crestwood Midstream Partners
700 Louisiana Street Suite 2550
Houston, TX 77002
P: 713-380-3025 | **C:** 903-241-0525
F: 832-519-2250
barry.holman@crestwoodlp.com
www.crestwoodlp.com

From: Danks, Kayla [mailto:kayla.danks@bia.gov]
Sent: Monday, November 03, 2014 4:54 PM
To: Barry Holman; George Abe; frankielee@mhanation.com; Elizabeth Berndt; Thomas Wells; Jeffrey Desjarlais; Christopher McLaughlin; Fred W. Fox
Subject: Letter to Crestwood/Arrow Regarding Bear Den Saltwater Spill Cleanup

See attached letter regarding ROW compliance.

--

Kayla Danks, Superintendent
Great Plains Region, Fort Berthold Agency
202 Main Street
P.O. Box 370
New Town, N.D. 58763
Telephone: 701-627-4707

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Kayla Danks, Superintendent
Great Plains Region, Fort Berthold Agency
202 Main Street
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