



United States Department of the Interior

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



IN REPLY REFER TO:
DESCRM
MC-208

DEC 17 2009

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region 

SUBJECT: Environmental Assessment and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed *Addendum to Questar Environmental Assessment dated September 2009* on the Fort Berthold Reservation, an Environmental Assessment (EA) has been completed and a Finding of No Significant Impact (FONSI) has been issued.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the EA, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the FONSI (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: Marcus Levings, Chairman, Three Affiliated Tribes (with attachment)
Perry "No Tears" Brady, THPO (with attachment)
Tracy Opp, Questar (with attachment)
Roy Swalling, Bureau of Land Management (with attachment)
Jonathon Shelman, Corps of Engineers (with attachment)

ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

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



Questar Exploration and Production Company

Addendum to:

**Questar Exploration and Production Company September 2009 Environmental
Assessment**

Four Bakken Formation Exploratory Wells at Four Locations:

**MHA #1-06H-149-91
MHA #1-01H-149-92
MHA #1-31H-150-91
MHA #1-06-31H-150-92**

Fort Berthold Indian Reservation

December 2009

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

Finding of No Significant Impact

Questar Exploration and Production Company (Questar)

Addendum to:

Questar Exploration and Production Company September 2009 Environmental Assessment

Four Bakken Formation Exploratory Wells at Four Locations:

MHA #1-06H-149-91
MHA #1-01H-149-92
MHA #1-31H-150-91
MHA #1-06-31H-150-92

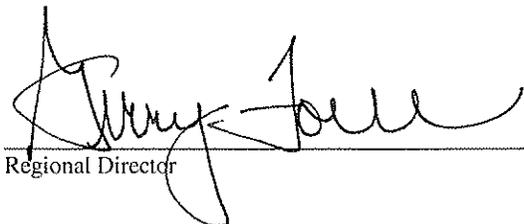
Fort Berthold Indian Reservation
McKenzie County North Dakota

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the above referenced Environmental Assessment (EA). The proposal is to delete one previously authorized well and authorize the construction, drilling, and associated facilities for two wells in the same general location as the deleted well. The previously authorized well MHA #1-06H-149-91 is proposed to be deleted and authorization is sought for the drilling of two wells, MHA #1-06-01H-149-92 and MHA #2-06-01H-149-92. The site is located in Section 6, Township 149 North, Range 91 West. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources and positive recommendations 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 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.
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.


Regional Director

12/17/09
Date

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1. Purpose and Need for the Proposed Action

Questar proposes to delete one previously authorized well and authorize the construction, drilling, and associated facilities for two wells in the same general location as the deleted well. The previously authorized well MHA #1-06H-149-91 is proposed to be deleted and authorization is sought for the drilling of two wells, MHA #1-06-01H-149-92 (Well #1) and MHA #2-06-01H-149-92 (Well #2). The site is located in Section 6, Township 149 North, Range 91 West. **Please refer to Figure 1, Project Overview Map**

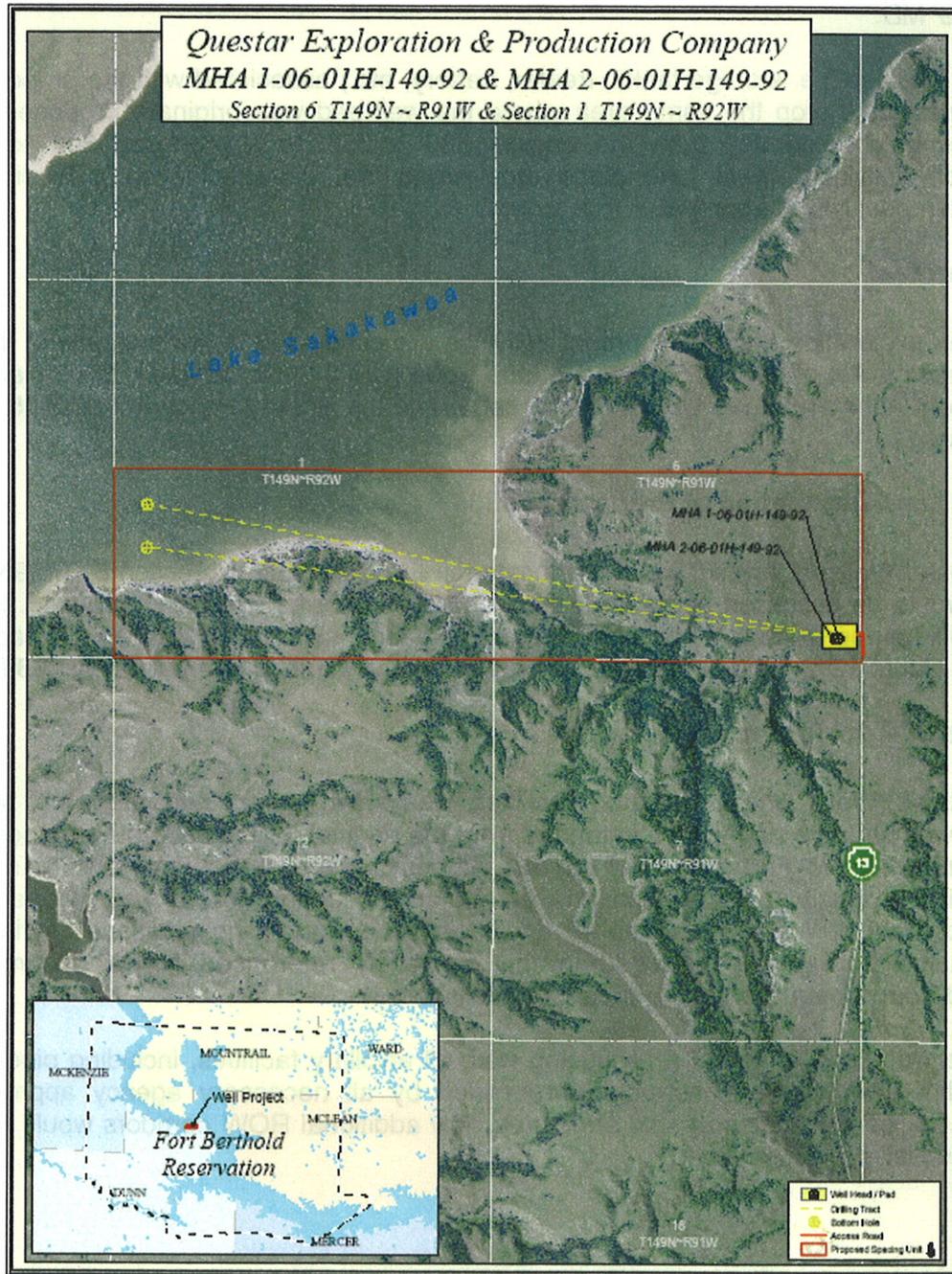


Figure 1, Project Overview Map

Well #1 will have the same surface location and disturbance as the originally proposed well MHA #1-06H-149-91; however, the boring direction and depths have been revised. Please refer to **Figure 1, Project Overview Map** for the boring direction. The newly proposed boring depths are 10,151' TVD, and 19,548' MD.

The Well #2 surface location will be 42' to the west of Well #1. The need for the additional Well #2 is to explore a formation at a different depth than Well #1. Please refer to **Figure 1, Project Overview Map** for the boring direction. The newly proposed boring depths are 10,244' TVD, and 19,488' MD.

Additional facilities (i.e. storage tanks, treater, battery, etc.) associated with the proposed wells will be constructed atop the same area where the well pad was originally proposed with the dimensions being extended from the original 380' x 350' to a proposed 502' x 345'. All construction activities would take place atop areas that have achieved a Finding of No Significant Impact NEPA approval.

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 Wells #1 and #2 would be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T149N, R91W. The site would be accessed using the same road alignment as originally proposed. However, the road will be approximately 100' shorter due to the extension of the well pad. The access will be via BIA Route 13 and a proposed access road from the south of approximately 468 feet.

4. Scope of Work for Proposed Action

The proposed Wells and associated facilities would be constructed atop the previously proposed well pad; the pad will be extended from the original 380' x 350' to a proposed 502' x 345'. **Please refer to Figure 2, Pad Layout.** All construction and surface disturbance would occur within previously approved locations, and no additional right-of-way would be required for the development of Well #1 or Well #2 and facilities. As such, no additional environmental impacts aside from those disclosed in the previously referenced NEPA documents are anticipated from construction of the proposed Wells.

Should the well be determined a producing well, all ancillary facilities, including pipelines and electrical lines, would be constructed proceeded by all necessary agency approvals and guidelines for the installation of said structures. Any additional ROW corridors would follow the constructed well site access road.

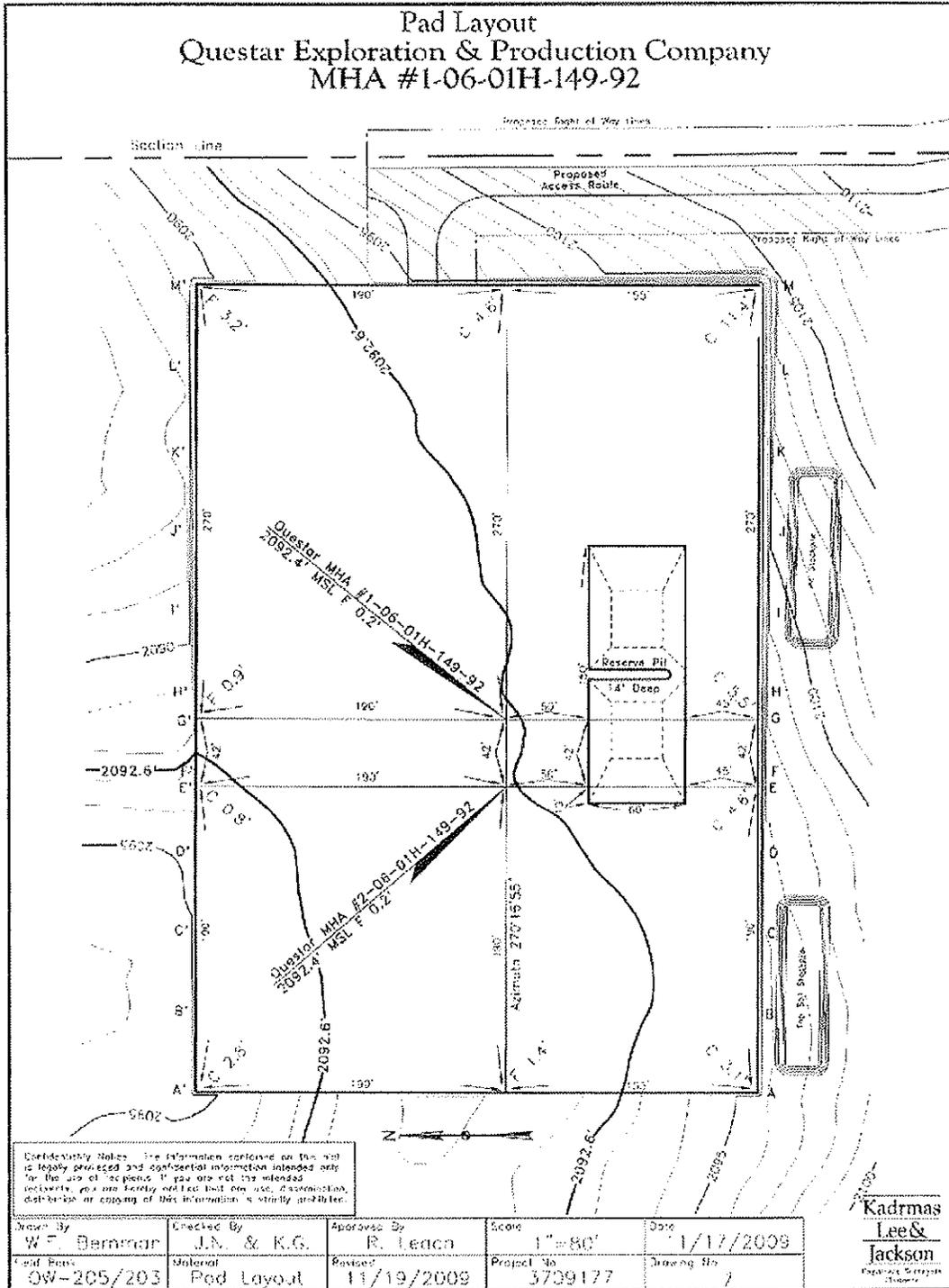


Figure 2, Pad Layout

5. Applicable National Environmental Policy Act (NEPA) Documents

Environmental Assessment:

Questar Exploration and Production Company, Four Bakken Formation Exploratory Wells at Four Locations:

- MHA 1-06H-149-91
- MHA 1-01H-149-92
- MHA 1-31H-150-91
- MHA 1-06-31H-150-92

Fort Berthold Indian Reservation, September, 2009.

6. Cultural Resources

The proposed MHA 1-06-01H-149-92 and MHA 2-06-01H-149-92 (formerly MHA 1-06H-149-91) dual well pad 10 acre project area was intensively inventoried by personnel of Kadrmass, Lee & Jackson, Inc. on May 4, 2009 (Ó Donnchadha 2009). 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 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, BIA therefore reached a determination of **no historic properties affected** for this undertaking. This determination was communicated to the THPO on June 3, 2009, and the THPO concurred on June 18, 2009.

Ó Donnchadha, Brian

(2009) MHA 1-06H-149-91 Well Pad and Access Road: A Class III Cultural Resource Inventory, Dunn County, North Dakota. KLJ Cultural Resources for Questar Exploration and Production Company, Denver.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E.
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IN REPLY REFER TO:
DESCRM
MC-208

JUN 03 2009

Perry 'No Tears' Brady, THPO
Mandan, Hidatsa and Arikara Nation
404 Frontage Road
New Town, North Dakota 58763

Dear Mr. Brady:

We have considered the potential effects on cultural resources of four oil well pads and access roads in Dunn and McLean Counties, North Dakota. Approximately 82.3 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the areas depicted in the enclosed reports. 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 that appear to qualify for protection under the American Indian Religious Freedom Act (16 USC 1996).

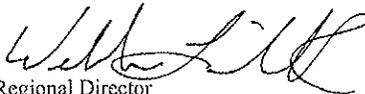
As the surface management agency, and as provided for in 36 CFR 800.5, we have therefore reached a determination of **no historic properties affected** for these undertakings. Catalogued as **BIA Case Number AAO-1626/FB/09**, the proposed undertakings, locations, and project dimensions are described in the following reports:

- Ó Donnchadha, Brian
- (2009) MHA 1-06H-149-91 Well Pad and Access Road: A Class III Cultural Resource Inventory, Dunn County, North Dakota. KLJ Cultural Resources for Questar Exploration and Production Company, Denver.
 - (2009) MHA 1-06H-149-92 Well Pad and Access Road: A Class III Cultural Resource Inventory, Dunn County, North Dakota. KLJ Cultural Resources for Questar Exploration and Production Company, Denver.
 - (2009) MHA 1-31H-150-91 Well Pad and Access Road: A Class III Cultural Resource Inventory, Dunn County, North Dakota. KLJ Cultural Resources for Questar Exploration and Production Company, Denver.
 - (2009) MHA 1-10H-149-90 & MHA 1-04H-149-90 Well Pad and Access Road: A Class III Cultural Resource Inventory, McLean County, North Dakota. KLJ Cultural Resources for Questar Exploration and Production Company, Denver.

If your office concurs with this determination, consultation will be completed under the National Historic Preservation Act and its implementing regulations. The Standard Conditions of Compliance will be adhered to.

If you have any questions, please contact Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

Sincerely,


ACTING Regional Director

Enclosures

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



TRIBAL HISTORIC PRESERVATION

Mandan Hidatsa Arikara
Perry 'No Tears' Brady, Director
404 Frontage Road,
New Town, North Dakota 58763
Ph/701-862-2474 fax/701-862-2490
pbrady@gmhnsafoa.com

June 18, 2009

Carson Murdy
Regional Archeologist
Bureau of Indian Affairs
Great Plains Regional Office
115 Fourth Avenue SE
Aberdeen, SD, 57401

RE: Project # AAO 1626/PB/09
MHA 1-06H-149-91 well pad and access road
MHA 1-06H-149-92 well pad and access road
MHA 1-31H-150-91 well pad and access road
MHA 1-10H-149-90 well pad and access road
MHA 1-04H-149-90 well pad and access road

Dr. Murdy:

After review of the documentation provided, the Mandan Hidatsa Arikara Nations Tribal Historic Preservation Office concurs with the determination of 'No Adverse Affect'/No Historic Properties Affected' to any pre and post-historic relics, artifacts or sacred and cultural resources in the revised proposed Project area.

We respectfully request to be notified should any NAGPRA issue or others arise as the Project progresses.

Sincerely,

Perry 'No Tears' Brady,
Tribal Historic Preservation Officer,
Mandan Hidatsa Arikara Nations.

7. NEPA Adequacy Criteria

This document has identified one previously prepared NEPA document, *Questar Exploration and Production Company, Four Bakken Formation Exploratory Wells at Four Locations:*

- MHA 1-06H-149-91
- MHA 1-01H-149-92
- MHA 1-31H-150-91
- MHA 1-06-31H-150-92

Fort Berthold Indian Reservation, September, 2009, 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 document.
2. The range of alternatives is reasonable with respect to the current proposed actions 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 and/or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA document 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 document.
6. The cumulative impacts that would result from implementation of the proposed actions 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.

Notice of Availability and Appeal Rights

Questar Addendum

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to the Addendum to Questar Exploration and Production Company, September 2009, Environmental Assessment, Four Bakken Formation Exploratory Wells at Four Locations: MHA #1-06H-149-91, MHA #1-01H-149-92, MHA #1-31H-150-91 and MHA #1-06-31H-150-92 as shown on the attached map. Construction by Arrow Midstream Holdings is expected to begin in 2010.

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 Howard Bemer, 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 January 17, 2010, 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.

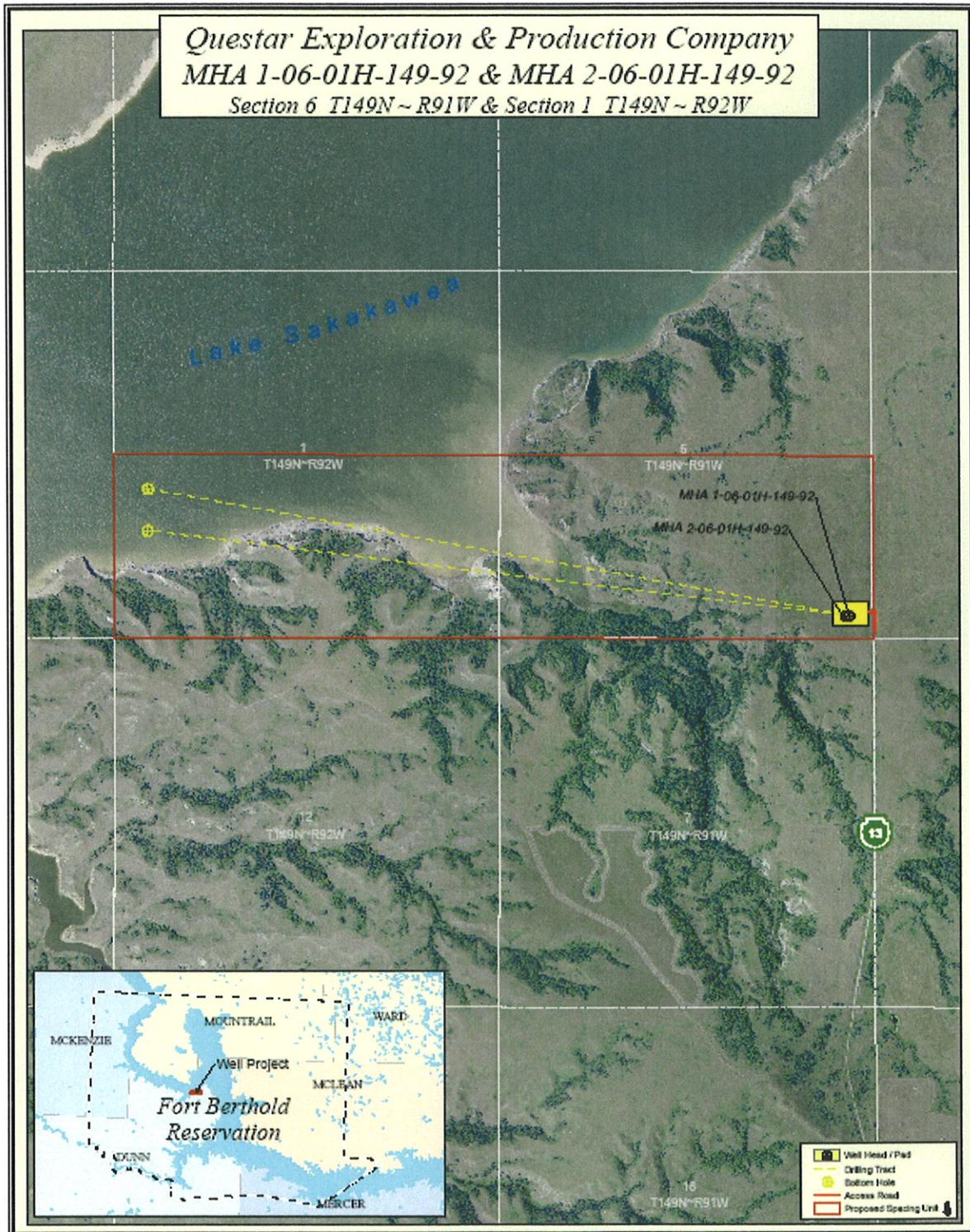


Figure 1, Project Overview Map