



United States Department of the Interior

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

JUN 08 2010



IN REPLY REFER TO:
DESCRM
MC-208

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{ACTING} 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 construction of an overhead power line from the Howard Fisher well to the Everett Fisher well by Marathon Oil Company 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, Tribal Historic Preservation Officer (with attachment)
Roy Swalling, Bureau of Land Management (with attachment)
Jonathon Shelman, Corps of Engineers (with attachment)
Dawn Charging, Virtual One Stop Shop, Fort Berthold Agency

Notice of Availability and Appeal Rights

Marathon: Overhead Power line Between Howard and Evertt Fisher Well

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to installation of an overhead power line as shown on the attached map. Construction by Marathon Oil and Gas is expected to begin in the Summer of 2010.

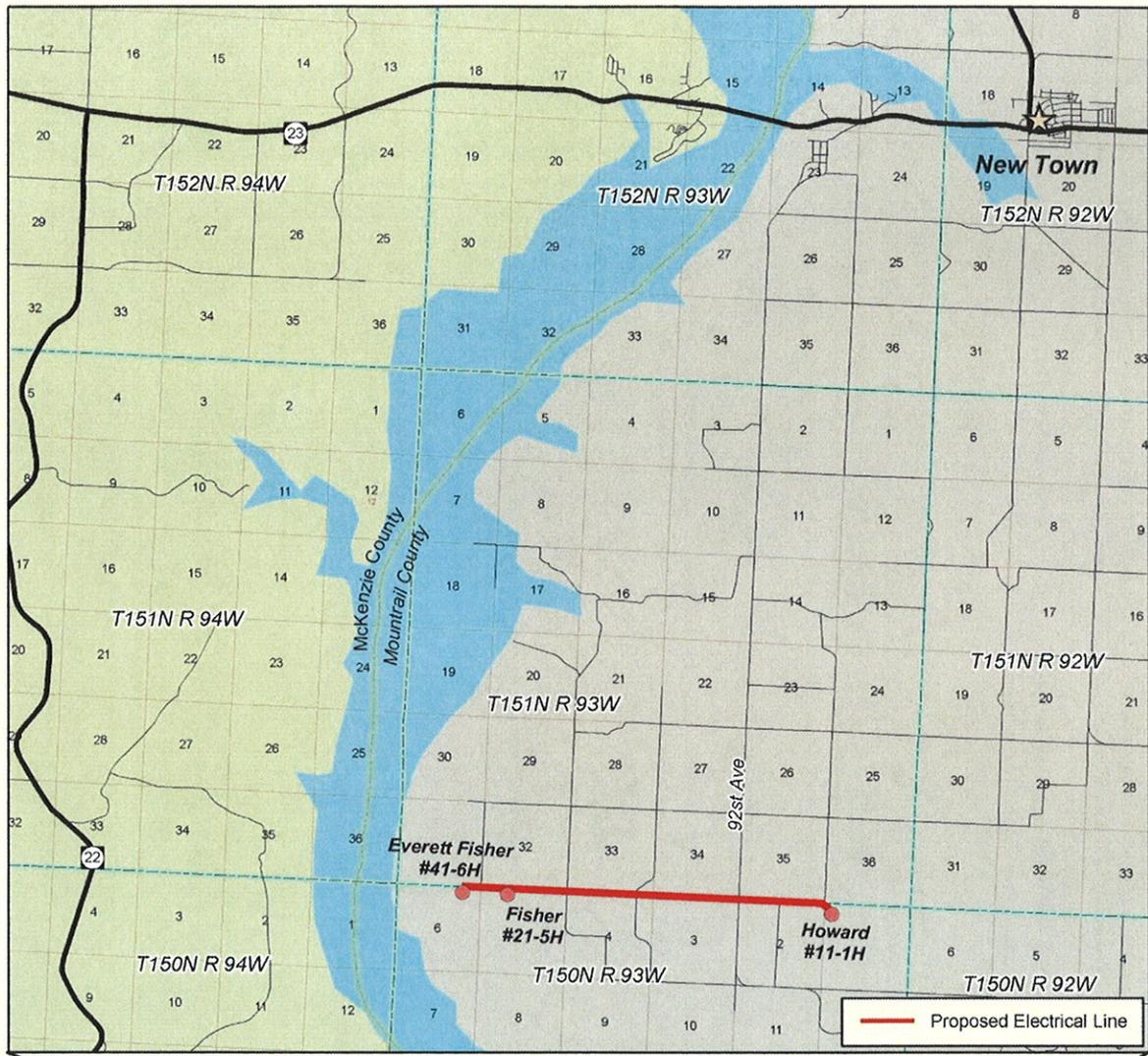
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Howard Bemer, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No 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 July 8, 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 location.



**Marathon Oil Company
Proposed
Overhead Electrical Line**



Finding of No Significant Impact

Marathon Oil Company (Marathon)

Addendum to:

**Marathon Oil Company June 2009 Environmental Assessment for Approval
of Bakken Exploratory Well Fisher USA 21-5H**

and

**Marathon Oil Company March 2010 Environmental Assessment for Drilling
of Everett Fisher – USA #41-6 Exploratory Oil and Gas Well**

Fort Berthold Indian Reservation

Mountrail County North Dakota

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to authorize the construction of approximately 4.3 miles of overhead power line located along the northern edge of all or portions of Sections 1-6 of Township 150 North, Range 93 West, 5th P.M. It would be located within the 50-foot wide access road right-of-way corridors previously approved to provide access to Marathon's Howard and Everett Fisher wells. The currently proposed overhead electrical line would tie into the existing and planned future overhead electrical line network. An east/west overhead electrical line currently exists approximately two miles north of the line proposed with this project. In addition, two miles of overhead electrical line are planned along 92nd Avenue NW. The planned line along 92nd Avenue NW would connect the existing overhead line to the line proposed in this project. Associated federal actions by BIA include determinations of effect 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 Environmental Assessment (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

6/3/10
Date

ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

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



Marathon Oil Company

Addendum to:

**Marathon Oil Company June 2009 Environmental Assessment for Approval of
Bakken Exploratory Well Fisher USA 21-5H**

and

**Marathon Oil Company March 2010 Environmental Assessment for Drilling of
Everett Fisher – USA #41-6 Exploratory Oil and Gas Well**

Fort Berthold Indian Reservation

June 2010

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**

1. Purpose and Need for the Proposed Action

Marathon Oil Company (Marathon) proposes to construct a 4.3-mile long overhead power line from the Howard well to the Everett Fisher well in order to provide power to operate existing and proposed oil and gas wells along the corridor. The proposed overhead power line would be located in Sections 1-6 of Township 150 North, Range 93 West, 5th P.M. and Section 1 of Township 150 North, Range 93 west, 5th P.M. **Please refer to Figure 1, Project Location Map.**

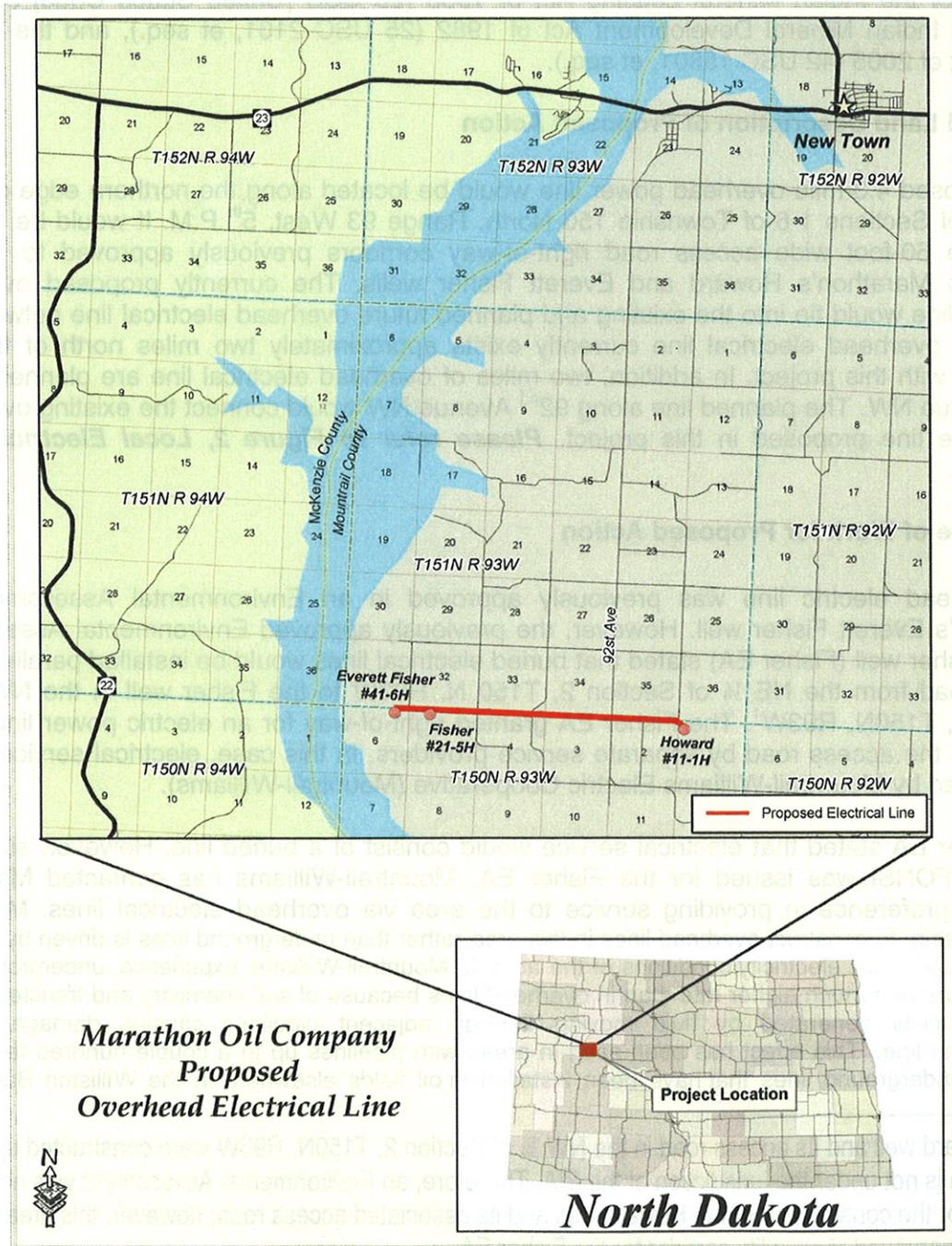


Figure 1, Project Location Map

The proposed overhead electrical line would be located on both tribal and fee lands. All construction activities on fee lands would take place atop areas that have achieved a FONSI (Finding of No Significant Impact) approval under NEPA (National Environmental Policy Act).

2. Authorities

Activities associated with oil and gas exploration and development are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 USC [United States Code] 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 4.3-mile overhead power line would be located along the northern edge of all or portions of Sections 1-6 of Township 150 North, Range 93 West, 5th P.M. It would be located within the 50-foot wide access road right-of-way corridors previously approved to provide access to Marathon's Howard and Everett Fisher wells. The currently proposed overhead electrical line would tie into the existing and planned future overhead electrical line network. An east/west overhead electrical line currently exists approximately two miles north of the line proposed with this project. In addition, two miles of overhead electrical line are planned along 92nd Avenue NW. The planned line along 92nd Avenue NW would connect the existing overhead line to the line proposed in this project. ***Please refer to Figure 2, Local Electrical Line Network.***

4. Scope of Work for Proposed Action

An overhead electric line was previously approved in an Environmental Assessment for Marathon's Everett Fisher well. However, the previously approved Environmental Assessment for the Fisher well (Fisher EA) stated that buried electrical lines would be installed parallel to the access road from the NE ¼ of Section 2, T150 N, R93W to the Fisher well in the NW ¼ of Section 5, T150N, R93W¹. The Fisher EA granted right-of-way for an electric power line to be laid along the access road by separate service providers. In this case, electrical service would be provided by Mountrail-Williams Electric Cooperative (Mountrail-Williams).

The Fisher EA stated that electrical service would consist of a buried line. However, since the time the FONSI was issued for the Fisher EA, Mountrail-Williams has contacted Marathon stating a preference in providing service to the area via overhead electrical lines. Mountrail-Williams desire to construct overhead lines in this area rather than underground lines is driven by the soil chemistry and static electricity conditions of the area. In Mountrail-Williams experience, underground line failure occurs at a much higher rate than in overhead lines because of soil chemistry and transference of static electricity generated by fluid moving through adjacent pipelines causing damage to the underground line. This effect has been seen in areas with pipelines up to a couple hundred feet away from the underground lines that have been installed in oil fields elsewhere in the Williston Basin and

¹ The Howard well and its access road in the NW ¼ of Section 2, T150N, R93W were constructed upon fee land, which is not under the jurisdiction of the BIA. Therefore, an Environmental Assessment was not prepared for the construction of the Howard well and its associated access road; however, this area was part of the approved road/utility corridor for the Fisher EA.

outside of the Fort Berthold Indian Reservation. Underground line failure has occurred in less than 10 years in some instances.

Per commitments made in the Fisher EA, if electrical service can only be provided through an overhead line, additional NEPA analysis is required to assess aesthetic and wildlife impacts. As such, this EA Addendum discloses potential impacts to aesthetics and wildlife that can result from construction of an overhead electrical line.

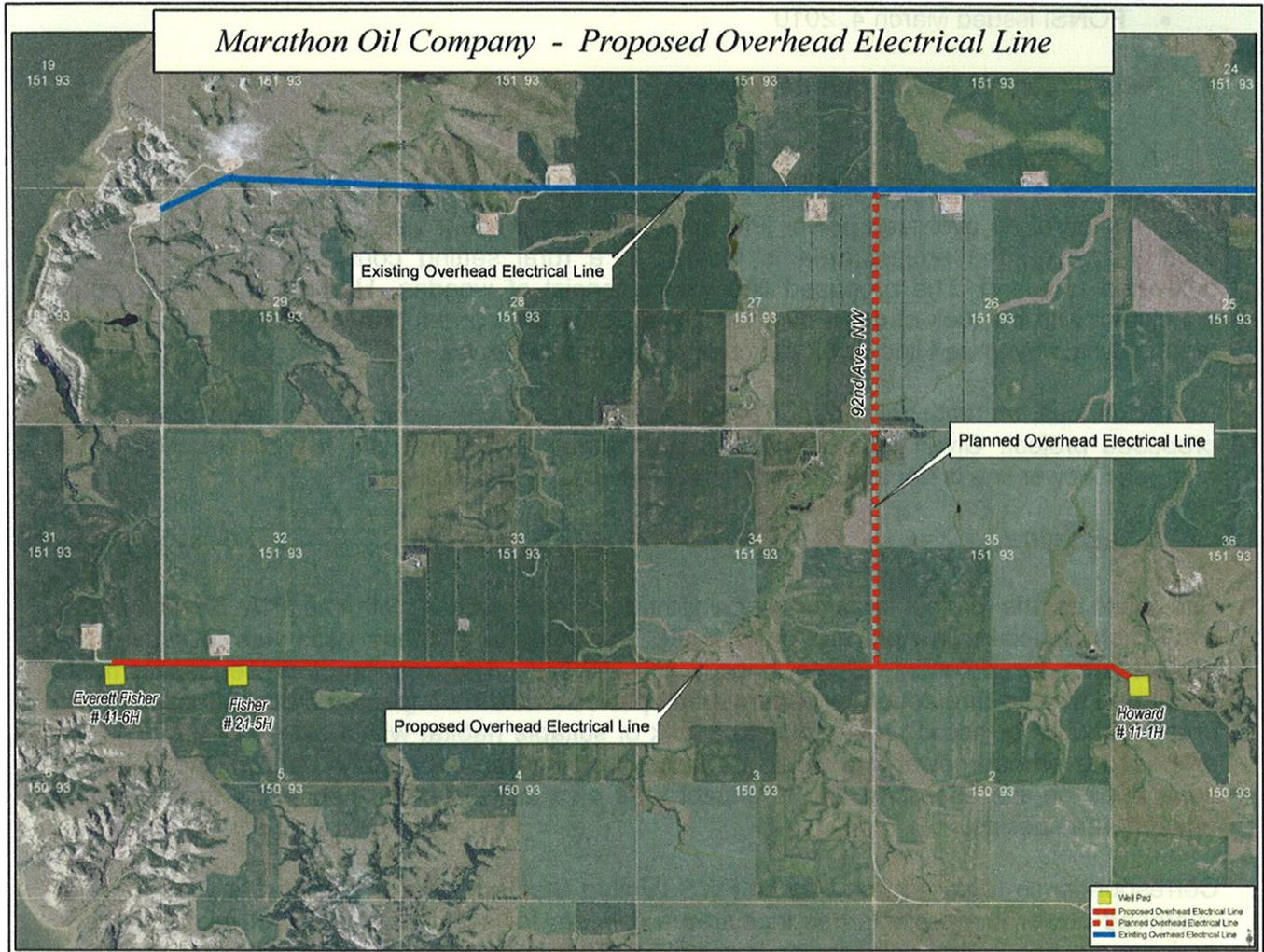


Figure 2, Local Electrical Line Network.

5. Applicable National Environmental Policy Act (NEPA) Documents

Environmental Assessment: Marathon Oil Company June 2009 Environmental Assessment for Approval of Bakken Exploratory Well Fisher USA 21-5H.

- FONSI issued June 29, 2009

Environmental Assessment: Marathon Oil Company March 2010 Environmental Assessment for Drilling of Everett Fisher – USA #41-6 Exploratory Oil and Gas Well

- FONSI issued March 4, 2010

6. Assessment of Environmental Impacts

A. Aesthetics

Construction of an overhead power line would alter the present visual aesthetics of the project area. However, the project area is located in a rural setting consisting predominantly of cultivated farmland. The proposed line would consist of wooden, H-frame poles and would be consistent with the look of other overhead lines in the area and further consistent with the look of small scale overhead lines typically constructed in rural areas.

No residences, recreational sites, or other sensitive resources are located in the vicinity of the proposed project. Given the rural setting and surrounding land use, the construction of an overhead power line is not anticipated to have adverse visual impacts.

B. Wildlife

Site visits to the project area were completed in consultation with the BIA Environmental Protection Specialist in April and June 2009. The purpose of these visits was to assess the project area for potential wildlife habitat and impacts. The results of these assessments confirmed that no threatened or endangered species would be impacted by construction of the proposed wells or access roads due to a lack of suitable habitat within the study area. As the proposed overhead power line would be located within area surveyed as part of the April and June 2009 on-site assessments, its impact area also lacks suitable habitat for threatened or endangered species.

Correspondence received from the USFWS (United States Fish and Wildlife Service) on other overhead power line projects has indicated a concern for accidental fatality of migratory birds and raptors associated with power line strikes. This potential also exists with the proposed overhead line described in this document.

The potential for fatal bird or raptor strikes associated with overhead power lines may be reduced through the placement of bird diverters on the line. Bird diverters make the line more visible to avian species, which may lower bird fatalities due to power line collisions. Marathon will work cooperatively with Mountrail-Williams to ensure that bird diverters are implemented as part of the proposed project. In addition, no indicators of raptor species or nests were observed during the field site visits. The project area does not contain suitable roosting habitat, concentrated feeding areas, or other special habitat.

Additional wildlife impacts have been minimized by locating the proposed overhead line within a previously disturbed corridor that is currently undergoing multiple oil and gas developments. In addition, it is void of wetlands or other suitable stopover habitat. Due to the level of human-induced activity in the area, the project area is not anticipated to be preferred wildlife habitat.

C. Cultural Resources

The proposed project area has been surveyed for cultural resources as part of the NEPA processes discussed above. Since all construction activities associated with the proposed overhead power line would utilize previously disturbed areas that have been achieved cultural resource clearance, it is anticipated that the proposed project would not impact cultural resources.

7. NEPA Adequacy Criteria

This document has identified two previously prepared NEPA documents, *Marathon Oil Company June 2009 Environmental Assessment for Approval of Bakken Exploratory Well Fisher USA 21-5H* and *Marathon Oil Company March 2010 Environmental Assessment for Drilling of Everett Fisher – USA #41-6 Exploratory Oil and Gas Well*, which adequately describe the environmental consequences of the newly proposed action 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 action are unchanged from those identified in the existing NEPA document or described in this EA Addendum.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.