



# 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

OCT 06 2010

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Acting Regional Director, Great Plains Regional Office

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, for Addendum to Environmental Assessment for Petro-Hunt LLC, to authorize the construction of 4,277-foot (0.8-mile) access road to the Fort Berthold 152-94-14C-11-1H well site on the Fort Berthold Reservation, an Environmental Assessment (EA) Addendum 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)  
Jeff Hunt, One Stop Shop, Fort Berthold Agency  
Jeffrey Towner, US Fish and Wildlife Service

## **Finding of No Significant Impact**

### **Petro-Hunt, LLC (Petro-Hunt)**

#### **Addendum to:**

### **Petro-Hunt LLC February 2010 Environmental Assessment for Approval for Drilling of 15-1H, 11-1H, 24-1H, and 19-1H Exploratory Oil and Gas Wells**

#### **Fort Berthold Indian Reservation**

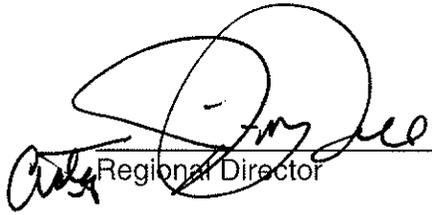
The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to authorize the construction of an approximately 4,277-foot (0.8-mile) long access road to the Fort Berthold 152-94-14C-11-1H well site located in T152N, R94W, SW ¼ of Section 14 (referred to as the 11-1H Well). The proposed access road would be located in the south half of Section 14, T152N, R94W, 5<sup>th</sup> P.M. 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. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) (MBTA), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).
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

10/6/10  
Date

# **ENVIRONMENTAL ASSESSMENT**

## **Addendum**

**United States Bureau of Indian Affairs**

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



**Petro-Hunt, LLC**

**Addendum to:**

**Petro-Hunt LLC February 2010 Environmental Assessment for Approval for  
Drilling of 15-1H, 11-1H, 24-1H, and 19-1H Exploratory Oil and Gas Wells**

**Fort Berthold Indian Reservation**

**October 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

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## 1. Purpose and Need for the Proposed Action

Petro-Hunt, LLC (Petro-Hunt) proposes to construct an approximately 4,277-foot (0.8-mile) long access road to the Fort Berthold 152-94-14C-11-1H well site located in T152N, R94W, SW ¼ of Section 14 (referred to as the 11-1H Well). The proposed access road would be located in the south half of Section 14, T152N, R94W, 5<sup>th</sup> P.M. **Please refer to Figure 1, Project Location Map.**

The proposed access road would be located on tribal lands. All construction activities would take place atop the spacing unit area that has achieved a Finding of No Significant Impact (FONSI) approval under the National Environmental Policy Act (NEPA) of 1969, as amended.

## 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

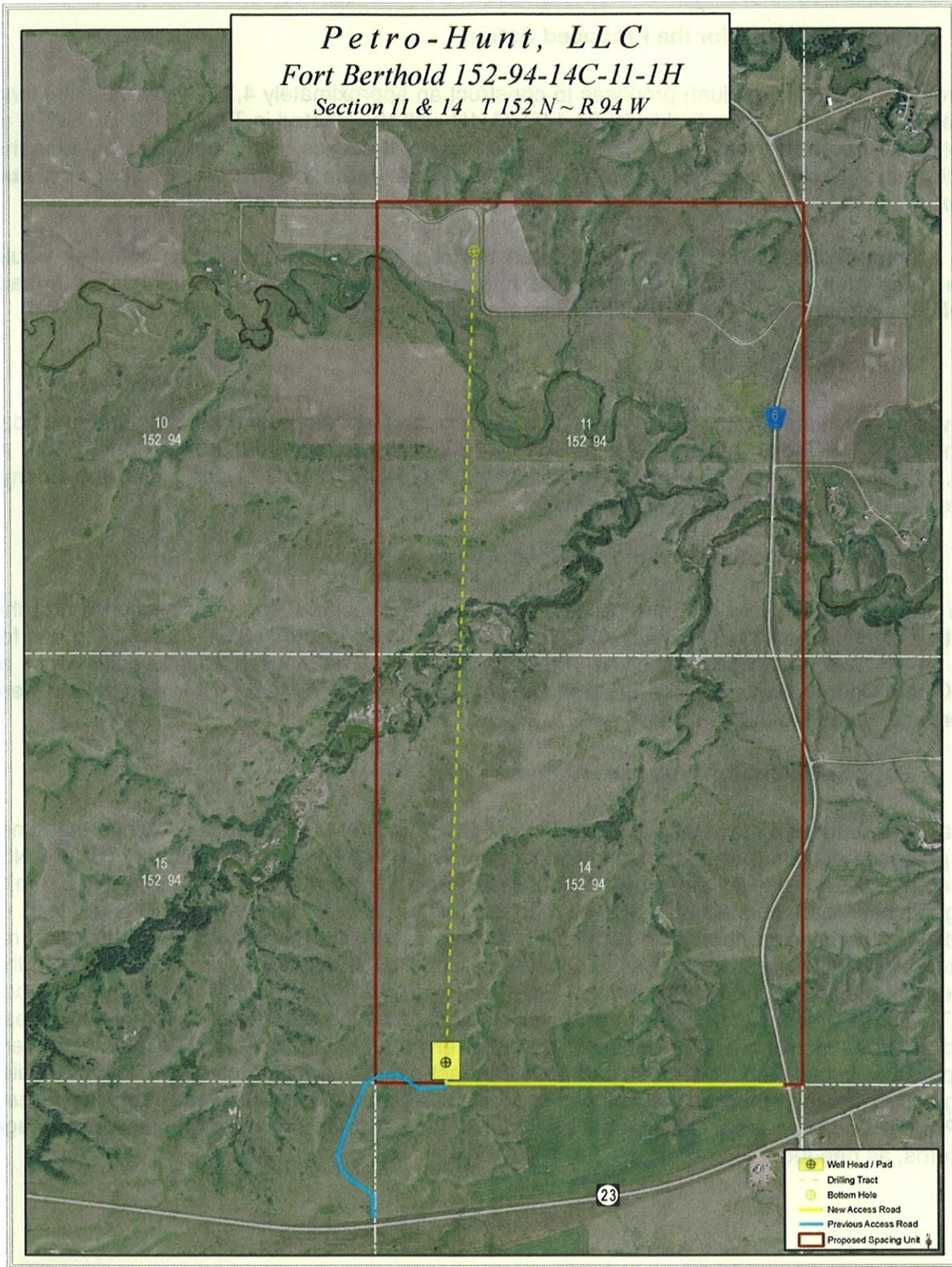
The proposed 4,277-foot (0.8-mile) access road would be located along the section line of the south half of Section 14, T152N, R94W, 5<sup>th</sup> P.M. It would be located within the spacing unit for the 11-1H well site which received previous approval. The access road would begin at McKenzie County Route 6 in the SE ¼ of Section 14, T152N, R94W, 5<sup>th</sup> P.M., and extend west to provide access to the 11-1H well pad.

## 4. Scope of Work for Proposed Action

An access road was previously approved in a FONSI for the 11-1H well site.<sup>1</sup> Since that time, the proposed access road alignment has changed. The Environmental Assessment (EA)/FONSI stated that the 11-1H well pad would be accessed from the south by an approximately 0.6-mile long access road connecting the well pad to North Dakota Highway 23. Due to lack of landowner permission needed to acquire an access easement, the access road has been re-routed. An on-site assessment was conducted on June 16, 2010, with representatives from the Bureau of Indian Affairs (BIA); Kadmas, Lee & Jackson (KL&J); and the Three Affiliated Tribes (TAT). Those present at the on-site assessment agreed on the selected location of the access road in order to avoid and/or minimize potential environmental impacts. The new alignment proposes to access the 11-1H well pad from the east by an approximately 4,277-foot (0.8-mile) long access road connecting the well pad to McKenzie County Route 6. **Please refer to Figure 1, Project Location Map.** Culverts will be installed along the access road to maintain drainage patterns, as needed.

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<sup>1</sup> *Finding of No Significant Impact: Drilling of 15-1H, 11-1H, 24-1H, and 19-1H Exploratory Oil and Gas Wells* (March 30, 2010)



**Figure 1: Project Location Map**

## **5. Applicable National Environmental Policy Act (NEPA) Documents**

Environmental Assessment: *Petro-Hunt LLC February 2010 Environmental Assessment for Approval for Drilling of 15-1H, 11-1H, 24-1H, and 19-1H Exploratory Oil and Gas Wells.*

- FONSI issued March 30, 2010

## **6. Assessment of Environmental Impacts**

The following discussion addresses environmental and social impacts as a result of the proposed access road. Impacts are only discussed if the realignment of the proposed access road has changed the impact assessment reflected in the February 2010 EA.

### **A. Climate/Geologic Setting/Land Use Impacts**

The access road corridor primarily consists of grassland (79%), with the remainder consisting of cultivated lands. Construction of the access road would result in the conversion of approximately 6.8 acres of land from its current use into a transportation corridor. As discussed in the February 2010 EA, the 11-1H well pad would convert approximately 4.1 acres of land into a transportation corridor. As such, the construction of the 11-1H well pad and access road would result in a total conversion of approximately 10.9 acres of land from its current use into a transportation corridor. This conversion is not anticipated to result in a trend towards changing land use patterns. No mitigation is proposed.

### **B. Water Resources**

#### **i. Surface Water**

On June 16, 2010, an on-site assessment was conducted by representatives from KL&J and the BIA. During this assessment, no new surface waters of concern were identified along the proposed access road.

#### **ii. Ground Water**

In the February 2010 EA, a search of the North Dakota State Water Commission electronic records was conducted to identify permitted water wells within the vicinity of the proposed well sites. One of the previously identified water wells is located approximately 0.13 miles southeast of the intersection of the proposed access road and McKenzie County Route 6. No impacts to the ground water well are anticipated.

### **C. Cultural Resources**

A Class III Cultural Resource Inventory was conducted along the new proposed access road by KL&J on June 16, 2010. A Traditional Cultural Property Survey was also conducted at these times by the TAT Tribal Historic Preservation Office. The Area of Potential Effect (APE), or area surveyed, consisted of a 150-foot corridor centered on the proposed access road. No new or previously recorded sites were identified during the survey. A determination of effect is pending from BIA. 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.

## **7. NEPA Adequacy Criteria**

This document has identified one previously prepared NEPA document, *Petro-Hunt LLC February 2010 Environmental Assessment for Approval for Drilling of 15-1H, 11-1H, 24-1H, and 19-1H Exploratory Oil and Gas Wells*, which adequately describes 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 actions 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 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**

PetroHunt: Access Road

**The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to the Construction of approximately 4,277-foot (0.8-mile) access road to the Fort Berthold 152-94-14C-11-1H well site located in T152N, R94W, SW ¼ of Section 14 (referred to as the 11-1H Well) on the Fort Berthold Reservation. Construction by Petro-Hunt LLC is scheduled to begin in the Fall 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 November 6, 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.

