



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

NOV 23 2010

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region 

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 a proposed access road reroute by Questar 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: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Perry "No Tears" Brady, THPO (with attachment)
Derek Enderud, BLM, Dickenson, ND (with attachment)
John Shelman, US Army Corps of Engineers
Jeffrey Hunt, Virtual One Stop Shop

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 January 2010 Environmental Assessment
Four Bakken and Three Forks Formations Exploratory Wells at Two Locations

Fort Berthold Indian Reservation

November 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*

Finding of No Significant Impact

Questar Exploration and Production Company (Questar)

*Addendum to:
Questar Exploration and Production Company January 2010 Environmental Assessment
Four Bakken and Three Forks Formation Exploratory Wells at Two Locations:*

*MHA 1-05-08H-147-92 • MHA 2-05-08H-147-92¹ • MHA 1-32-33H-148-92
MHA 2-32-33H-148-92*

*Fort Berthold Indian Reservation
Dunn 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 re-route the proposed access road in the same general location as the previously proposed access road. The previously authorized well access alignment is proposed to be deleted and authorization is sought for the new access road alignment. The access road reroute is located in Sections 5 and 6, Township 147 North, Range 92 West. The well pad location was also shifted to the north within the ten acre block that was previously surveyed and approved. 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

11-23-10
Date

¹ Name changed by e-mail memo to BIA on October 7, 2010 to MHA 3-05-08H-147-92 to represent drilling by Questar Exploration and Production Company to the Three Forks Formation.

CONTENTS

1	Purpose and Need for the Proposed Action.....	1
2	Authorities.....	4
3	Legal Land Description of Proposed Action.....	4
4	Scope of Work for Proposed Action.....	4
5	Applicable National Environmental Policy Act (NEPA) Documents.....	5
6	Assessment of Environmental Impacts.....	6
	A. Cultural Resources.....	6
	B. Eagles.....	6
7	NEPA Adequacy Criteria.....	6

EXHIBITS

Figure 1	Access Road Terrain.....	1
Figure 2	Project Overview Map.....	2
Figure 3	Re-alignment Comparisons.....	3
Figure 4	Access Road Layout.....	5

1 PURPOSE AND NEED FOR THE PROPOSED ACTION

Questar proposes to authorize the construction of a re-route of the access road to the MHA 1-05-08H-147-92/MHA 3-05-08H-147-92² well pad in the same general location covered by the previously authorized EA for these wells (FONSI issued January 20, 2010). The access road re-alignment is located in the NE¼ of Section 6, and the NW¼ of Section 5, Township 147 North, Range 92 West. The access road reroute crosses the same general native rangeland land use as the original access road corridor. Please refer to **Figure 1 Access Road Terrain**. The access road location was moved approximately 60 feet north of the previously authorized access road to avoid United State Army Corps of Engineers (USACE) surface acres. The Right-of-Way (ROW) was increased to 90 feet for the last 2,240 feet of the access road distance to the pad location. In addition, the pad location was moved approximately 40 feet to the north during the on-site visit to minimize the amount of cut and fill needed for the well pad. Please refer to **Figure 2 Project Overview Map**.



Figure 1 Access Road Terrain

² Name changed by e-mail memo to BIA on October 7, 2010 from the original well name referenced in the EA, MHA 2-05-08H-147-92, to represent drilling by Questar to the Three Forks Formation. Future reference to this well for the purpose of this document will be by the revised name MHA 3-05-08H-147-92.

The re-alignment of the access road would take place in the last 2,240 feet leading to the proposed well pad location. The original road was 16,645 feet long and contained 25.22 acres. Re-alignment of the access road would decrease the total length to 16,639 feet. An additional disturbance of 1.37 acres would be created because of the 90-foot ROW width proposed for this segment of the access road. Please refer to **Figure 2 Project Overview Map** for the roadway re-alignment location, and **Figure 3 Re-alignment Comparisons**. Construction activities for the new pad location would take place atop areas that have achieved a Finding of No Significant Impact NEPA approval. By moving the road approximately 60 feet to the north, and extending the ROW to 90 feet for the last 2,240 feet connecting to the pad, approximately 55 feet of ROW would be outside the original area surveyed. These areas were surveyed during the re-route on-site on October 29, 2010.

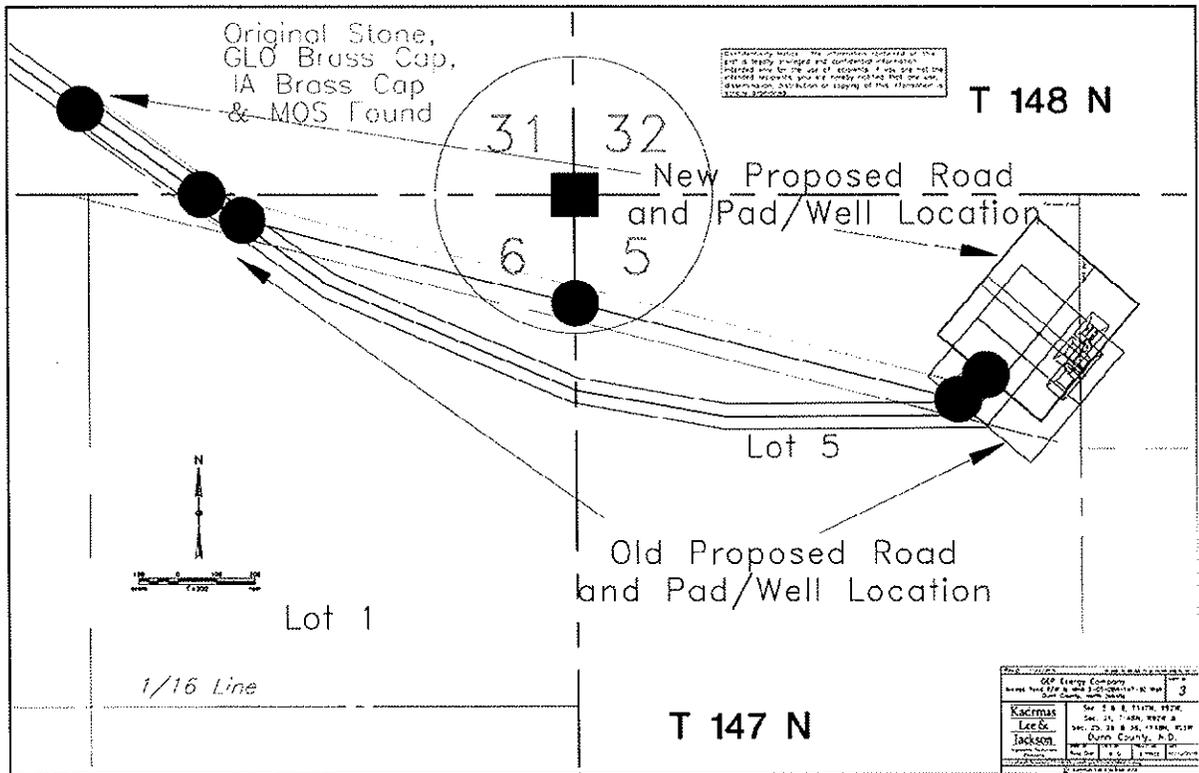


Figure 3 Re-alignment Comparisons

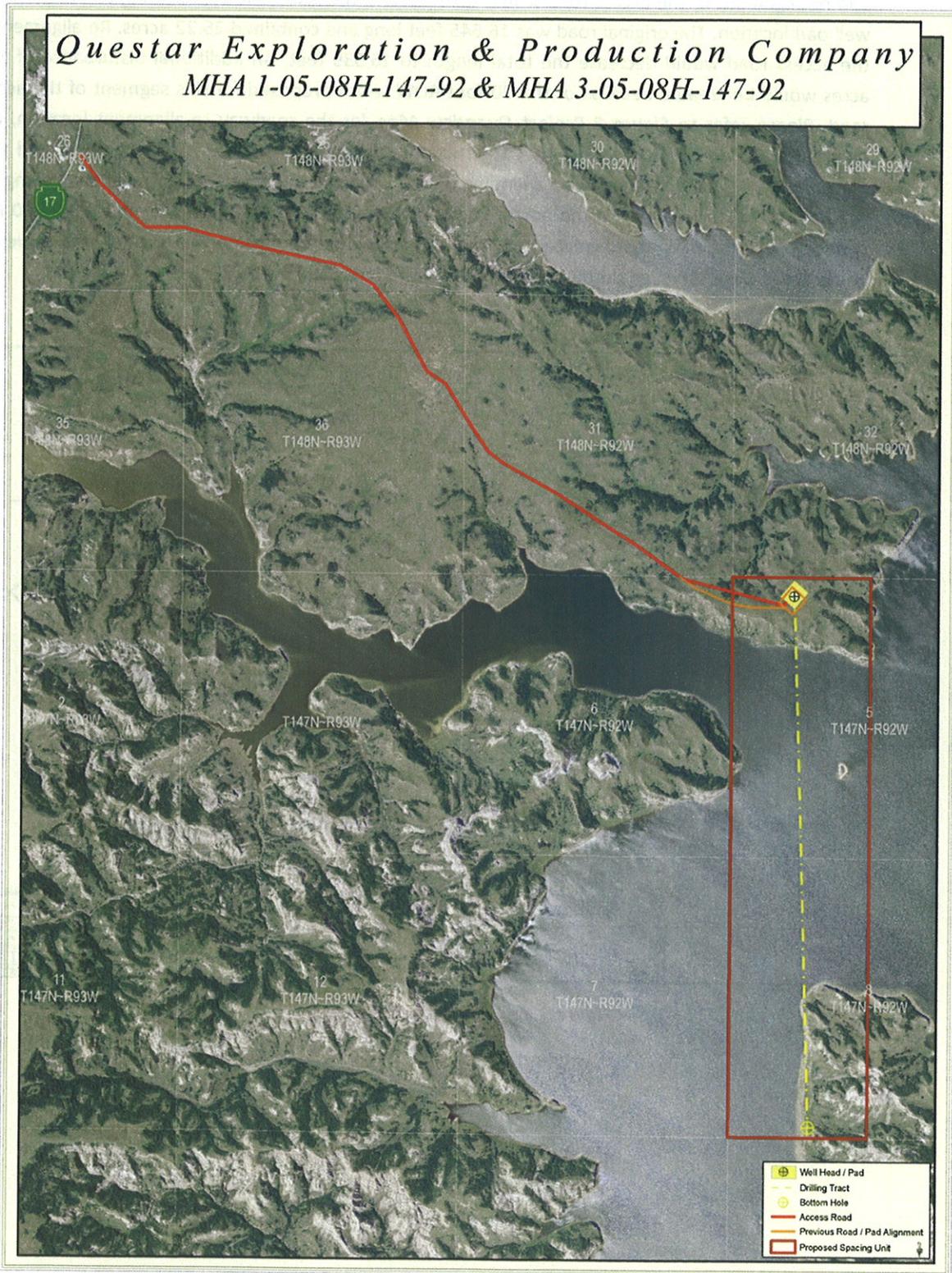


Figure 2 Project Overview Map

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 access road re-alignment would be constructed in the NE¼ of Section 6 and the NW¼ of Section 5, T147N, R92W approximately 60 feet north of the previously authorized access road. The remainder of the access road would follow the same road alignment as was previously proposed, and authorized for the proposed wells. The well pad was also re-located to the north, within the 10-acre area that was previously surveyed and approved, to further minimize cut and fill disturbances.

4 SCOPE OF WORK FOR PROPOSED ACTION

The proposed access road would be constructed atop and adjacent to the previously approved access road corridor. The access road would be decreased in length from the original proposed 16,645 feet to 16,639 feet. Please refer to **Figure 4 Access Road Layout**. Aside from the ROW expansion for the last 2,240 feet of the access road, construction and surface disturbance of the pad location and remainder of the access road would occur within previously approved locations. As such, no additional environmental impacts aside from those disclosed in the previously referenced NEPA document are anticipated from construction of the proposed access road.

Should the wells be determined to be producing wells, construction of ancillary facilities, including pipelines and electrical lines, would be preceded by all necessary agency approvals and guidelines for the installation of these utilities. Any additional ROW corridors would follow the constructed well site access road.

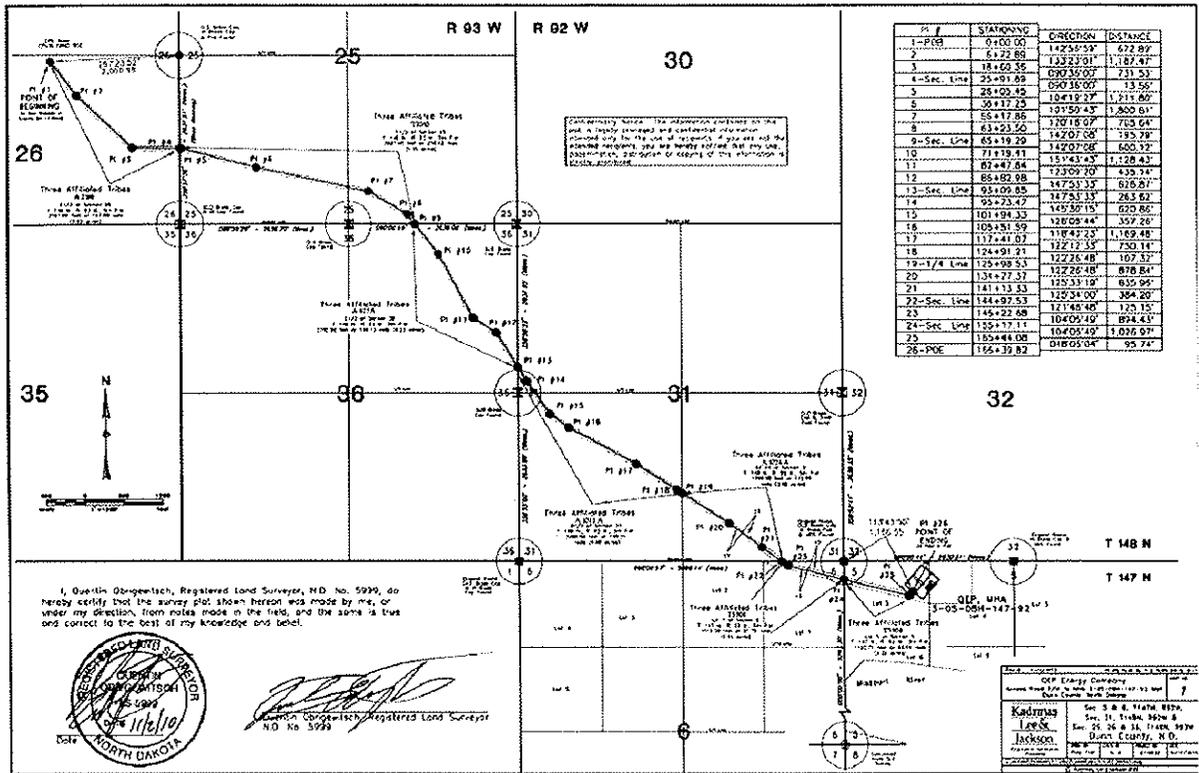


Figure 4 Access Road Layout

5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

Environmental Assessment:

- Questar Exploration and Production Company, MHA 1-05-08H-147-92, 2-05-08H-147-92, MHA 1-32-33H-148-92 and MHA 2-32-33H-148-92 Bakken Exploratory Oil Wells, Fort Berthold Indian Reservation, January 2010. The EA FONSI was issued January 20, 2010. The MHA 2-05-06H-147-92 well name was changed by e-mail memo to BIA October 7, 2010 to MHA 3-05-08H-147-92 to represent drilling to the Three Forks Formation.

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following discussion addresses environmental and social impacts as a result of the reroute of the access road and additional ROW required. Impacts are only discussed if the rerouted project corridor has changed the impact assessment reflected in the January 2010 EA, or to note why the impact assessment has not changed.

A. Cultural Resources

The proposed project area has been surveyed for cultural resources as part of the NEPA processes discussed above. There was a finding of *No Historic Properties Affected for a 100-foot corridor included in the original EA document*. An additional cultural resources survey was completed adjacent to the access road for the proposed Arrow Pipeline. This survey covered the area north of the original access road alignment.

As construction activities associated with the proposed access road reroute would utilize areas that have achieved cultural resource clearance, it is anticipated that the proposed project would not impact cultural resources.

B. Eagles

During a recent cultural resources survey for an adjacent proposed pipeline project an eagle's nest was observed. The Coyle³ dataset was used to verify the previously noted location. Environmental staff from Kadrmas Lee & Jackson as well as a representative from Questar visited the nest site on (October 29, 2010). Photographs and GPS coordinates were recorded for the location. The nesting site was not occupied and appeared to be abandoned. QEP has committed to completing additional surveys prior to the planned construction in December 2010 and during the spring of 2011.

7 NEPA ADEQUACY CRITERIA

This document has identified one previously prepared NEPA document, Questar Exploration and Production Company, MHA 1-05-08H-147-92, 2-05-08H-147-92, MHA 1-32-33H-148-92 and MHA 2-32-33H-148-92 Bakken Exploratory Oil Wells, Fort Berthold Indian Reservation, January 2010, 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 Dr. Anne Marguerite Coyle of Dickinson State University has completed focused research on golden eagles and maintains a database of golden eagle nest sightings.

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

QEP: EA Addendum For Access Road Reroute

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to the proposed access road reroute as shown on the attached map. Construction by QEP is expected to begin in the Winter 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 December 23, 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.

