



# 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 29 2010

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region

SUBJECT: Supplemental to Environmental Assessment

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Supplemental for information tiering off of an existing Environmental Assessment for Enerplus Resources (USA) Corporation for Birdbear 6C-1H and Yellowbird 6A-1H, dated September 2010 on the Fort Berthold Reservation, a Categorical Exclusion has been completed.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Categorical Exclusion.

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)  
Elgin Crow Breast, THPO (with attachments)



# 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

## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 11/23/2010

Project: Supplemental to Environmental Assessment: Enerplus Resources (USA) Corporation, Birdbear 6C-1H and Yellowbird 6A-1H, September 2010, to authorize additional exploratory Bakken formation well on the Yellowbird 6A-1H Well Pad on the Fort Berthold Reservation.

Nature of Proposed Action: The purpose of the proposed action is to authorize Enerplus Resources to drill a second well to the Three Forks formation on the previously approved well pad. No new surface disturbances will be associated with the proposed action.

Exclusion category and number: 516 DM 10.5G(3)

Evaluation of Exceptions to use of Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No X Yes \_\_\_\_\_
2. This action would have an adverse effect on unique geographical features, such as wetlands, wild or scenic rivers, refuges, floodplains, rivers placed on nationwide river inventory, or prime or unique farmlands. No X Yes \_\_\_\_\_
3. The action will have highly controversial environmental effects. No X Yes \_\_\_\_\_
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. No X Yes \_\_\_\_\_
5. This action will establish a precedent for future actions. No X Yes \_\_\_\_\_
6. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No X Yes \_\_\_\_\_
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No X Yes \_\_\_\_\_

- 8. This action will affect a species listed, or proposed to be listed as endangered or threatened. No X Yes \_\_\_\_\_
- 9. This action threatens to violate federal, state, local or tribal law or requirements imposed for protection of the environment. No X Yes \_\_\_\_\_
- 10. This action will have a disproportionately high and adverse effect on low income or minority populations. No X Yes \_\_\_\_\_
- 11. This action will limit access to, and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites. No X Yes \_\_\_\_\_
- 12. This action will contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species. No X Yes \_\_\_\_\_

A "yes" to any of the above exceptions will require that an EA be prepared.

NEPA Action - - - CE X EA \_\_\_\_\_

Preparer's Name and Title: Marilyn Bercier, Regional Environmental Scientist

Regional Archeologist Concurrence with Item 7 Carbon N. Mearns

Concur: Marilyn Bercier Date: 11/23/10  
Regional Office/Agency Environmental Coordinator

Concur: William L. Hill Date: 11/24/10  
Regional Director/Superintendent

**ENVIRONMENTAL ASSESSMENT  
Addendum**

**United States Bureau of Indian Affairs**

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



**Enerplus Resources (USA) Corporation**

**Addendum to Environmental Assessment to Authorize an Additional Well on the  
Yellowbird 6A-1H Well Pad**

**Fort Berthold Indian Reservation**

**November 2010**

For information contact:  
Bureau of Indian Affairs, Great Plains Regional Office  
Division of Environment, Safety and Cultural Resources Management  
115 4th Avenue SE, Aberdeen, South Dakota 57401  
(605) 226-7413

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
1. Purpose and Need for the Proposed Action .....	1
2. Authorities.....	1
3. Legal Land Description for Proposed Action .....	1
4. Scope of Work for Proposed Action .....	1
5. Applicable National Environmental Policy Act (NEPA) Document(s).....	1
6. Other Relevant Documentation.....	1
7. NEPA Adequacy Criteria.....	2
8. Cultural Resources .....	2

<b><u>Figure</u></b>	<b><u>Page</u></b>
1 Map of Sitka 149-93-06A-3H TF Location. ....	3

<b><u>Appendix</u></b>	
A Plats, Drawings, and Diagrams for the Proposed Sitka 149-93-06A-3H TF Well	

## **1. Purpose and Need for the Proposed Action**

Enerplus Resources (USA) Corporation (Enerplus) is proposing to drill an additional exploratory Bakken formation oil well on the Fort Berthold Indian Reservation to evaluate and possibly develop the commercial potential of natural resources. Developments have been proposed on land held in trust by the United States in Dunn County, North Dakota. The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments. The BIA also holds title to subsurface mineral rights. The economic development of available resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers substantial economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nation and to individual tribal members.

The purpose of the proposed action is to authorize Enerplus to drill a second well (Sitka 149-93-06A-3H TF), to the Three Forks formation, on the approved Yellowbird 6A-1H well pad.

## **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 for Proposed Action**

The well pad is approximately 3.0 miles northeast of Mandaree in the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 6, Township 149 North, Range 93 West, Dunn County, North Dakota (Figure 1). The proposed Sitka 149-93-06A-3H TF well will have a bottomhole location approximately 4,507 feet south and 1,562 feet east of the surface location, in the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 6, Township 149 North, Range 93 West, Dunn County (Figure 1).

## **4. Scope of Work for Proposed Action**

Enerplus proposes to drill a second well to the Three Forks formation on the approved well pad. There will be no additional surface disturbance to the well pad.

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

Environmental Assessment: Enerplus Resources (USA) Corporation: Birdbear 6C-1H and Yellowbird 6A-1H, September 2010.

## **6. Other Relevant Documentation**

None.

## **7. NEPA Adequacy Criteria**

This document has identified the above-mentioned previously prepared NEPA document, which adequately describes the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria.

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed action 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 or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
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.

## **8. Cultural Resources**

A cultural resource inventory for this well pad was conducted by SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 24.79 acres were inventoried on June 10, 2010 (Hutchinson and Klitzka 2010<sup>1</sup>). As the lead federal agency, and as provided for in Title 36 Code of Federal Regulations 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for these undertakings. This determination was communicated to the Tribal Historic Preservation Officer on July 14, 2010, and the Tribal Historic Preservation Officer concurred on July 22, 2010.

---

<sup>1</sup> Hutchinson, Alan, and Nelson Klitzka. 2010. *A Class I and Class III Cultural Resource Inventory of the Enerplus Yellowbird #1-06H Well Location and Access Road on the Fort Berthold Indian Reservation, Dunn County, North Dakota*. Submitted to the Bureau of Indian Affairs-Great Plains Regional Office by SWCA Environmental Consultants, Bismarck, North Dakota.

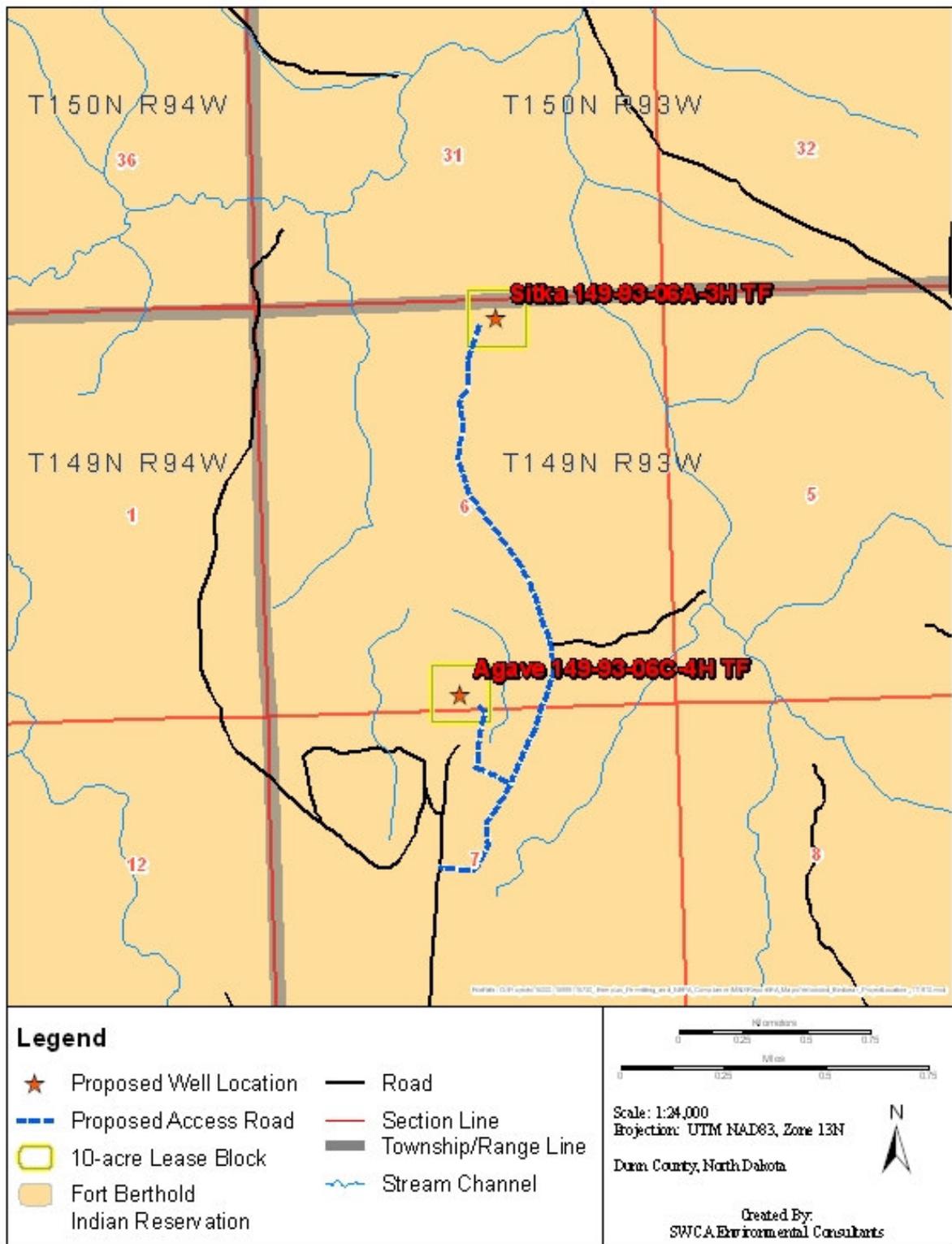
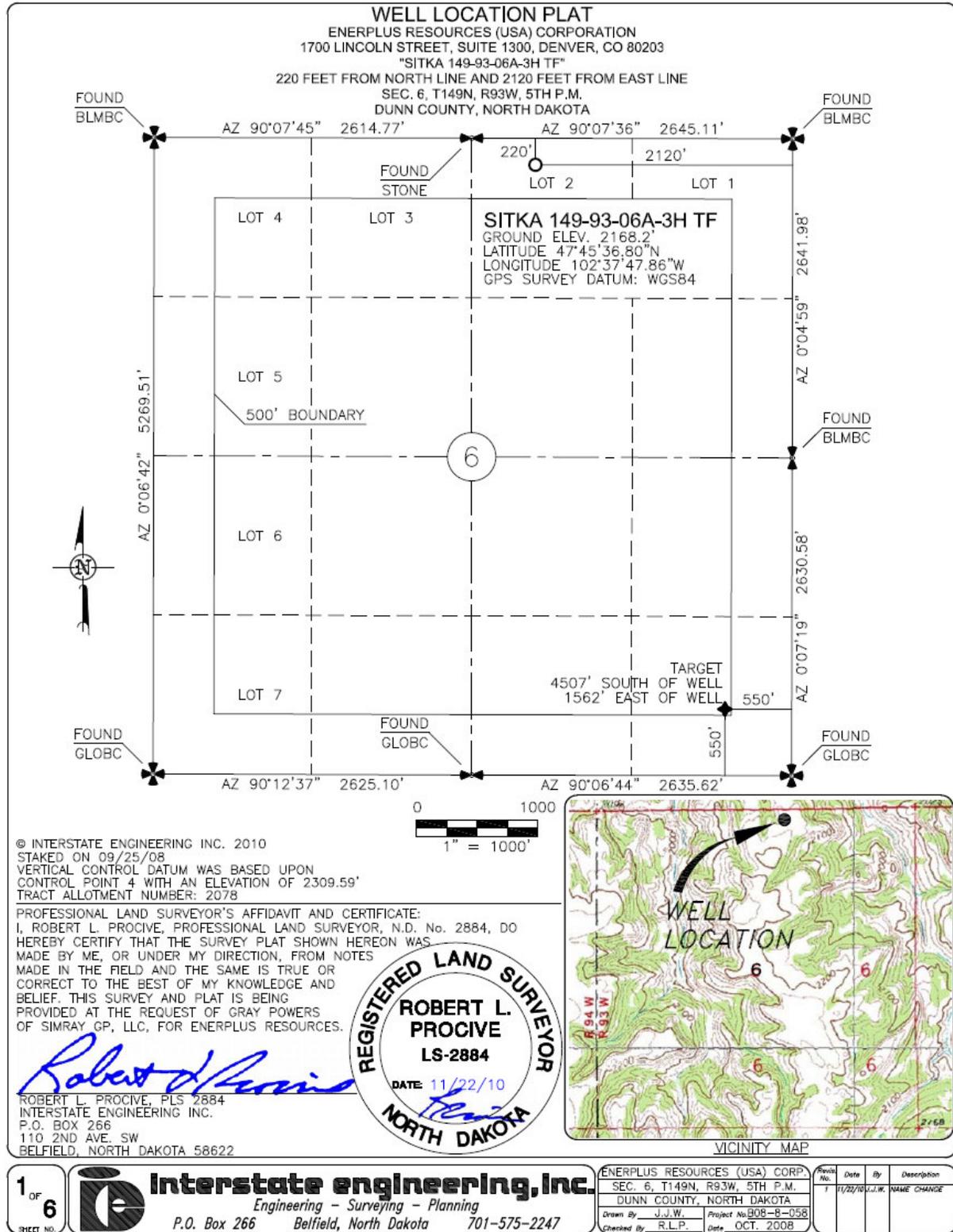


Figure 1. Map of Sitka 149-93-06A-3H TF Location.

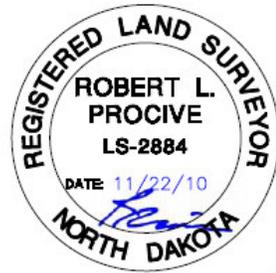
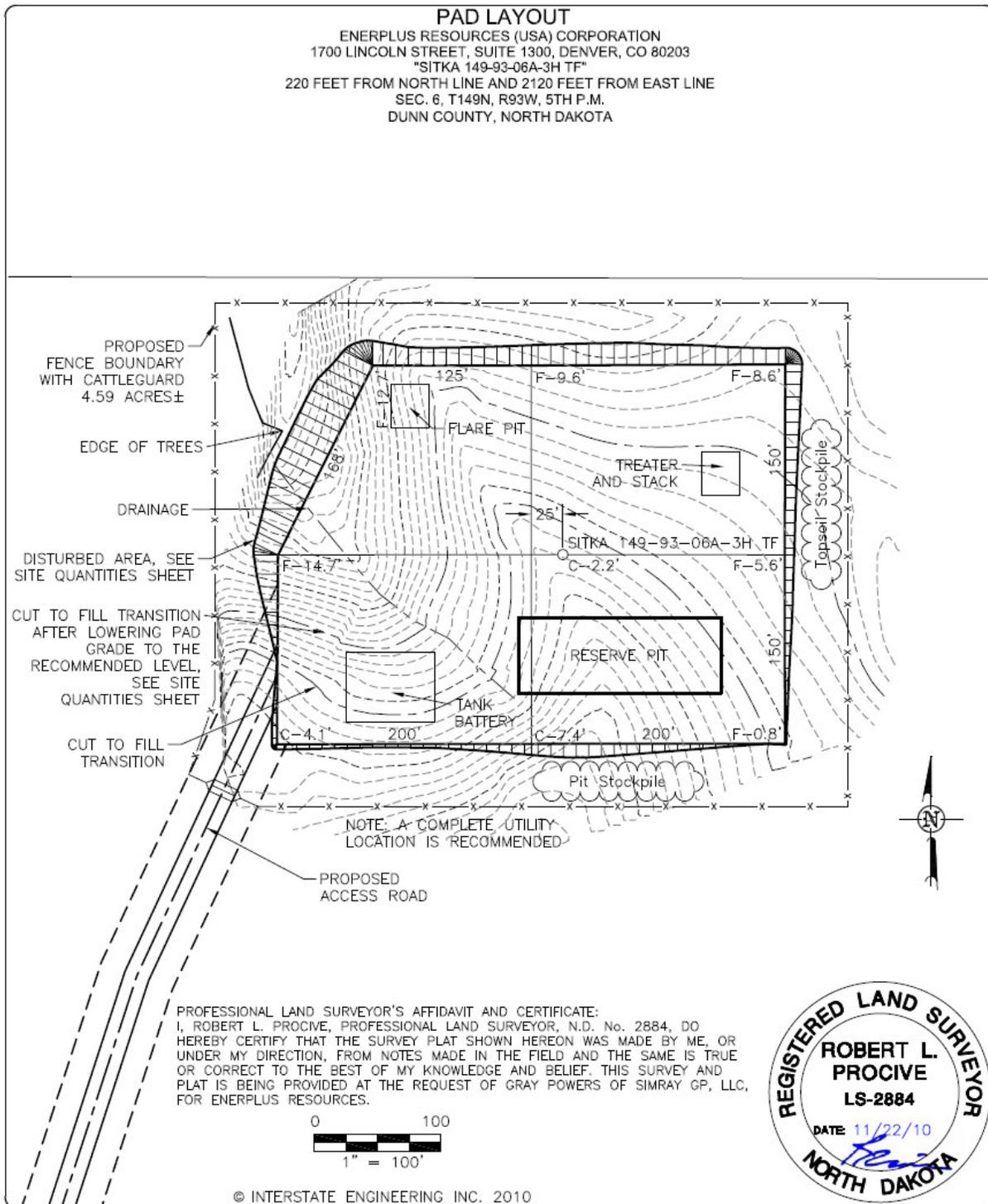
**APPENDIX A**

**Plats, Drawings, and Diagrams for Proposed Sitka 149-93-06A-3H TF Well**

*Addendum to Environmental Assessment to Authorize an Additional Well on the Yellowbird 6A-1H Well Pad (November 2010)*



*Addendum to Environmental Assessment to Authorize an Additional Well on the Yellowbird 6A-1H Well Pad (November 2010)*



SHEET <b>3</b> OF <b>6</b>	<b>Interstate engineering, inc.</b> Engineering - Surveying - Planning P.O. Box 266 Belfield, North Dakota 701-575-2247	ENERPLUS RESOURCES (USA) CORP	Sheet No.	Date	By	Description
		SEC. 6, T149N, R93W, 5TH P.M. DUNN COUNTY, NORTH DAKOTA	1	11/22/10	J.J.W.	NAME CHANGE
		Drawn By: J.J.W.	Project No: B08-8-058			
		Checked By: R.L.P.	Date: OCT. 2008			

*Addendum to Environmental Assessment to Authorize an Additional Well on the Yellowbird 6A-1H Well Pad (November 2010)*

