



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

SEP 12 2011

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{Acting} Regional Director, Great Plains Region

SUBJECT: Supplemental to Environmental Assessment

A Categorical Exclusion has been completed in compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed Supplemental Categorical Exclusion is for information tiering off of an existing Environmental Assessment for Enerplus Resources (USA) Corporation, and authorizes the addition of temporary compression equipment to the Levings Estate 1-08H/Mars 149-93-08D-2H TF well pad. No new surface disturbances will be associated with the proposed action.

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 Crows Breast, THPO (with attachment)
Derek Enderud, BLM, Dickenson, ND (with attachment)
Joey Sheeley, SWCA (with attachment)
John Shelman, US Army Corps of Engineers
Jeffrey Hunt, Fort Berthold Agency



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EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: September 8, 2011

Project: Addition of Temporary Compression Equipment to the Levings Estate 1-08H/Mars 149-93-08D-2H TF (Well Pad)

Nature of Proposed Action: Authorizes Enerplus Resources (USA) Corporation (Enerplus) to install Saddle Butte's temporary pipeline compression system on the Levings Estate 1-08H/Mars 149-93-08D-2H TH well pad. There will be no additional surface disturbance to the well pad as the result of the addition of Temporary Compression equipment on a previous approved location. This document is tiered to an Environmental Assessment: Simray Three Bakken Formation Exploratory Wells at Three Locations: Soward 1-05H, Levings Estate 1-08H, and JM Hall 1-19H (October 2009).

Exclusion category and number: 516 DM 10.5 F (1)

Evaluation of Exceptions to use of Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No 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 Yes
3. The action will have highly controversial environmental effects. No Yes
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. No Yes
5. This action will establish a precedent for future actions. No Yes
6. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No Yes
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No Yes

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 Delay Interim Reclamation and to
Authorize the Addition of Temporary Compression Equipment to the
Levings Estate 1-08H/Mars 149-93-08D-2H TF Well Pad**

Fort Berthold Indian Reservation

August 2011

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) 226-7656

TABLE OF CONTENTS

	<u>Page</u>
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. Surveys for Proposed Action	1
6. Potential Effects.....	2
7. Applicable National Environmental Policy Act Document(s)	2
8. Other Relevant Documentation	2
9. NEPA Adequacy Criteria.....	3

LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
1 Map showing the Levings 1-08H/Mars 149-93-08D-2H TF well pad location.	4

LIST OF APPENDICES

Appendix

- A Plats, Drawings, and Diagrams Showing the Well Pad Layout and the Proposed Compression System

1. Purpose and Need for the Proposed Action

The purpose of the proposed action is to authorize Enerplus Resources (USA) Corporation (Enerplus) to install Saddle Butte's pipeline temporary compression system on the Levings Estate 1-08H/Mars 149-93-08D-2H TF well pad. This action is similar to, but not the same as, the action discussed in the original environmental assessment (EA) in that gas gathering above-ground facilities, a radio tower, and buried pipelines would be added to the site. However, the level of disturbance and associated impacts would remain the same.

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 existing well pad and access right-of-way are located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 149 North, Range 93 West in Dunn County, North Dakota (Figure 1).

4. Scope of Work for Proposed Action

Enerplus proposes to delay interim reclamation of the well pad and install a temporary compression system to deliver gas to the Saddle Butte pipeline until a permanent location can be completed in October 2011. The system would include the contactor with glycol and condensate containment above-ground storage tanks, an inlet separator, discharge filter skid with metering, the compressor, and above-ground piping connecting the components. There would be no additional surface disturbance to the well pad.

Enerplus would grant Saddle Butte the right to enter and use the well pad for purposes of compressor installation and maintenance. Saddle Butte agrees to comply with the terms and provisions of the EA and accompanying Application for Permit to Drill and would not do anything to adversely affect the grants held by Enerplus or to compromise the effects analysis conducted in the EA.

5. Surveys for Proposed Action

SWCA Environmental Consultants (SWCA) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands at the location in October 2008 and August 2009. No primary or secondary indications of protected species occurrences were observed during the field surveys.

On September 22 and 29, 2008, JBN Consulting personnel conducted a cultural resource inventory using an intensive pedestrian methodology; in total, 31.3 acres, including the well pad and two access road options, were inventoried. One previously recorded prehistoric site

was revisited and remains unevaluated for listing on the National Register of Historic Places (NRHP) pending subsurface testing. Because the site remains unevaluated regarding its NRHP eligibility, and given the proximity of the site to the project area of potential effect, the Bureau of Indian Affairs (BIA) required that the site be fenced and a qualified archaeological monitor be present during all ground-disturbing activities (Ferris 2008¹).

6. Potential Effects

Potential impacts to cultural resource sites could occur as a result of direct disturbance and/or the destruction of sites eligible for the NRHP. Potential impacts to natural resources may include the loss of native vegetation and wildlife habitats; soil removal and mixing; and erosion during construction. However, potential impacts as a result of the proposed action were mitigated via field survey and subsequent avoidance of any eligible cultural resource sites on the location.

Potential indirect impacts include noise and other disturbances to wildlife during construction and the introduction of noxious weeds. Impacts would be mitigated through avoidance of any federally listed threatened or endangered species or wetlands, avoidance of nesting migratory birds, and implementation of best management practices to control the introduction of noxious weeds. These mitigation measures are consistent with the approved National Environmental Policy Act (NEPA) document, which received a finding of no significant impact (FONSI) (July 2009).

Based the resource surveys, evaluation of potential effects and mitigation measures, and consistency with the applicable NEPA document, no new, significant direct, indirect, or cumulative impacts to natural and cultural resources are anticipated as a result of the changes proposed in this addendum.

7. Applicable National Environmental Policy Act Document(s)

Environmental Assessment: *Simray Three Bakken Formation Exploratory Wells at Three Locations: Soward 1-05H, Levings Estate 1-08H, and JM Hall 1-19H* (October 2009).

8. Other Relevant Documentation

Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the Soward 1-05H, Levings Estate 1-08H, and J.M. Hall 1-19H Well Pads to Accommodate the Pluto 149-93-05C-2H TF, Mars 149-93-08D-2H TF, and Jupiter 148-93-19B-2H TF Wells, submitted to the BIA in February 2011. The document received a FONSI on February 17, 2011.

¹ Ferris, Kade

2008 A Cultural Resource Inventory of the Lonestar/Simray Levings Estate 1-08H Well Pad and Access Road on the Fort Berthold Indian Reservation in Dunn County, North Dakota. Prepared by SWCA Environmental Consultants for Simray Production, LLC, Richardson, TX.

9. 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.

Addendum to Environmental Assessment to Delay Interim Reclamation and to Authorize the Addition of Temporary Compression Equipment to the Levings Estate 1-08H/Mars 149-93-08D-2H TF Well Pad (August 2011)

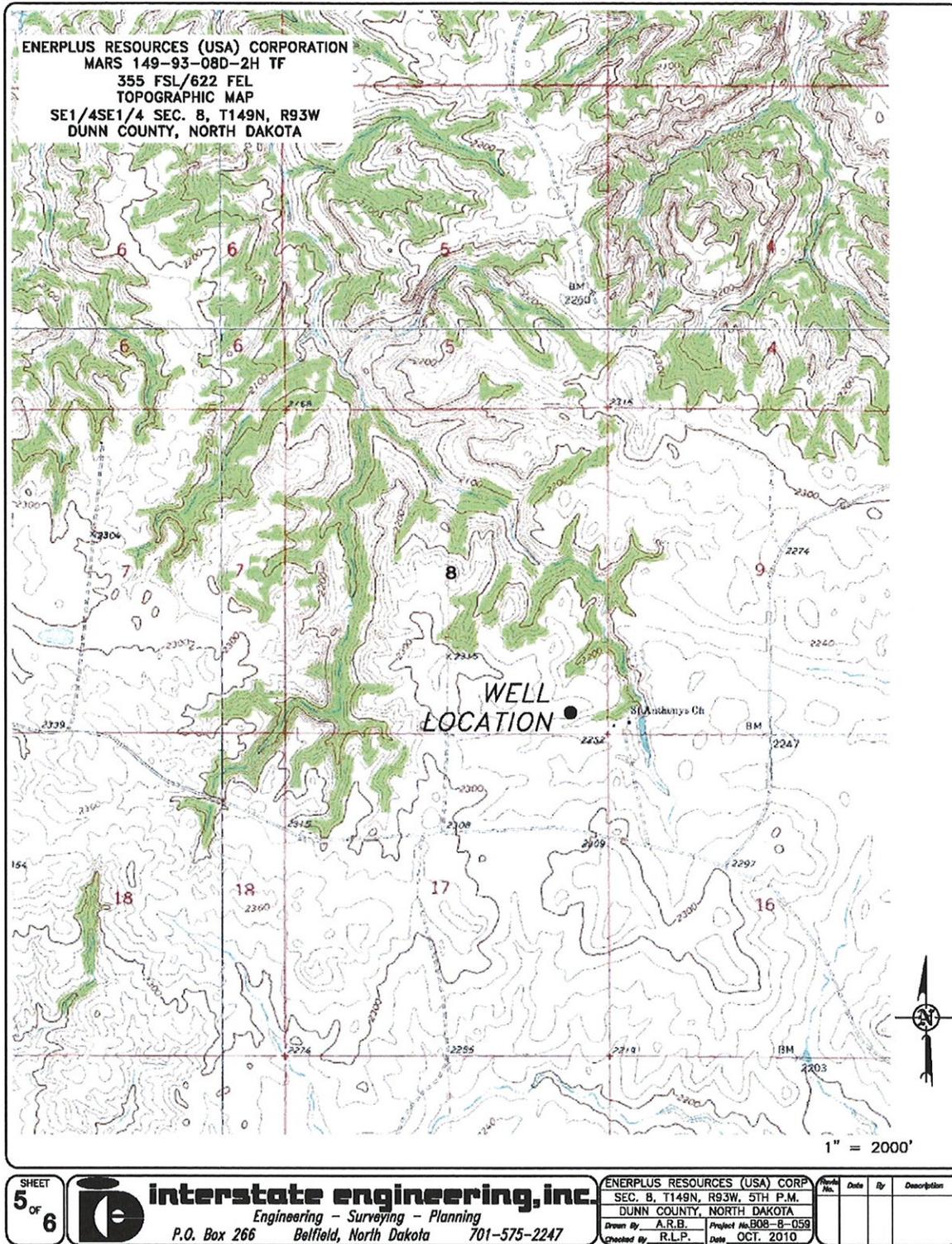
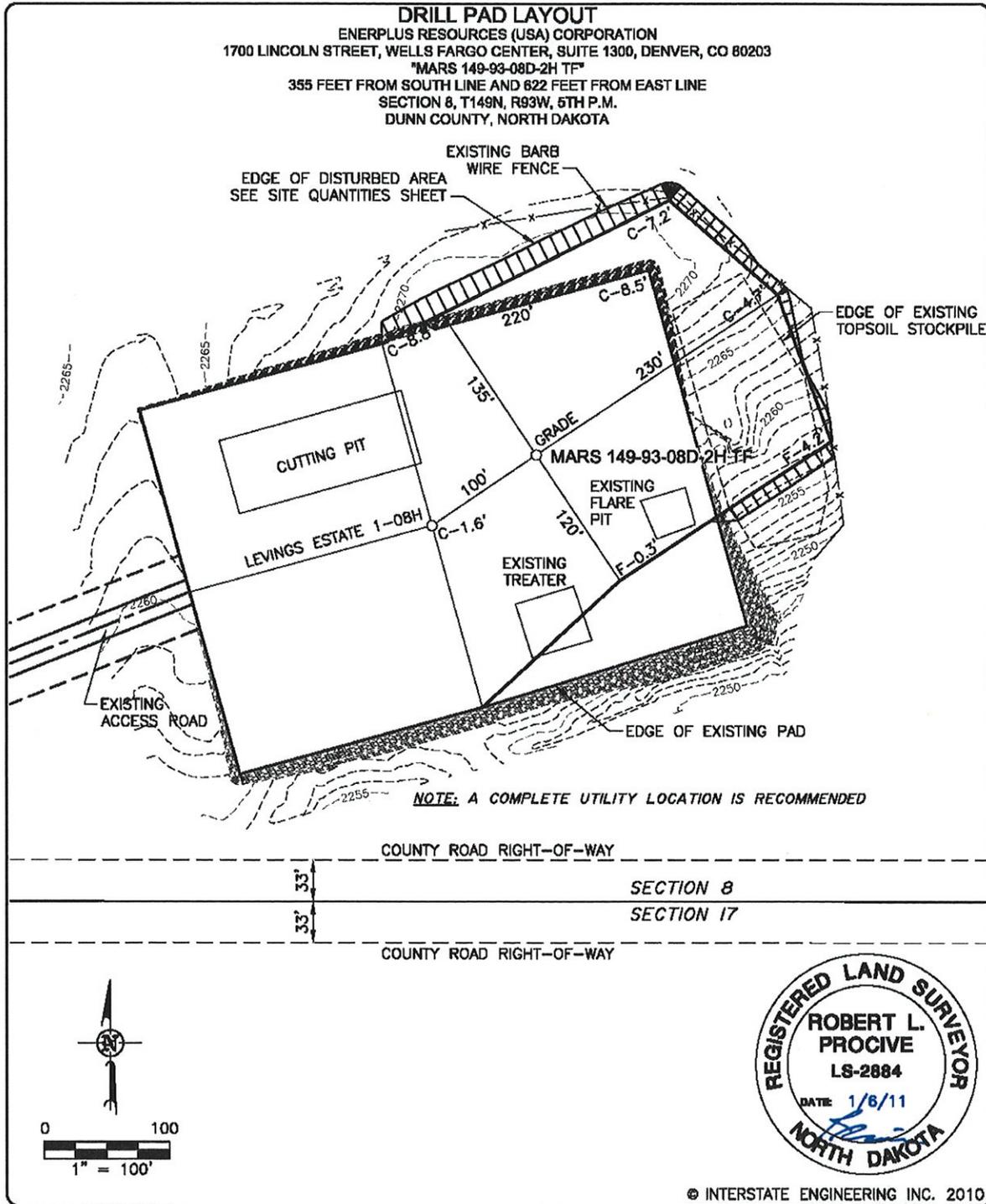


Figure 1. Map showing the Levings 1-08H/Mars 149-93-08D-2H TF well pad location.

APPENDIX A
Plats, Drawings, and Diagrams Showing the Well Pad Layout and the Proposed Compression System

Addendum to Environmental Assessment to Delay Interim Reclamation and to Authorize the Addition of Temporary Compression Equipment to the Levings Estate 1-08H/Mars 149-93-08D-2H TF Well Pad (August 2011)



SHEET 3 OF 6	<p>interstate engineering, inc. Engineering - Surveying - Planning P.O. Box 266 Belldale, North Dakota 701-575-2247</p>	ENERPLUS RESOURCES (USA) CORP. SEC. 8, T149N, R93W, 5TH P.M. DUNN COUNTY, NORTH DAKOTA Drawn By: A.R.B. Project No. 808-8-059 Checked By: R.L.P. Date: OCT. 2010	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Rev.</th> <th>Date</th> <th>By</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>1/8/11</td> <td>RLP</td> <td>ISSUE FOR PERMITTING</td> </tr> </tbody> </table>	Rev.	Date	By	Description	1.	1/8/11	RLP	ISSUE FOR PERMITTING
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