



# 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

JAN 19 2012

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: <sup>ACTING</sup> 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, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The addendum authorizes land use for the pad expansion of the MHA 5-29-30H-150-90 (previously referred to as MHA 2-29-30H-150-90) to accommodate one additional well on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the EA Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 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)  
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)  
Derek Enderud, BLM, Bureau of Land Management (with attachment)  
Jerry Reinisch, QEP (with attachment)  
Eric Wortman, EPA (with attachment)  
Jonathon Shelman, Corps of Engineers  
Jeff Hunt, Fort Berthold Agency

***Finding of No Significant Impact***

***QEP Energy Company (QEP)***

***Addendum to:  
QEP Energy Company August 2010 Environmental Assessment  
Two Bakken Formation Exploratory Wells at Two Locations:***

***MHA 2-13-14H-150-90 and MHA 2-29-30H-150-90***

***Fort Berthold Indian Reservation  
McLean County North Dakota***

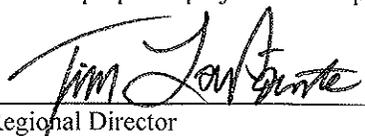
The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the above referenced Environmental Assessment (EA). The proposal is to enlarge one of the proposed well pads addressed in the previous EA to accommodate the drilling of an additional well from the same location. The well pad addressed in this document is currently named MHA-5-29-30H-150-90; this well pad was referred to as MHA-2-29-30H-150-90 in the August 2010 EA/Finding of No Significant Impact (FONSI). The spacing units for the proposed well from this location will be contained within Sections 29 and 30, T150N, R90W. These spacing units would be further discussed in the Application for Permit to Drill (APD). The previously authorized well access road alignment is proposed to remain in the same location. The well pad is located in Section 29, Township 150 North, Range 90 West. The well pad extension is located 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.

ACTING

  
Regional Director

  
Date

# ENVIRONMENTAL ASSESSMENT

## *Addendum*

United States Bureau of Indian Affairs

Great Plains Regional Office  
Aberdeen, South Dakota



QEP Energy Company

**Addendum to:**

QEP Energy Company August 2010 Environmental Assessment  
For the drilling of the MHA 2-13-14H-150-90 and MHA 2-29-30H-150-90 wells

Fort Berthold Indian Reservation

January 2012

*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*

## CONTENTS

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1	Purpose and Need for the Proposed Action.....	1
2	Authorities.....	4
3	Legal Land Description of Proposed Action.....	5
4	Scope of Work for Proposed Action.....	5
5	Applicable National Environmental Policy Act (NEPA) Documents.....	7
6	Assessment of Environmental Impacts.....	7
	A. Cultural Resources.....	7
7	NEPA Adequacy Criteria.....	8

## EXHIBITS

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Figure 1 Well Pad Vegetation.....	1
Figure 2 Project Overview Map.....	2
Figure 3 Well Pad Comparisons.....	4
Figure 4 Well Pad Expansion Layout.....	6

# 1 PURPOSE AND NEED FOR THE PROPOSED ACTION

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QEP Energy Company (QEP) proposes to expand one of the two well pads covered by the previously authorized EA dated August 2010, for which a FONSI was issued. The well pad is located in the SE¼ of the NE¼ of Section 29, Township 150 North, Range 90 West. The proposed well pad expansion is within the original survey area addressed in the EA/FONSI and would impact the same general cropland use as the original well pad location. Please refer to **Figure 1 Well Pad Vegetation**. The access road location remained as previously proposed and authorized but has been extended to access the pad expansion. Please refer to **Figure 2 Project Overview Map**.



**Figure 1 Well Pad Expansion Area Vegetation**

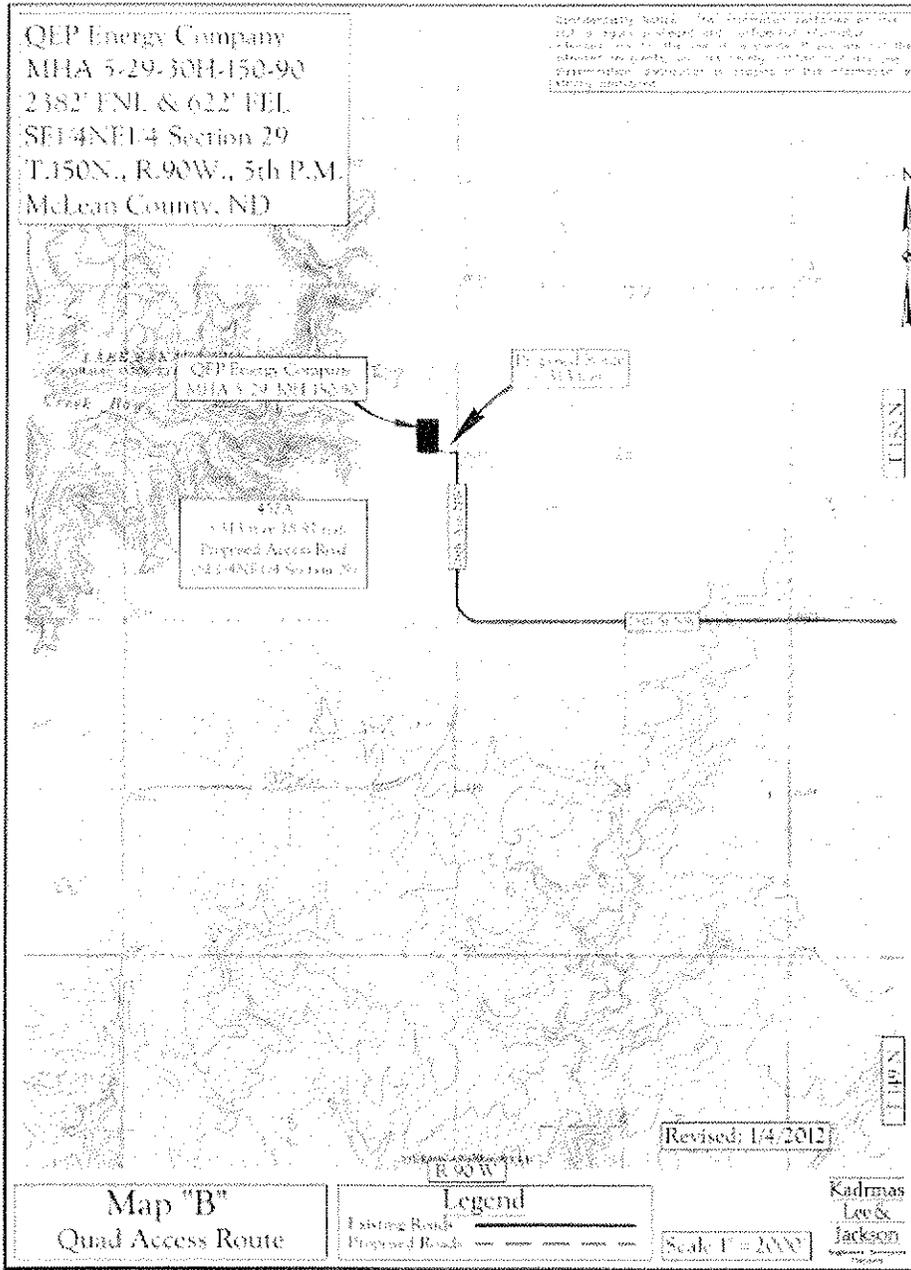
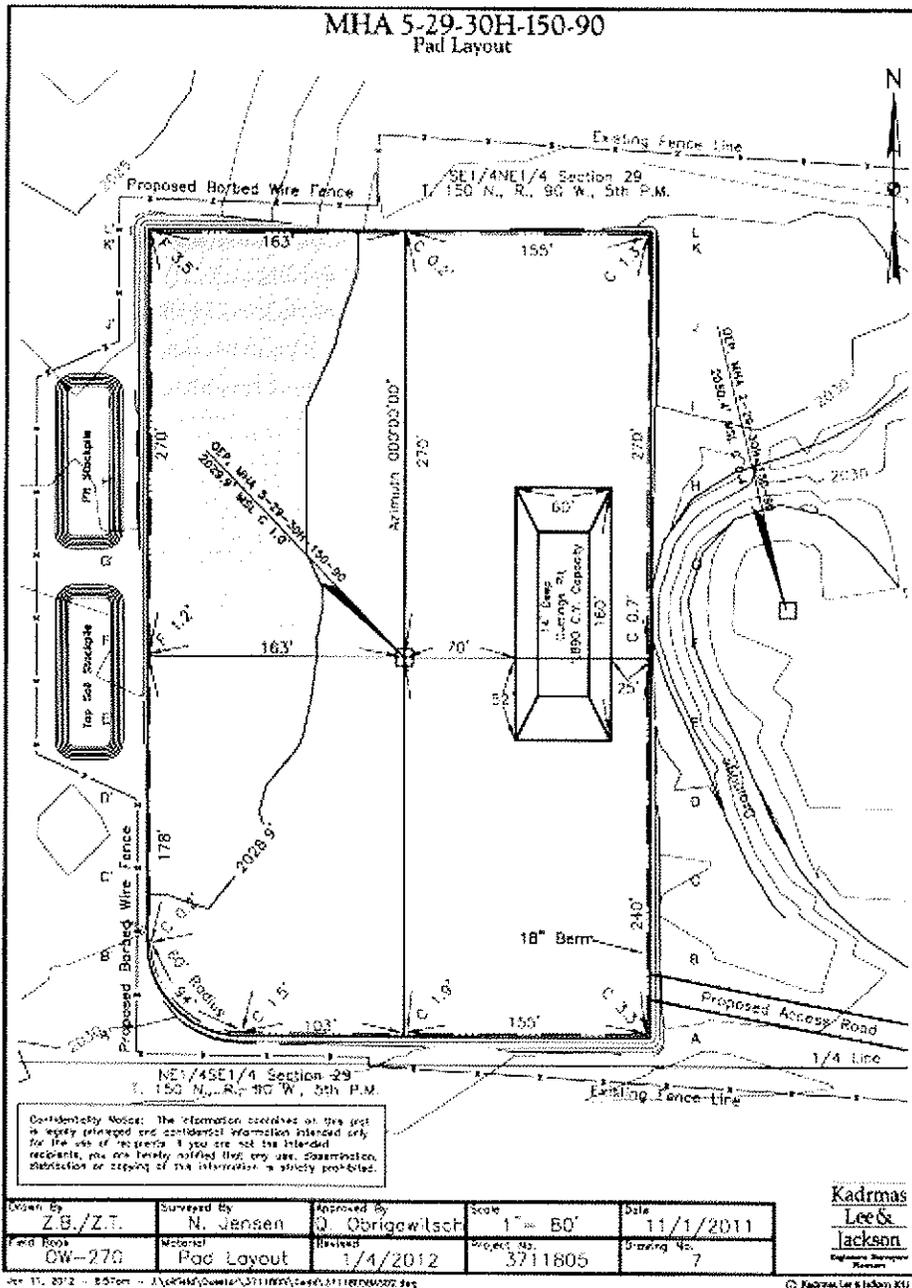


Figure 2 Project Overview Map

The well pad expansion would increase the dimensions from 288 X 510 feet to 438 X 510 feet. An area 120 X 510 feet (1.41 acres) of the original pad (east of the drainage ditch), with the exception of the area where the production tanks were positioned interim reclamation is complete. Please refer to **Figure 2 Project Overview Map** for the well pad expansion location, and **Figure 3 Well Pad Dimension Comparisons**. Construction activities for the new well pad location would take place atop areas that have achieved a FONSI NEPA approval by the BIA. By expanding the well pad, the area of disturbance would increase from 4.11 acres to 6.87 acres, along with increasing the number of wells to be drilled from this location from one to two. The spacing units for the new well would be located in Sections 29, 30, T150N, R90W. These will be further defined in the APD. The area of disturbance per well would be minimized from 4.11 acres/well to 3.44 acre/well. The ten acre survey area and access road were re-evaluated during an on-site assessment November 10, 2011.



**Figure 3 Well Pad Dimension Comparisons**

## 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

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The proposed well pad expansion would be constructed in the SE¼ of the NE¼ of Section 29, T150N, R90W within the ten acre survey area of the previously authorized well pad to further minimize cut and fill disturbances. The access road would follow the same road alignment as was previously proposed and authorized for the proposed wells.

### **4** SCOPE OF WORK FOR PROPOSED ACTION

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The proposed well pad expansion would be constructed atop the previously approved well pad, along with the proposed expansion of the pad to the west and within the previously surveyed ten acre survey area. The access road would remain in the previously approved location. Please refer to **Figure 4, Well Pad Expansion Layout**. The dimensions of the proposed well pad would be increased from 288 X 510 feet to 438 X 510 feet. As such, no additional environmental impacts aside from those disclosed in the previously referenced NEPA documents are anticipated from construction of the proposed well pad expansion.

Should the well be determined to be a producing well, 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. Production facilities would be connected to the existing facilities at the MHA 2-29-30H-150-90 well and the adjacent MHA Gathering Line. Any additional ROW corridors would follow the constructed well site access road.

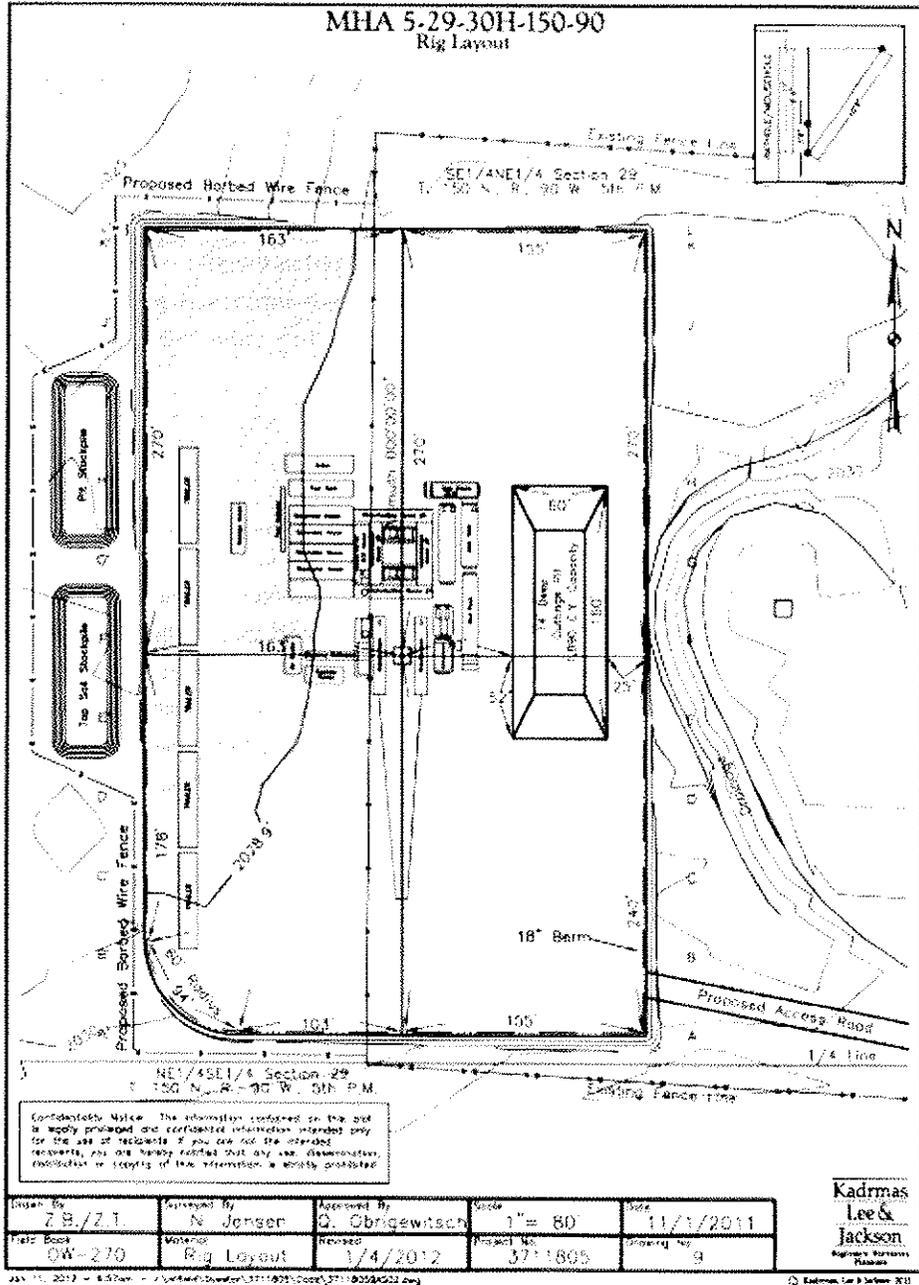


Figure 4, Well Pad Expansion Layout

## 5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

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The following NEPA documents have been previously approved by BIA for the proposed action:

- Environmental Assessment, QEP, MHA 2-13-14H150-90 and MHA 2-29-30H-150-90 Bakken Exploratory Oil Wells, Fort Berthold Indian Reservation, August 2010. The EA FONSI was issued August 2010.

## 6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

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The following discussion addresses environmental and social impacts as a result of the well pad expansion. Impacts are only discussed if the well pad expansion has changed the impact assessment reflected in the August 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 ten acre survey area included in the original EA document. As construction activities associated with the proposed well pad expansion would utilize areas that have achieved cultural resource clearance, it is anticipated that the proposed project would not impact cultural resources.

## 7 NEPA ADEQUACY CRITERIA

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This document has identified one previously prepared NEPA document: Environmental Assessment, QEP Energy Company, MHA 2-13-14H-150-90 and MHA 2-29-30H-150-90 Bakken Exploratory Oil Wells, Fort Berthold Indian Reservation, August 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 documents.
2. The range of alternatives is reasonable with respect to the current proposed actions in the existing NEPA documents, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. 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 documents 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 documents.
6. The cumulative impacts that would result from implementation of the proposed actions are unchanged from those analyzed in the existing NEPA documents.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.

# **Notice of Availability and Appeal Rights**

QEP Energy: Addendum to Environmental Assessment to Authorize Land Use for the pad expansion and one additional well

**The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum authorizing land use for the pad expansion on the MHA-5-29-30H-150-90 (previously referred to as MHA-2-29-30H-150-90) to accommodate one additional well on the Fort Berthold Reservation as shown on the attached map. Construction by QEP is expected to begin in 2012.**

**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 Earl Silk, 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 February 17, 2012, 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.

