



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

FEB 23 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{ACTING} 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 existing Environmental Assessment for WPX Energy Williston, LLC, install a fiber optic line to connect the North John Elk #28-27H well pad to the proposed Helena Ruth Grant #33-34H gathering pipeline system. No additional surface disturbance is proposed for areas beyond the existing well pads. This document is tied to the Environmental Assessment for Drilling of Dakota-3 John Elk #28-27H, Dakota-3 Helena Ruth Grant #33-34H; Zenergy Operating Company, LLC (FONSI August 2010). 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, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, THPO (with attachment)
Derek Enderud, BLM, Dickinson, ND (with attachment)
Michael J. Madson, SWCA, (with attachment)
Jeffrey Hunt, Fort Berthold Agency



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EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: North John Elk #28-27H Install a Fiber Optic Line. Date: 2/21/2012

Nature of Proposed Action: To authorize WPX Energy Williston, LLC to install a fiber optic line to connect the North John Elk #28-27H well pad to the proposed Helena Ruth Grant #33-34H gathering pipeline system. No additional surface disturbance is proposed for areas beyond the existing well pads. This document is tied to the Environmental Assessment for Drilling of Dakota-3 John Elk #28-27H, Dakota-3 Helena Ruth Grant #33-34H; Zenergy Operating Company, LLC (FONSI August 2010).

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
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: Courtney Lafferty, Environmental Specialist

Regional Archeologist Concurrence with Item Cassan D. Munday

Concur: [Signature]
Regional Office/Agency Environmental Coordinator

Date: 2-21-2012

Concur: [Signature]
Regional Director/Superintendent

Date: 2-23-12

ACTING

**ENVIRONMENTAL ASSESSMENT
Addendum**

United States Bureau of Indian Affairs

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



WPX Energy Williston, LLC

**Addendum to Environmental Assessment as Documentation for the Accompanying
Categorical Exclusion Form to Authorize Installation of Fiber Optic Utility Lines
Within the Approved North John Elk #28-27H Access Road ROW**

Fort Berthold Indian Reservation

February 2012

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

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1. Purpose and Need for the Proposed Action

Developments have been proposed on land held in trust by the United States in Dunn County, North Dakota (ND). The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments. The economic development of available mineral resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nations and to individual tribal members.

The purpose of the Proposed Action is to authorize land use by WPX Energy Williston, LLC (WPX) for the installation of a utility corridor consisting solely of a fiber optic transmission line to be constructed exclusively within the approved right-of-way (ROW) of the North John Elk #28-27H Well Pad (well pad) access road.

This action would qualify under the BIA categorical exclusion 516 DM 10.5 F (1). Information in this addendum is provided to document analysis of impacts leading to this designation. For further criteria see accompanying Categorical Exclusion form.

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 approved well pad is located approximately 4.18 miles northeast of Mandaree, North Dakota, in the NW¼ SW¼ of Section 28, Township (T) 150 North (N), Range (R) 93 West (W), Dunn County, ND (Figure 1).

4. Scope of Work for Proposed Action

Fiber optic lines would be installed to complete the connection from the well pad to the tie in with the proposed Helena Ruth Grant #33-34H gathering pipeline system tie in. All construction disturbances would occur within the previously permitted 66-foot-wide access road ROW, which has been surveyed for impacts to natural and cultural resources with no significant findings. There will be no additional surface disturbance outside of the permitted well pad or access road footprints.

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

Environmental Assessment for Drilling of Dakota-3 John Elk #28-27H, Dakota-3 Helena Ruth Grant #33-34H; Zenergy Operating Company, LLC (FONSI August 2010).

Addendum to Environmental Assessment to Authorize Additional Land Use for the John Elk #28-27H Well Pad, Access Road, and Gathering Pipeline System; Zenergy Operating Company, LLC (FONSI April 2011).

6. 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.

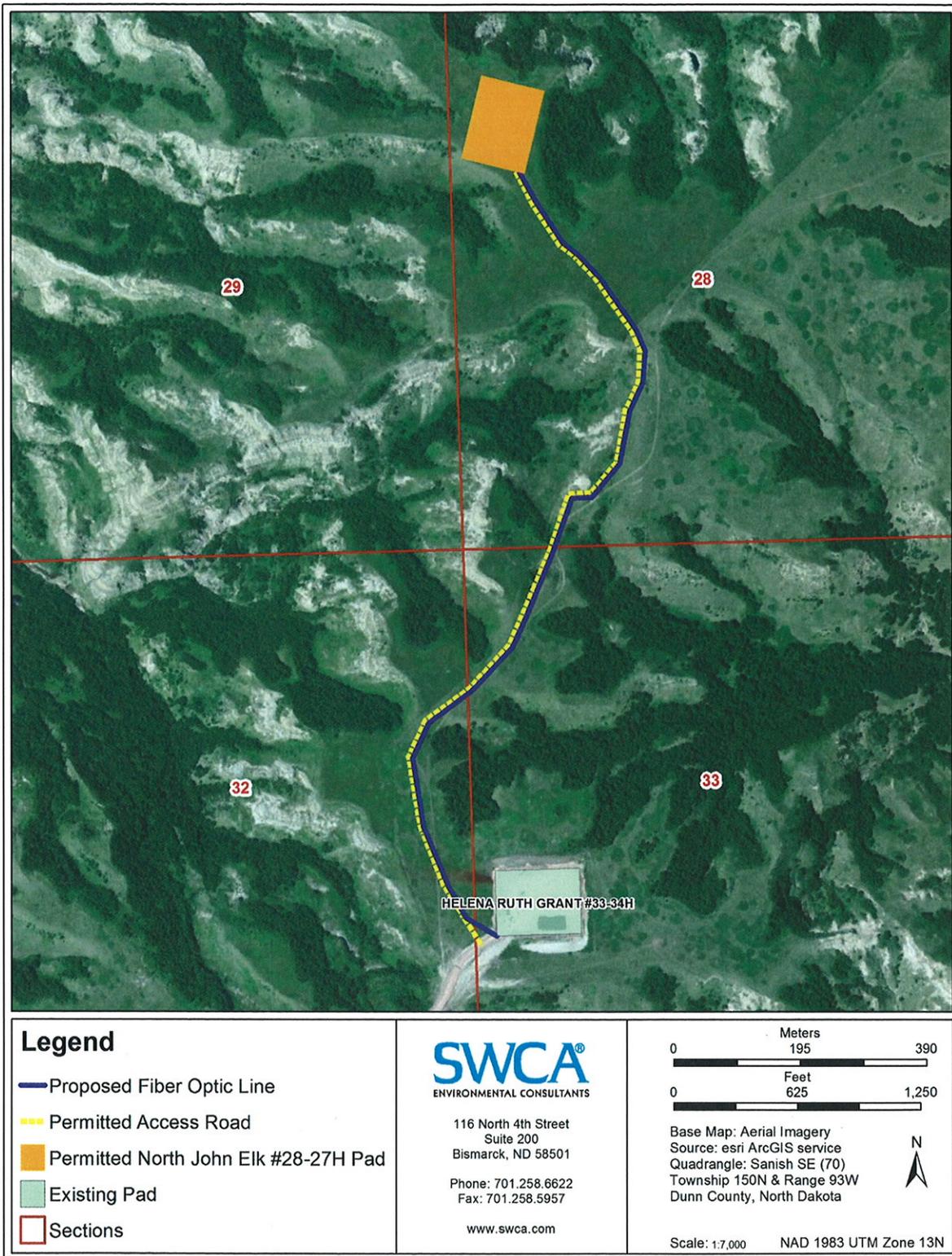


Figure 1. Map of the Approved North John Elk #28-27H Well Pad and Access Road Location.