



# 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

MAR 07 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 to connect the Goodbird 34-7H and Goodbird 44-7H wells to the QEP MHA Gathering System 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 FONSI (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.

*Marilyn Bercier*

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)  
Jonathon Shelman, Corps of Engineers  
Jeff Hunt, Fort Berthold Agency

***Finding of No Significant Impact***

***Marathon Oil Company***

***Addendum to:***

***The Goodbird 34-7H and Goodbird 44-7H January 2011 Environmental Assessment  
Two Bakken Formation Exploratory Wells at One Location to Authorize Land Use for  
Pipelines Connecting these Wells to the QEP MHA Gathering System***

***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 the access road right-of-way (ROW) to accommodate the installation of oil, gas and water pipelines that would attach the wells to the QEP MHA Gathering System. The additional ROW is cultivated farmland that will be contained within Section 7, T150N, R90W. The previously authorized well access road alignment is proposed to remain in the same location. The well pad access road is located in Section 7, Township 150 North, Range 90 West. The additional access road ROW is located within the 150 feet ROW that was previously surveyed and approved in the January 2011 EA/Finding of No Significant Impact (FONSI). 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

ACTING

  
\_\_\_\_\_  
Date

# ENVIRONMENTAL ASSESSMENT

## *Addendum*

United States Bureau of Indian Affairs

Great Plains Regional Office  
Aberdeen, South Dakota



Marathon Oil Company

**Addendum to:**

The Goodbird 34-7H and Goodbird 44-7H January 2011 Environmental Assessment for  
Two Bakken Formation Exploratory Wells at One Location to  
Authorize Land Use for Pipelines Connecting These Wells to the QEP MHA Gathering System

Fort Berthold Indian Reservation

March 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*

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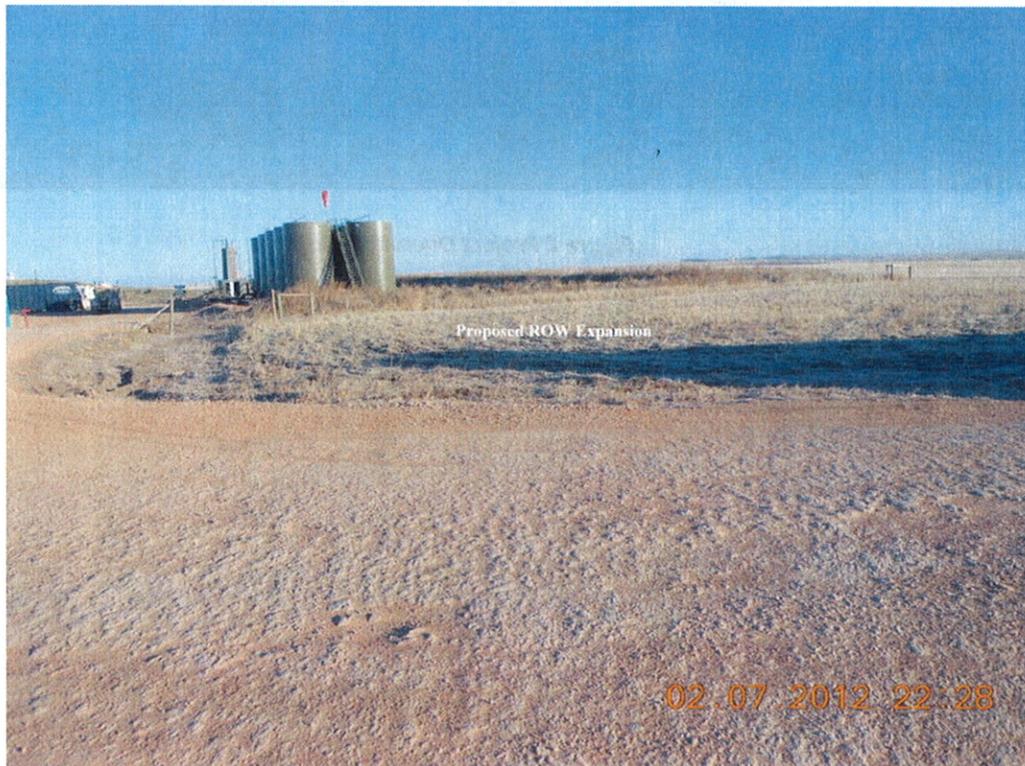
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# 1 PURPOSE AND NEED FOR THE PROPOSED ACTION

Marathon Oil Company proposes to authorize the expansion of access road ROW covered by the previously authorized EA dated January 2011, for which a FONSI was issued. This would allow the Goodbird 34-7H and Goodbird 44-7H wells to be connected to the QEP MHA Gathering System. The access road is located in the SE¼ of the SE¼ of Section 7, Township 150 North, Range 90 West. The proposed access road ROW expansion is within the original survey area addressed in the EA/FONSI and would impact the same general cultivated cropland use as the original access road ROW location. Please refer to **Figure 1 Proposed Access Road ROW**. The access road location remained as previously proposed and authorized. Please refer to **Figure 2 Project Overview Map**.

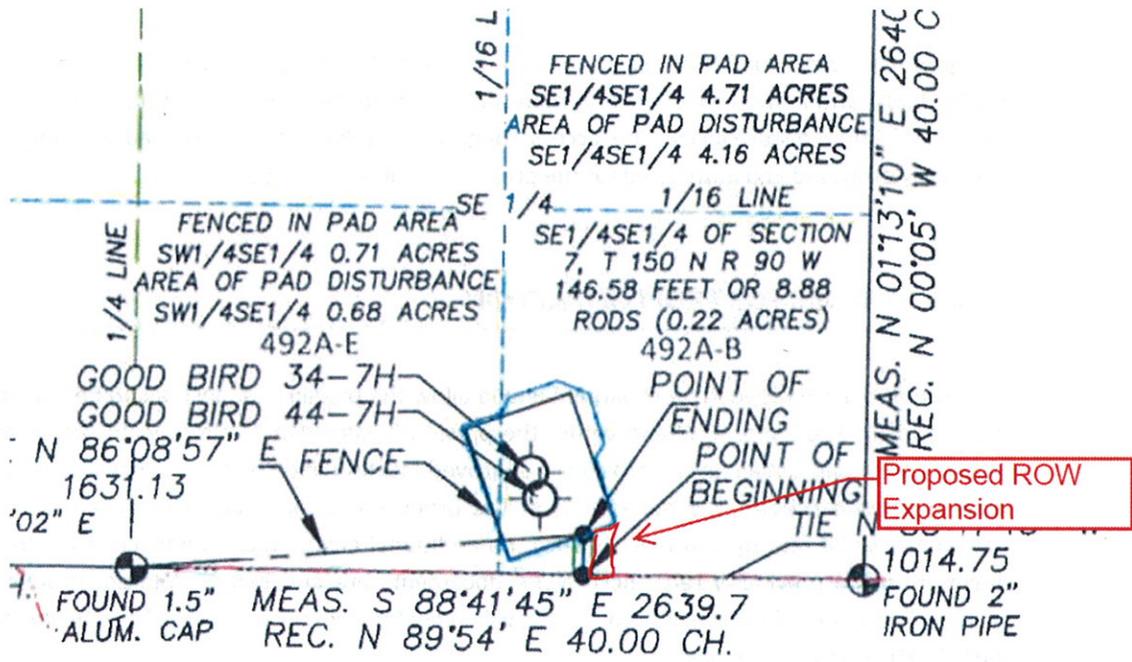


**Figure 1 Proposed Access Road ROW**



**Figure 2 Project Overview Map**

The access road ROW expansion would include an additional area measuring approximately 54 feet by 126 feet (0.16 acre) extending from the existing QEP Energy Company road ROW to the edge of the well pad disturbance and east of the existing well pad access. Please refer to **Figure 2 Project Overview Map** for the access road ROW expansion location, and **Figure 3 Access Road ROW Dimension Comparisons**. Construction activities on the expanded access road ROW would take place atop areas that have achieved a FONSI NEPA approval by the BIA. By expanding the access road ROW, the area of disturbance would increase from 4.71 acres to 4.87 acres. The area of disturbance per well would be increased slightly from 2.35 acres/well to 2.43 acre/well. The 150 foot survey area was re-evaluated during an on-site assessment February 2, 2012.



**Figure 3 Access Road ROW Dimension Comparisons**

## 2 AUTHORITIES

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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 access road ROW expansion would be constructed in the SE¼ of the SE¼ of Section 7, T150N, R90W within the 150 feet access road survey area of the previously authorized access road to further minimize disturbances. The access road would follow the same road alignment as was previously proposed and authorized for the proposed wells at this location.

## 4 SCOPE OF WORK FOR PROPOSED ACTION

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The proposed access road ROW expansion would allow the pipeline connections to be constructed in the previously approved ROW and within the previously surveyed 150 foot wide survey area. The access road would remain in the previously approved location. Please refer to **Figure 4, Access Road ROW Expansion Layout**. The dimensions of the proposed access road ROW expansion would be approximately 54 feet by 126 feet. As such, no additional environmental impacts aside from those disclosed in the previously referenced NEPA documents are anticipated from construction of the proposed access road ROW expansion which will allow for the constructed wells to be connected to the QEP MHA Gathering System.

The QEP MHA Gathering System has been designed and constructed in accordance with the latest edition of the Code of Federal Regulations Title 49, Part 192 "Transportation of Natural and other Gases by Pipeline" and Part 195 "Transportation of Hazardous Liquids by Pipeline" as well as the latest additions of applicable industry codes and standards. The gas pipeline is operated at a low pressure (no more than 150 psi).

The crude oil laterals were constructed using 4-inch Flexsteel or Flexpipe 600# ANSI pipe with scraper launcher and receiver. The laterals connect to QEP's 8-inch crude oil pipeline. The 8-inch crude oil line is a Carbon Steel 8.625" wt., API 5IX-52, ERW. The maximum allowable operating pressure (MAOP) for this type of pipe is 1440 psi. The gas pipeline consists of 4"HDPE, DR11 pipe and 8.625"O.D., 0.322" wt., API 5LX-52 steel pipe. A scraper launcher and receiver would be installed on the 4" gas laterals and on the 8-inch pipeline. The MAOP for the 4" HDPE DR11 pipe would be 150 psi.

Electrical power requirements would be available from the existing facility (lease), this power would be 480 V-3 phase. Auxiliary equipment and lighting would require transformation down to 208V/120V. All field mounted controls motor starters, PLC, communications and telemetry would be mounted in weather protected enclosures, in areas removed from hazardous atmospheres, where unavoidable, these devices would be enclosed in NEMA 7 explosion proof enclosures.

The flex-steel pipe for the water pipeline was purchased directly from the manufacturer as there were no distributors for this product. The 6-inch flex-steel pipe that was used for the main pipeline has a 1,500 PSI (pounds per square inch) maximum operating pressure with a 7.083 inch O.D. (outside diameter) and a 5.604 inch I.D. (inside diameter). The 4-inch flex-steel pipe used for the water pipeline laterals has a maximum operating pressure 1,000 PSI with a 4.680 inch O.D and a 3.669 inch I.D. The 3-inch flex-steel pipe used for the well connects has a maximum operating pressure of 1,000 PSI with a 3.682 inch O.D. and a 2.821 inch I.D.

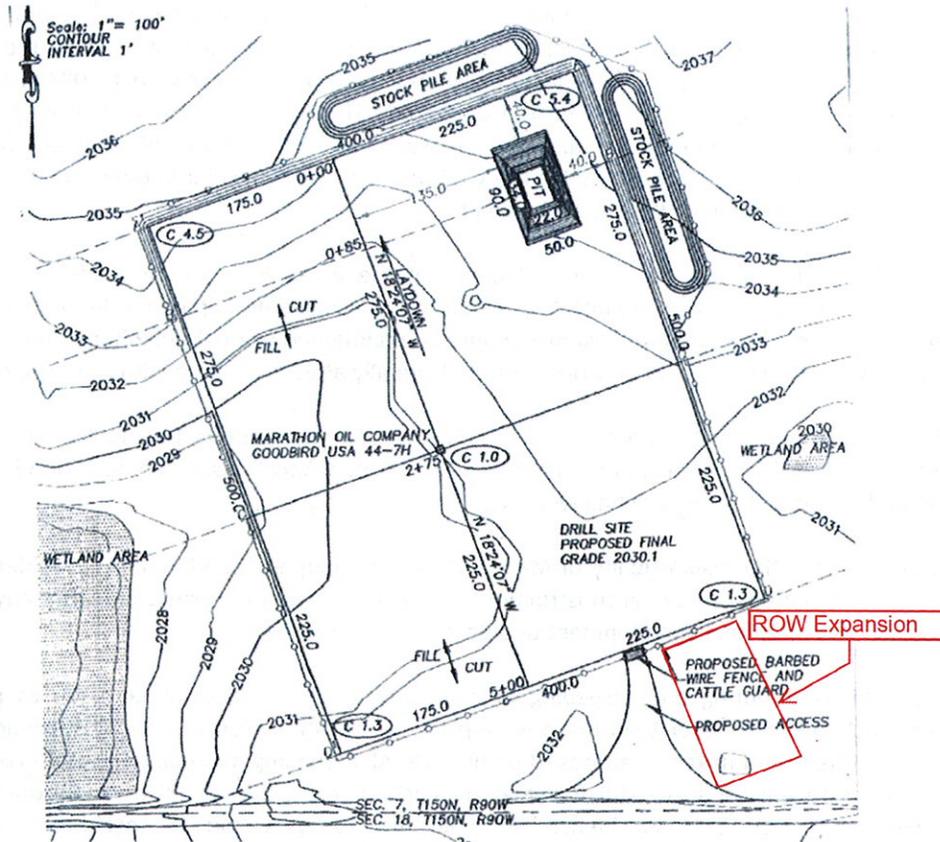
Because of the normal 84-inch burial depth of the water line, the proposed gas and crude oil pipelines would pass over the installed water line to achieve no impact on depth or functionality of either line. Five feet of lateral distance would be maintained from all telephone and cable lines. Any line crossing conflicts would be worked out individually at each location with the respective utility.

No above ground structures are part of this pipeline system except for the pipeline identification markers along the route and at road crossings and at tie-in locations. All above ground equipment would be installed on the existing well pads.

Reclamation is the responsibility of Marathon Oil Company as the ROW permit holder. Reclamation would be required after initial construction, after additional lines are installed, after any maintenance activity, and after final abandonment of a decommissioned line.

Regrading, contouring and reseeding of disturbed areas would occur as soon as practical after construction but no later than the next appropriate planting season. The ROW would be reseeded with certified seed mixtures approved by the BIA. All reseeding and planting would comply with BIA directions to ensure successful reclamation. Further, the ROW would be monitored for areas of excessive erosion and subsidence. Periodic monitoring would be performed and repeated reclamation efforts would be undertaken in problem areas until the ROW is certified as reclaimed.

Decommissioning of pipelines would result in mandatory final reclamation of the corridor. All surface facilities would be removed. Foundations, if any, would be hauled to an approved disposal site. Gravel pad would be buried on site or hauled to a disposal site. Compacted areas would be scarified, ripped and re-contoured. Stockpiled topsoil would be redistributed and re-vegetated. Long-term monitoring would be required to ensure successful reclamation and implementation of any necessary remedial efforts. The pipeline would be purged with water to remove hydrocarbons, capped and abandoned in place.



**Figure 4, Access Road ROW Expansion Layout**

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

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

- Environmental Assessment, Marathon Oil Company, Goodbird 34-7H and Goodbird 44-7H Bakken Exploratory Oil Wells, Fort Berthold Indian Reservation, January 2011. The EA FONSI was issued January 24, 2011.

## 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 January 2011 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 150 foot survey area for the access road included in the original EA document. As construction activities associated with the proposed access road ROW 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, Marathon Oil Company, Goodbird 34-7H and Goodbird 44-7H Bakken Exploratory Oil Wells, Fort Berthold Indian Reservation, January 2011 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**

Marathon Oil: Addendum to Environmental Assessment to Authorize Land Use to enlarge the access road right-of-way (ROW) to accommodate the installation of oil, gas and water pipelines that would attach the wells to the QEP MHA Gathering System

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to enlarge the access road right-of-way (ROW) to accommodate the installation of oil, gas and water pipelines that would attach the wells to the QEP MHA Gathering System on the Fort Berthold Reservation as shown on the attached map. Construction by Marathon Oil Company 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 April 5, 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.**

