



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

OCT 29 2012

MEMORANDUM

TO: ^{Acting} Superintendent, Fort Berthold Agency

FROM: 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 Environmental Assessment (EA) has been completed and a Finding of No Significant Impact (FONSI) has been issued. The EA authorizes land use for the expansion of the Bear Den 04-20H well pad 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, 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.

Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)
Daniel Velder, BLM, Bureau of Land Management (with attachment)
Chad Baker, SWCA (with attachment)
Carson Hood/Fred Fox, MHA Energy Dept. (with attachment)
John Shelman, US Army Corps of Engineers (e-mail)
Jeffrey Hunt, Fort Berthold Agency (e-mail)

Finding of No Significant Impact
EOG Resources, Inc.

**Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the
Bear Den 04-20H Well Pad**

Fort Berthold Indian Reservation
McKenzie County, North Dakota

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an Addendum to Environmental Assessment to Authorize Land Use for the expansion of the Bear Den 04-20H well pad on the Fort Berthold Reservation. The proposed action would be located on tribal land originating from Highway 22 northwest of Mandaree, North Dakota. More specifically, the proposed well pad expansion would be located in the SE¼ SE¼ of Section 20, Township (T) 150 North (N), Range (R) 94 West (W), 5th Prime Meridian, McKenzie County, North Dakota. Associated federal actions by BIA include determinations of effect regarding cultural resources, approvals of leases, rights-of-way and easements, and a positive recommendation to the Bureau of Land Management regarding the Applications for Permit to Drill.

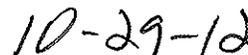
The potential of the proposed actions to impact the human environment is analyzed in the attached Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed EA, I have determined that the proposed projects will not significantly affect the quality 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 was solicited and environmental issues related to the proposal were identified.
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 action 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. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) (MBTA), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).
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



Date

Notice of Availability and Appeal Rights

EOG: Expansion of the Bear Den 04-20H Well Pad

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to the expansion of the Bear Den 04-20H Well Pad, as shown on the attached map. Construction by EOG is expected to begin in 2012.

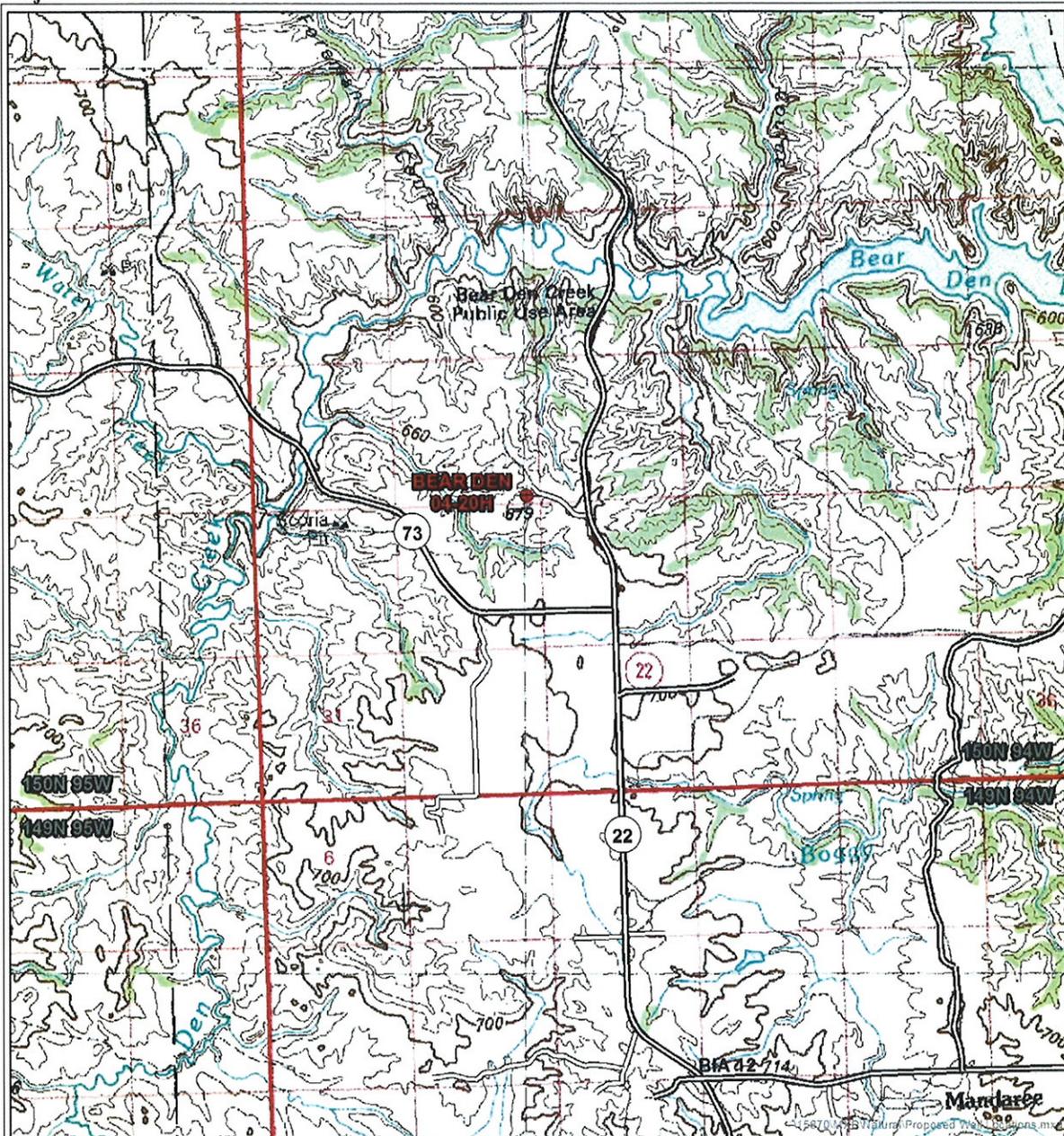
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-6570 for more information and/or copies of the EA and the Finding of No Significant 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 November 27, 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 701-627-6570.

Project locations.



- Legend**
- Well
 - Access Road
 - Existing Road
 - Township



Scale: 1:75,000
 Base Map: USGS 15' Topographic Map
 Quadrangle: Parshall, ND
 Township 149&150N Range 94&95W
 McKenzie County, North Dakota

UTM Zone 13, NAD83, Meters
 September 29, 2012



SWCA
 ENVIRONMENTAL CONSULTANTS

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**ENVIRONMENTAL ASSESSMENT
Addendum**

United States Bureau of Indian Affairs

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



EOG Resources, Inc.

**Addendum to Environmental Assessment to Authorize Land Use for the Expansion of
the Bear Den 04-20H Well Pad**

Fort Berthold Indian Reservation

October 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

EOG Resources, Inc. (EOG) proposes to expand the existing Bear Den 04-20H well pad in order to place additional temporary ancillary facilities on site. The existing well pad and proposed expansion are located on land held in trust by the United States in McKenzie County, North Dakota. The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments.

The purpose of the proposed action is to authorize the land use by EOG for construction activities associated with the expansion of the existing Bear Den 04-20H well pad. The proposed pad expansion is necessary to accommodate the additional facilities.

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. Applicable NEPA Documents

In compliance with the regulations of the National Environmental Policy Act of 1969, as amended (NEPA), an environmental assessment (EA) for Bear Den 04-20H was completed (*Environmental Assessment: EOG Resources, Inc., Three Bakken Exploratory Oil Wells: Bear Den 04-20H, Bear Den 05-31H, and Bear Den 07-17H*, January 2010). A Finding of No Significant Impact (FONSI) was issued on March 30, 2010.

On December 22, 2011, a FONSI was issued to authorize the expansion of Bear Den 04-20H from 4.5 acres to 5.8 acres in order to accommodate three additional wells that were not analyzed under the original EA (*Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the Bear Den 04-20H, 05-31H, & 07-17H Well Pads for the Purpose of Drilling 10 Wells*, December 2011).

Other relevant documents for associated projects include *Environmental Assessment: EOG Resources, Inc., Proposed Access Road Upgrade Township 150 North, Range 94 West, Sections 29 and 32* (November 2009); and *Environmental Assessment: Saddle Butte Pipeline, LLC, Red Tipped Arrow 33-11H Well Site to Bear Paw Energy Connection, Development and Connection of Oil, Gas, and Water Pipelines and Electrical Utility, Fort Berthold Reservation* (February 2010).

4. Legal Land Description for Proposed Action

The proposed action would be located on tribal land originating from Highway 22 northwest of Mandaree, North Dakota. More specifically, the proposed well pad expansion would be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township (T) 150 North (N), Range (R) 94 West (W), 5th Prime Meridian, McKenzie County, North Dakota (Figure 1).

*Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the
Bear Den 04-20H Well Pad (October 2012)*

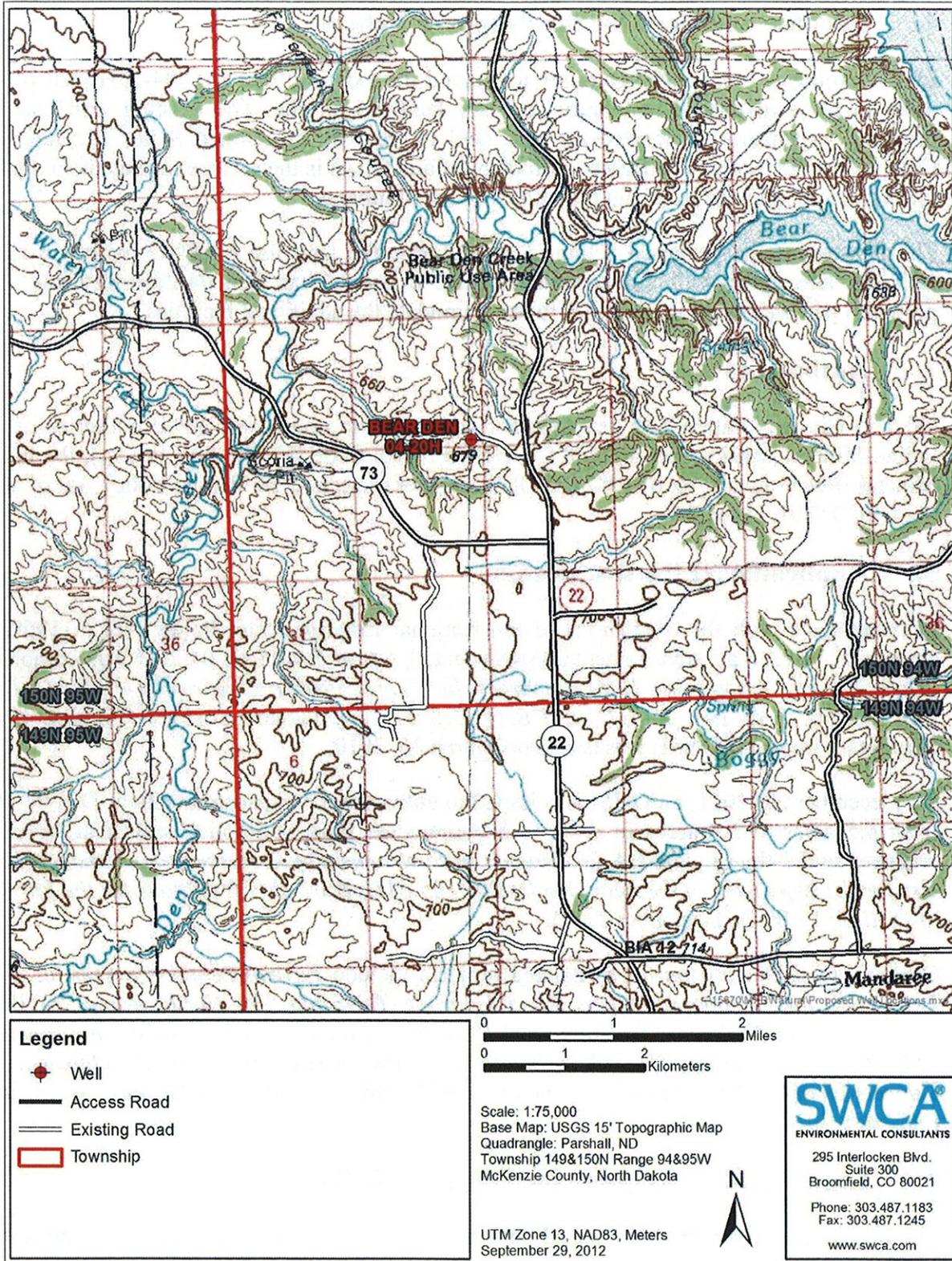


Figure 1. Project location map.

5. Scope of Work for Proposed Action

The existing Bear Den 04-20H well pad is approximately 5.8 acres in size. EOG proposes to expand this well pad by 0.764 acre to accommodate additional ancillary facilities, as illustrated in the engineering plat provided in Appendix A. A 41,000-gallon Poseidon tank will serve as a temporary water transfer station to supply nearby well completion operations (see Appendix A). The area of disturbance for the expanded well pad would total 6.564 acres and would be irregular shaped in order to optimize the existing well pad and minimize additional surface disturbance. Construction would follow design standards outlined in the Bureau of Land Management (BLM) Gold Book (BLM and U.S. Forest Service 2007¹) and all other construction methods described in the referenced EA.

The pad expansion areas would be constructed to match the grade of the existing location and would be leveled by balancing cut and fill areas. An 18" berm would be constructed along the perimeter of the well pad to reduce potential erosion from on- and off-site runoff. Spoil material from the pad expansion would be added to the existing spoil piles. Topsoil would be segregated for use during interim reclamation. No reclamation work would be completed when soils are frozen or overly wet and no depressions would be left to trap water or form ponds. If construction is stopped before interim reclamation can be completed due to winter weather conditions, the topsoil piles would be covered to eliminate the potential for rill erosion and subsequent loss of soil during spring snow melt and precipitation events.

6. Surveys

For the original EA, SWCA Environmental Consultants (SWCA) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands on November 3 and 23, 2009. No protected species were observed during the survey. On November 3 and 23, 2009, SWCA inventoried the approximate well pad location for cultural resources, using an intensive pedestrian methodology (Rose and Higgins 2009²). No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (Title 36 Code of Federal Regulations 60.6) for inclusion on the National Register of Historic Places.

For the first addendum, representatives from BIA, Tribal Historic Preservation Office, EOG, Uintah Engineering and Land Surveying (Uintah), Seismic Land Management (SLM), and SWCA conducted on-site assessments of the location on June 16, 2011, to determine the presence of cultural resources. SWCA conducted natural resources surveys on June 16 and August 10, 2011. BIA Environmental Specialist Jeff Desjarlais and BLM Natural Resource Specialist Dan Velder conducted a follow up on-site assessment of this location on August 10,

¹ Bureau of Land Management and U.S. Forest Service. 2007. Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development. BLM/WO/ST-06/021+3071/REV 07. Bureau of Land Management. Denver, Colorado. 84 pp.

² Rose, Victoria, and Courtney Higgins. 2009. A Class III Cultural Resource Inventory of the Bear Den 05-31H Well Pad and Access Road on the Fort Berthold Indian Reservation, McKenzie County, North Dakota. Prepared by SWCA Environmental Consultants for EOG Operating Company, LLC.

2011. No protected species were observed during surveys. No cultural resources were observed during surveys on June 16, 2011³.

For the Proposed Action, representatives from BIA, EOG, Uintah, SLM, and SWCA conducted on-site assessments of the location on September 11, 2012. No protected species were observed during surveys. The proposed expansion would avoid areas that have not been previously inventoried for cultural resources; therefore no additional cultural surveys were conducted. The collective area of cultural resource surveys for the existing Bear Den 04-20H well pad and access road plus the surveyed area for the Saddle Butte's Red Tipped Arrow pipeline are shown on Figure 2.

7. Potential Effects

Potential impacts to cultural resource sites would occur as a result of direct disturbance and/or the loss of sites eligible for the National Register of Historic Places. 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 within the proposed pad expansion, by implementing erosion control features, completing reclamation of the disturbed areas with native grasses and other appropriate native vegetation, and stockpiling and re-using topsoil for reclamation.

Potential indirect impacts to natural resources include noise and other disturbances to wildlife during construction and the introduction of noxious weeds. Impacts would be mitigated by avoiding any federally listed threatened or endangered species or wetlands, avoiding nesting migratory birds, implementing best management practices to control the introduction of noxious weeds, and minimizing the length of time between construction and reclamation. EOG proposes to mow the area of expansion for the well pad or conduct migratory bird surveys within 5 days prior to initiating construction if construction is to occur between February 1 and July 15. Mowing would occur outside the February 1 to July 15 nesting season. These mitigation measures are consistent with the previously approved EA Addendum for the Bear Den 04-20H well pad expansion, which received a FONSI in December 2010.

Based on resource survey findings, the supplementary assessment of the potential impacts of the Proposed Action, and the mitigation measures committed to by EOG, no significant impacts to natural and cultural resources are anticipated.

³ Zietz, Vanesa. 2011. A Class I and Class III Cultural Resource Inventory for the Expansion of the EOG Bear Den #04-20H Well Pad, Fort Berthold Indian Reservation, McKenzie County, North Dakota. Prepared by SWCA Environmental Consultants for EOG Operating Company, LLC.

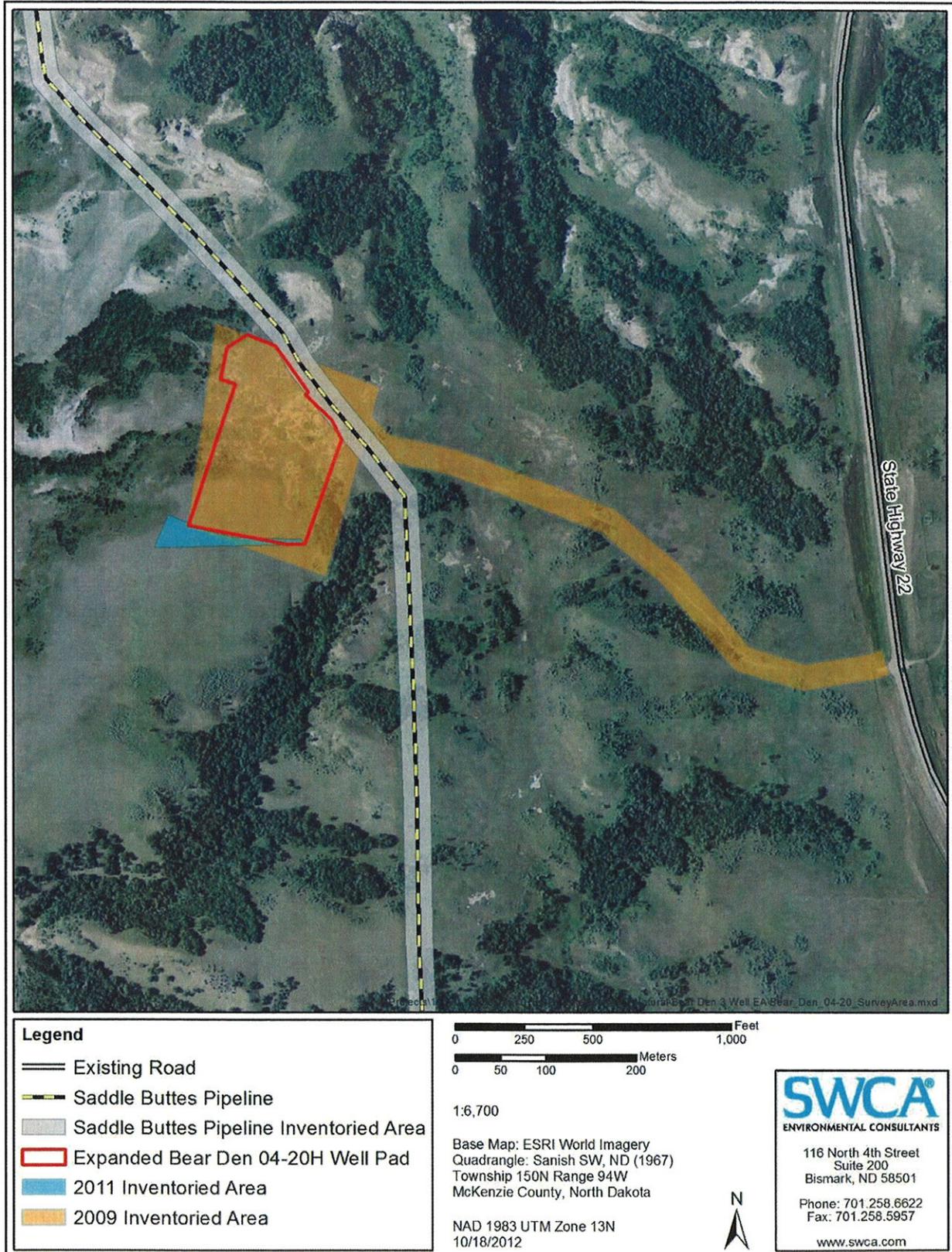


Figure 2. Cultural resource survey area.

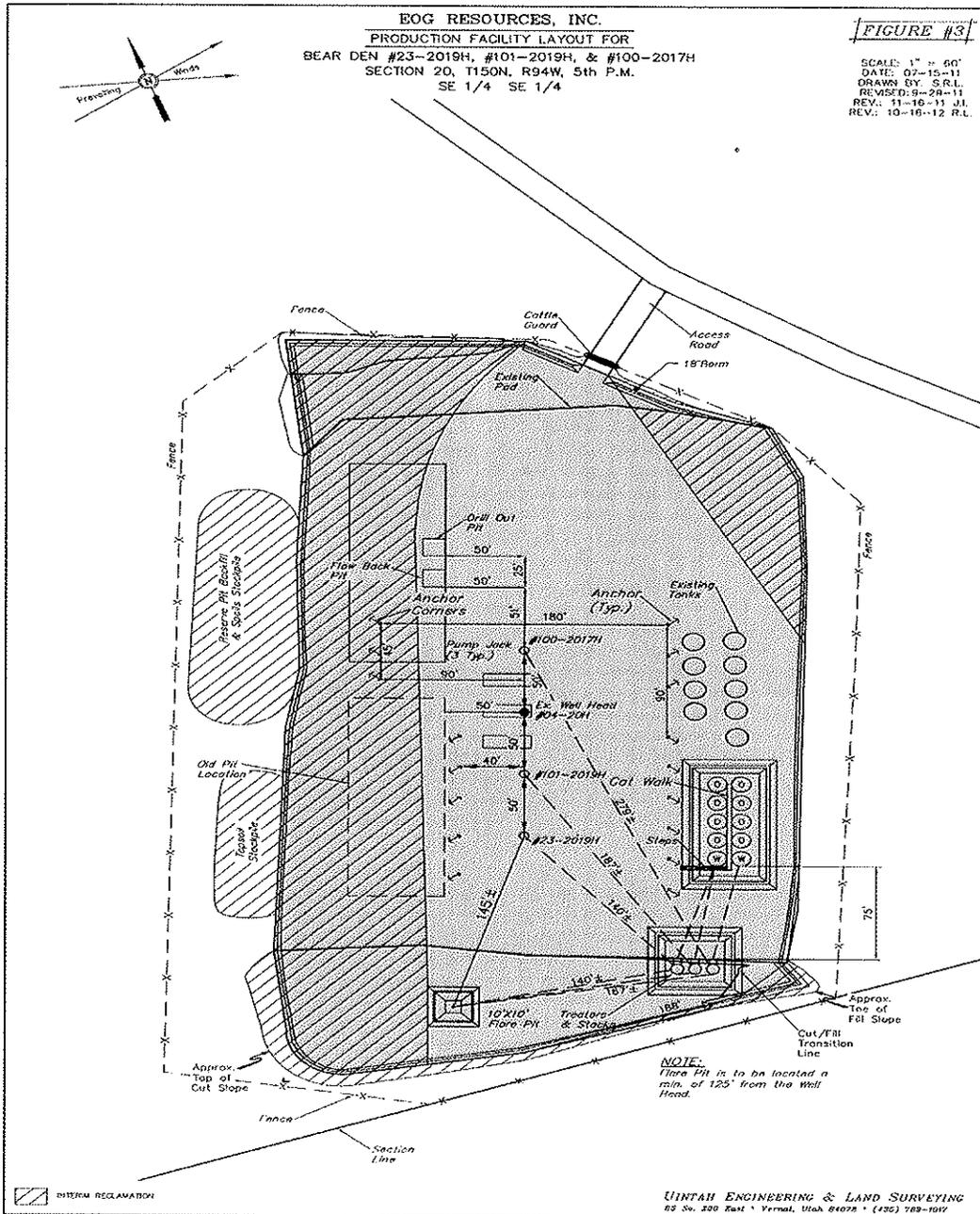
8. NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document, *Environmental Assessment: EOG Resources, Inc., Three Bakken Exploratory Oil Wells: Bear Den 04-20H, Bear Den 05-31H, and Bear Den 07-17H* (January 2010), 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.

APPENDIX A
Engineering Plats for Well Pad Expansion

*Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the
Bear Den 04-20H Well Pad (October 2012)*



Addendum to Environmental Assessment to Authorize Land Use for the Expansion of the Bear Den 04-20H Well Pad (October 2012)

