



# 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 07 2011

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: 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 an existing Environmental Assessment for Petro Hunt, LLC Inc., to drill a third well (Fort Berthold #148-95-23D-14-2H) to explore the potential of the Middle Bakken Formation, on the approved Fort Berthold #148-95-23D-14-1H & Fort Berthold #148-95-26A-35-1H dual well pad., on the Fort Berthold Reservation, 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, Chairman, Three Affiliated Tribes (with attachment)  
Elgin Crows Breast, THPO (with attachment)  
Derek Enderud, BLM, Dickenson, ND (with attachment)  
John Shelman, US Army Corps of Engineers  
Jeffrey Hunt, Virtual One Stop Shop



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## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 2/1/2011

Project: Supplemental to Environmental Assessment for Petro Hunt, LLC Inc: , Five Bakken Exploratory Wells Fort Berthold #148-95-24C-13-1H, Fort Berthold #148-95-25B-36-1H, Fort Berthold #148-95-26A-35-1H, Fort Berthold #148-95-23D-14-1H and Fort Berthold #148-95-3A-10-1H (November 2010) to Authorize an additional well from a previously approved well pad location

Nature of Proposed Action: The purpose of the proposed action is to authorize Petro-Hunt to drill a third well (Fort Berthold #148-95-23D-14-2H) to explore the potential of the Middle Bakken Formation, on the approved Fort Berthold #148-95-23D-14-1H & Fort Berthold #148-95-26A-35-1H dual well pad. No new surface disturbances will be associated with the well pad.

Exclusion category and number: 516 DM 10.5G(3)

Evaluation of Exceptions to use of Categorical Exclusion:

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

Regional Archeologist Concurrence with Item 7 Cannon B, Monday

Concur: Jeffrey E. Davis  
Regional Office Agency Environmental Coordinator

Date: 2-1-2011

Concur: William Zilk  
Regional Director/Superintendent

Date: 2/7/11

# **ENVIRONMENTAL ASSESSMENT Supplement**

**United States Bureau of Indian Affairs**

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



**Petro-Hunt, LLC**

**Addendum to Environmental Assessment to Authorize an Additional Well on the  
Fort Berthold #148-95-23D-14-1H & Fort Berthold #148-95-26A-35-1H Dual Well Pad**

**Fort Berthold Indian Reservation**

**January 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

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A Plats, Drawings, and Diagrams for the Fort Berthold #148-95-23D-14-1H, Fort Berthold #148-95-26A-35-1H, and Fort Berthold #148-95-23D-14-2H Well Pad Location	
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## **1. Purpose and Need for the Proposed Action**

Petro-Hunt, LLC (Petro-Hunt) is proposing to drill an exploratory Middle Bakken Formation oil well on the Fort Berthold Indian Reservation to evaluate and possibly develop the commercial potential of natural resources. Developments have been proposed on land held in trust by the United States in Dunn County, North Dakota. The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments. The BIA also holds title to subsurface mineral rights. The economic development of available resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers substantial economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nation and to individual tribal members.

The purpose of the proposed action is to authorize Petro-Hunt to drill a third well (Fort Berthold #148-95-23D-14-2H) to explore the potential of the Middle Bakken Formation, on the approved Fort Berthold #148-95-23D-14-1H & Fort Berthold #148-95-26A-35-1H dual well pad. The Fort Berthold #148-95-23D-14-1H & Fort Berthold #148-95-26A-35-1H wells will be drilled to the Three Forks Formation.

## **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 well pad is approximately 8.1 miles southwest of Mandaree, North Dakota, in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, Township 148 North, Range 95 West, Dunn County, North Dakota (Figure 1). The proposed Fort Berthold #148-95-23D-14-2H well will have a bottom hole located approximately 9,728 feet north and 798 feet west of the surface location, in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, Township 148 North, Range 95 West, Dunn County (Figure 1).

## **4. Scope of Work for Proposed Action**

Petro-Hunt proposes to drill a third well, which will enter the Middle Bakken Formation, on the approved dual well pad. There will be no additional surface disturbance to the well pad or access road.

## **5. Cultural Resources**

The cultural resource inventory of this dual well pad and associated access road was conducted by personnel of SWCA Environmental Consultants (SWCA), using an intensive pedestrian methodology. Approximately 10.1 acres were inventoried on May 11, 2010, for the

well pad (Desruisseaux et al. 2010<sup>1</sup>). 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.

## **6. Applicable National Environmental Policy Act (NEPA) Document(s)**

Environmental Assessment: *Petro-Hunt, LLC: Five Bakken Exploratory Wells Fort Berthold #148-95-24C-13-1H, Fort Berthold #148-95-25B-36-1H, Fort Berthold #148-95-26A-35-1H, Fort Berthold #148-95-23D-14-1H and Fort Berthold #148-95-3A-10-1H (November 2010).*

## **7. Other Relevant Documentation**

Letter to the BIA: *Petro-Hunt, LLC: Fort Berthold #148-95-24C-13-1H & Fort Berthold #148-95-25B-36-1H, Fort Berthold #148-95-26A-35-1H & Fort Berthold #148-95-23D-14-1H, and Fort Berthold #148-95-3A-10-1H (December 2010)*<sup>2</sup>.

## **8. 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.

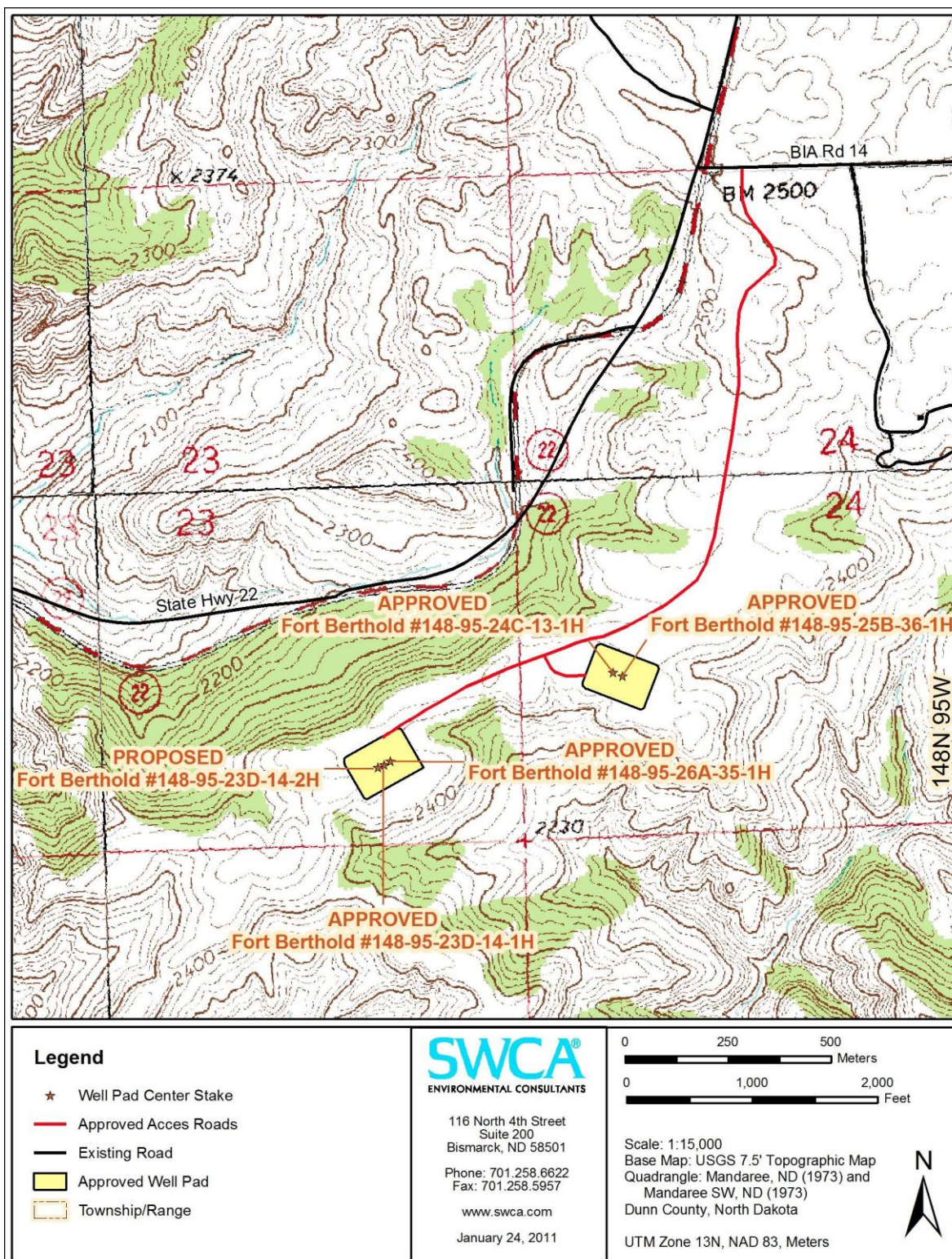
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<sup>1</sup> Desruisseaux, Danielle, Stephanie Lechert, and Judith Cooper. 2010. A Class I and Class III Cultural Resource Inventory of the Petro-Hunt Fort Berthold 148-95-26A-35-1H and Fort Berthold 148-95-23D-14-1H Dual Well Pad and Access Road, Fort Berthold Indian Reservation, Dunn County, North Dakota (October 20, 2010).

<sup>2</sup> Letter from Sarah Ruffo, SWCA Environmental Specialist, to Marilyn Bercier, BIA Regional Environmental Specialist, communicating the correct name of the target formation; December 14, 2010.



*Addendum to Environmental Assessment to Authorize an Additional Well on the  
Fort Berthold #148-95-23D-14-1H & 148-95-26A-35-1H Dual Well Pad  
(January 2011)*



**Figure 1. Map of the Fort Berthold #148-95-23D-14-1H, Fort Berthold #148-95-26A-35-1H, and Fort Berthold #148-95-23D-14-2H Location.**



## **APPENDIX A**

### **Plats, Drawings, and Diagrams for the Fort Berthold #148-95-23D-14-1H, Fort Berthold #148-95-26A-35-1H, and Fort Berthold #148-95-23D-14-2H Well Pad Location**



*Addendum to Environmental Assessment to Authorize an Additional Well on the  
Fort Berthold #148-95-23D-14-1H & 148-95-26A-35-1H Dual Well Pad  
(January 2011)*

