



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

MAR 20 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 EOG Resources Inc., to drill an additional well (Bear Den 8-2116H) on previously approved 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

Project: Addendum to Environmental Assessment to Authorize an Additional Well on the Bear Den 8-21H Well Pad

Date: March 16, 2011

Nature of Proposed Action: Authorize EOG to drill a second well (Bear Den 17-2116H) to explore the potential of the Bakken Formation, on the approved Bear Den 8-2H well pad. There will be no additional surface disturbance to the well pad or access road as the result of drilling an additional well from previous approved location. This document is tiered to an Addendum to Environmental Assessment to Authorize an Additional Well on the Bear Den 8-21H Well Pad (March 2011)

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 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: Jeffrey Davis, Environmental Protection Specialist

Regional Archeologist Concurrence with Item 7

Cameron B. Piquero

Concur:

Jeffrey R. Davis

Date:

3/16/2011

Regional Office/Agency Environmental Coordinator

Concur:

William J. H. H.

Date:

3/20/11

Regional Director/Superintendent

X

ENVIRONMENTAL ASSESSMENT Supplement

United States Bureau of Indian Affairs

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



EOG Resources, Inc.

**Addendum to Environmental Assessment to Authorize an Additional Well
on the Bear Den 8-21H (Well Pad**

Fort Berthold Indian Reservation

March 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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1. Purpose and Need for the Proposed Action

EOG Resources, Inc. (EOG) is proposing to drill a Bakken Formation oil and gas 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 McKenzie 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 EOG to drill a second well (Bear Den 17-2116H) to explore the potential of the Bakken Formation, on the approved Bear Den 8-21H well pad.

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 located 6.9 miles north of Mandaree, North Dakota, in the NW¼ NW¼ of Section 21, Township 150 North, Range 94 West, McKenzie County, North Dakota (Figure 1). The proposed Bear Den 17-2116H well will have a bottom hole located approximately 5,390 feet north and 258 feet east of the surface location, in the NW¼ NW¼ of Section 16, Township 150 North, Range 94 West, McKenzie County.

4. Scope of Work for Proposed Action

EOG proposes to drill a second well, which will enter the Bakken Formation, on the approved Bear Den 8-21H well pad. There will be no additional surface disturbance to the existing well pad or access road.

5. Resource Surveys

SWCA Environmental Consultants (SWCA) conducted a cultural resource inventory of this well pad and associated access road using an intensive pedestrian methodology. Approximately 13.7 acres were inventoried for the well pad on October 14, 2009 (Higgins 2009¹). No historic properties were located that appear to possess the quality of integrity and

¹ Higgins, Courtney 2009. A Class I and Class III Cultural Resource Inventory of the EOG Resources, Inc. Bear Den 8-21H Well Pad and Access Road, Fort Berthold Indian Reservation, McKenzie County, North Dakota (November 17, 2009).

meet at least one of the criteria (Title 36 Code of Federal Regulations 60.6) for inclusion on the National Register.

SWCA conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands on October 14, 2009. Representatives from the BIA and Bureau of Land Management were present during the site visit. No protected species were observed during the survey.

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

Environmental Assessment: *EOG Resources, Inc. Proposed Nine Exploratory Wells: Mandaree 02-09H, Mandaree 04-15H, Mandaree 05-16H, Mandaree 06-20H, Mandaree 12-07H, Bear Den 08-21H, Clarks Creek 01-21H, Clarks Creek 03-08H, and Riverview 01-32H (January 2010).*

7. 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.

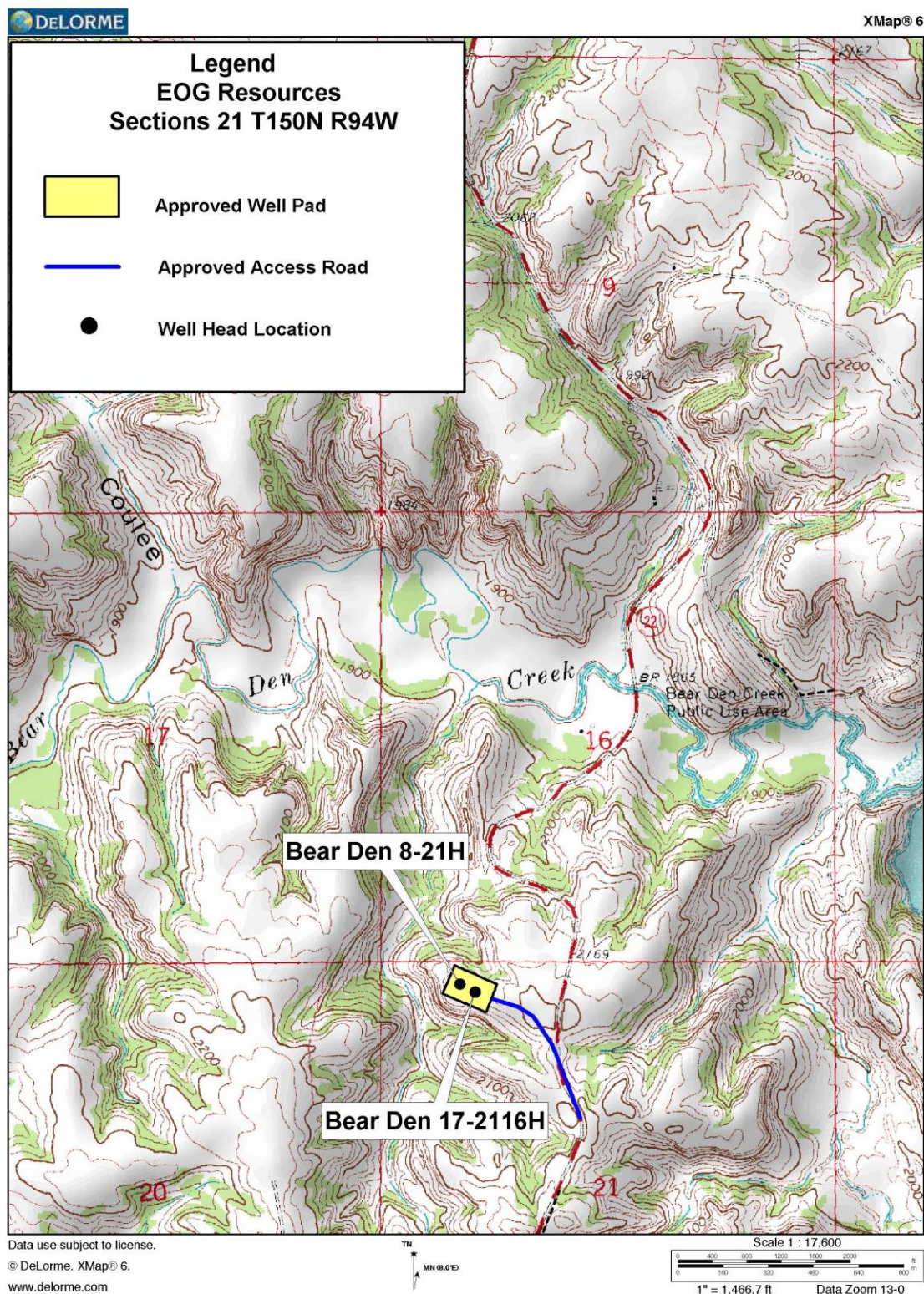
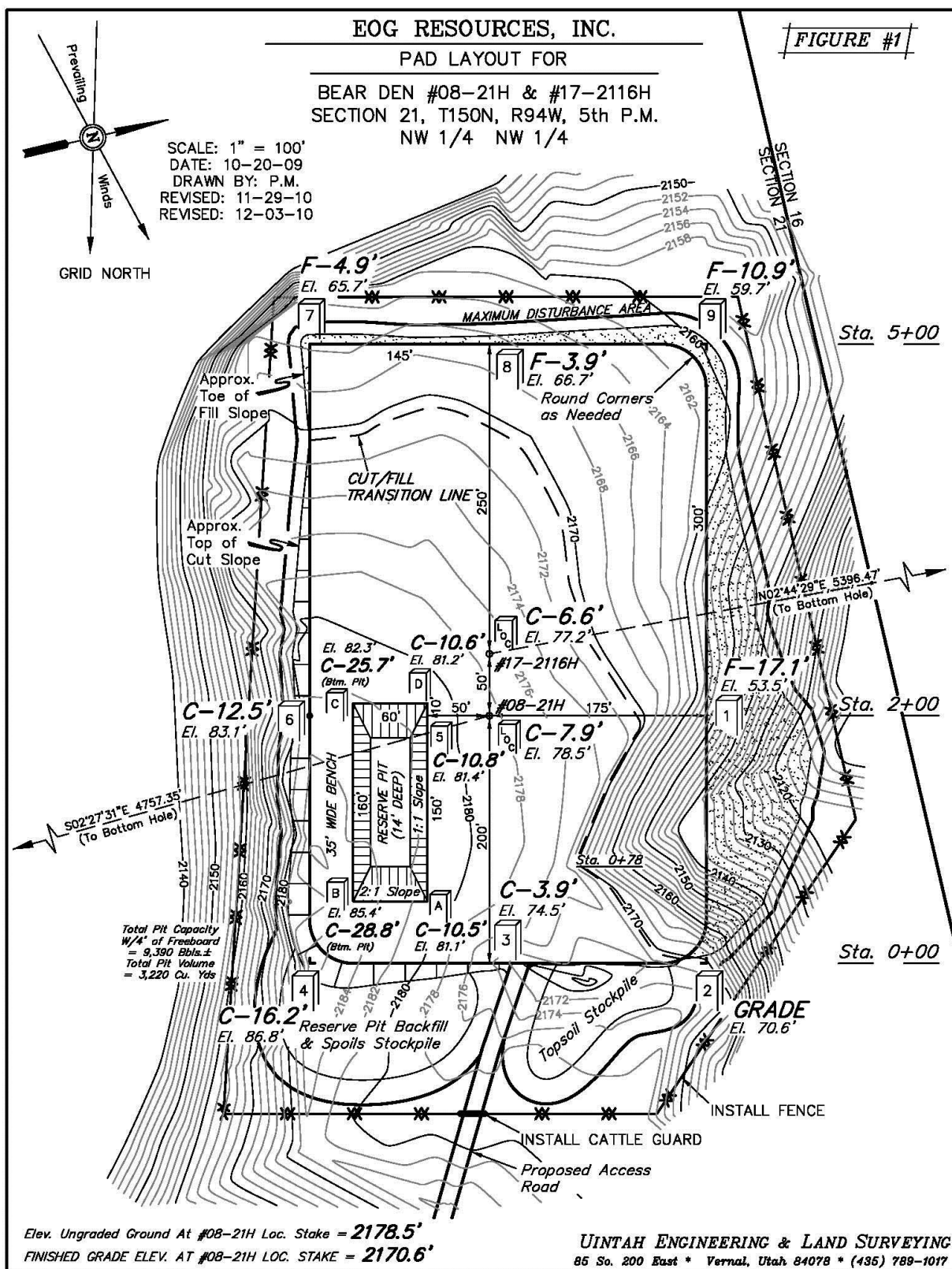


Figure 1. Map of the Bear Den 8-21H and Bear Den 17-2116H Location.

APPENDIX A

**Plats, Drawings, and Diagrams for the Bear Den 8-21H and
Bear Den 17-2116H Well Pad Location**

*Addendum to Environmental Assessment to Authorize an Additional Well
on the Bear Den 8-21H Well Pad (March 2011)*



*Addendum to Environmental Assessment to Authorize an Additional Well
on the Bear Den 8-21H Well Pad (March 2011)*

