



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office Mc_208
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401




MAY 05 2011

IN REPLY REFER TO:
DESCRM
MC-208

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 Enerplus Resources (USA) Corporation to drill additional wells on the approved Sherwood #28-44H, Fox Ridge #10-21H and Hall #5-11H well pads 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 Crow Breast, THPO (with attachments)
Roy Swalling, Bureau of Land Management (with attachment)
Jonathon Shelman, Corps of Engineers (with attachment)
Jeff Hunt, One Stop Shop, Fort Berthold Agency



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

EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 4/29/2011

Project: Supplemental to Environmental Assessment for Enerplus Resources (USA) Corp.: , Enerplus North Dakota, LLC: Five Horizontal Exploratory Wells (Hall #5-11H, Grassy Knoll #2-11H, Woman Creek #4-11H, Voigt #32-24, Fredericks #6-31H). October 2008, Enerplus North Dakota, LLC: Four Horizontal Exploratory Wells (Sherwood #28-44H, Red Tipped Arrow #33-11H, Baker #15-44H, Fredericks #23-31). July 2009, and Enerplus North Dakota, LLC: Drilling of Brugh-Bear, Danks, Eagle's Nest, and Fox Ridge Exploratory Oil and Gas Wells. January 2010 to Authorize additional wells from a previously approved well pad locations

Nature of Proposed Action: The purpose of the proposed action is to authorize Enerplus to drill additional wells (Miles 151-94-28D-21-2H TF, Morrison 149-93-10AH, Red Rocks 149-93-10AH, Artsy 150-94-05BH, Berkeley 150-94-05BH, Berkeley 150-94-05BH, Bloomsbury 150-94-05BH, Speedy 150-94-05BH TF) to explore the potential of the Bakken and the Three Forks formations, on the approved Sherwood #28-44H , Fox Ridge #10-21H & Hall #5-11H well pads. No new surface disturbances will be associated with the additional wells from previously approved well pads.

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 ☒ 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 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 Carson R. Munkley

Concur: Jeffrey R. Davis
Regional Office/Agency Environmental Coordinator

Date: 4-28-2011

Concur: [Signature]
Regional Director/Superintendent

Date: 5/5/11

ENVIRONMENTAL ASSESSMENT Addendum

United States Bureau of Indian Affairs

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



Enerplus Resources (USA) Corp.

**Addendum to Environmental Assessment to Authorize Additional Wells on the
Sherwood #28-44H, Fox Ridge #10-21H, and Hall #5-11 Well Pads**

Fort Berthold Indian Reservation

April 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) 226-7413

TABLE OF CONTENTS

	<u>Page</u>
1. Purpose and Need for the Proposed Action	1
2. Authorities.....	1
3. Legal Land Description for Proposed Action	2
4. Scope of Work for Proposed Action	2
5. Applicable National Environmental Policy Act (NEPA) Document(s).....	2
6. Other Relevant Documentation.....	3
7. NEPA Adequacy Criteria.....	3
8. Cultural Resources	3

Appendix

- A Plats, Drawings, and Diagrams for the Proposed Morrison 149-93-10AH and Red Rocks 149-93-10AH Wells (Fox Ridge #10-21H Well Pad)

- B Plats, Drawings, and Diagrams for the Proposed Artsy 150-94-05BH, Berkeley 150-94-05BH, Bloomsbury 150-94-05BH, and Speedy 150-94-05BH TF Wells (Hall #5-11H Well Pad)

- C Plats, Drawings, and Diagrams for the Proposed Miles 151-94-28D-21-2H TF Well (Sherwood #28-44 Well Pad)

1. Purpose and Need for the Proposed Action

Enerplus Resources (USA) Corp. (Enerplus) is proposing to drill an additional seven exploratory Bakken and Three Forks formations oil wells 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 and McKenzie Counties, 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 Enerplus to drill the following:

Well Name	Approved Well Pad	Location	Formation
Miles 151-94-28D-21-2H TF	Sherwood #28-44H	SESE Section 28, T151N, R94W	Three Forks
Morrison 149-93-10AH	Fox Ridge #10-21H	NENW Section 10, T149N, R93W	Bakken
Red Rocks 149-93-10AH			Bakken
Artsy 150-94-05BH	Hall #5-11H	NWNW Section 5, T150N, R94W	Bakken
Berkeley 150-94-05BH			Bakken
Bloomsbury 150-94- 05BH			Bakken
Speedy 150-94-05BH TF			Three Forks

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 proposed wells are located on three approved well pads in Dunn and McKenzie counties, ND. The table below summarizes the general locations and legal descriptions of the proposed wells.

Well Name	Bottom Hole Location	Approved Well Pad	Location	Nearest Town and Distance
Miles 151-94-28D-21-2H TF	250' FNL, 550' FEL, Section 21, T151N, R94W	Sherwood #28-44H	SESE Section 28, T151N, R94W, McKenzie County, ND	Mandaree, approximately 12 miles southeast of the well pad
Morrison 149-93-10AH	250' FSL, 1,047' FEL, Section 10, T149N, R93W	Fox Ridge #10-21H	NENW Section 10, T149N, R93W, Dunn County, ND	Mandaree, approximately 13 miles southeast of the well pad
Red Rocks 149-93-10AH	250' FSL, 1,033' FWL, Section 10, T149N, R93W			
Artsy 150-94-05BH	2,600' FNL, 200' FEL Section 5, T150N, R94W	Hall #5-11H	NWNW Section 5, T150N, R94W, McKenzie County, ND	Mandaree, approximately 2 miles southeast of the well pad
Berkeley 150-94-05BH	200' FSL, 550' FWL Section 5, T150N, R94W			
Bloomsbury 150-94-05BH	550' FNL, 200' FEL Section 5, T150N, R94W			
Speedy 150-94-05BH TF	200' FNL, 2,600' FWL Section 5, T150N, R94W			

4. Scope of Work for Proposed Action

Enerplus proposes to drill seven additional wells to the Bakken and Three Forks formations on three approved well pads. There will be no additional surface disturbance to the well pads.

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

Environmental Assessment: Enerplus North Dakota, LLC: Five Horizontal Exploratory Wells (Hall #5-11H, Grassy Knoll #2-11H, Woman Creek #4-11H, Voigt #32-24, Fredericks #6-31H). October 2008.

Environmental Assessment: Enerplus North Dakota, LLC: Four Horizontal Exploratory Wells (Sherwood #28-44H, Red Tipped Arrow #33-11H, Baker #15-44H, Fredericks #23-31). July 2009.

Environmental Assessment: Enerplus North Dakota, LLC: Drilling of Brugh-Bear, Danks, Eagle's Nest, and Fox Ridge Exploratory Oil and Gas Wells. January 2010.

Supplement to Environmental Assessment to Authorize Land Use for a Right-of-Way Width Increase for the Fox Ridge #10-21H Access Road and Utility Corridor. March 2011.

Supplement to Environmental Assessment to Authorize Land Use for a Right-of-Way Width Increase for the Hall #5-11H Access Road and Utility Corridor. March 2011.

6. Other Relevant Documentation

None.

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.

8. Cultural Resources

A Class III cultural resource inventory for the Fox Ridge #10-21H well pad was conducted by Beaver Creek Archaeology, using an intensive pedestrian methodology. A 20.0-acre block, which included the well pad and the access road, was inventoried on October 5, 2009 (Burns

2009¹). As the lead federal agency, and as provided for in Title 36 Code of Federal Regulations 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for these undertakings. This determination was communicated to the Tribal Historic Preservation Officer on November 16, 2009; no response was received from the Tribal Historic Preservation Officer.

A Class III cultural resource inventory was conducted on June 5 and July 1, 2008 for the Hall #5-11H well pad and access road by Earthworks Archaeology and Environmental Investigative Services (Earthworks²). The area surveyed included a 10-acre block around the well pad and a 150-foot corridor along the access road. A total of 44 acres was inventoried. During the inventory, archaeologists encountered and recorded one previously unrecorded cultural resource. The site was avoided and BIA reached a determination of **no historic properties affected** for these undertakings; the THPO concurred on October 13, 2008.

A Class III cultural resource inventory was conducted on March 13, 2008 for the Sherwood #28-44H well pad and access road by Earthworks Archaeology and Environmental Investigative Services (Earthworks³). The area surveyed included a 10-acre block around the well pad and a 150-foot corridor along the access road. The BIA reached a determination of **no historic properties affected** for these undertakings. This determination was communicated to the Tribal Historic Preservation Officer on April 24, 2008; no response was received from the Tribal Historic Preservation Officer.

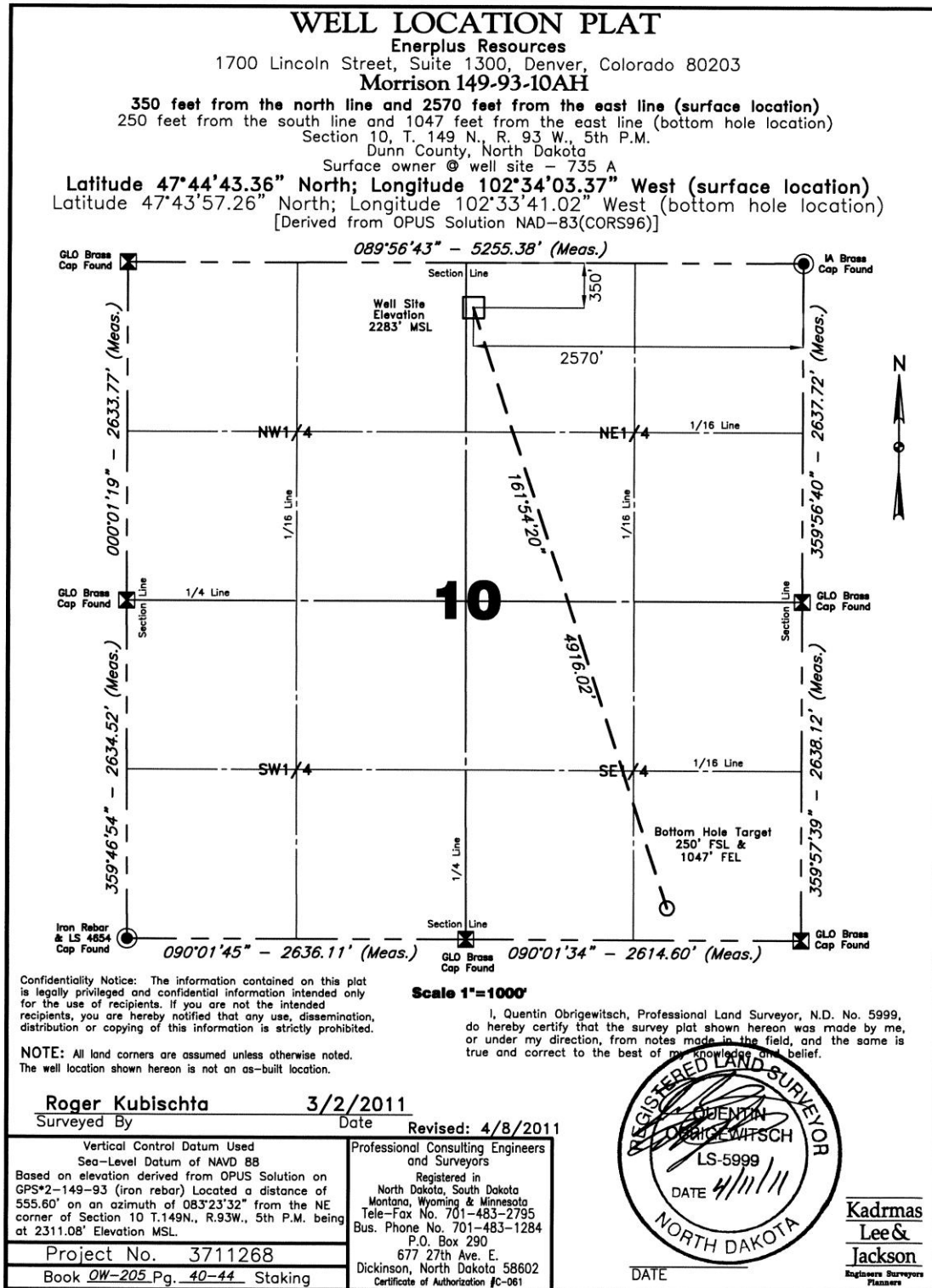
¹ Burns, Wade. 2009. *Fox Ridge #10-21H and Fox Ridge #3-24H Dural Well Pad: A Class III Cultural Resource Inventory, Dunn County, North Dakota*. Submitted to the Bureau of Indian Affairs-Great Plains Regional Office by Beaver Creek Archaeology, Durango, Colorado.

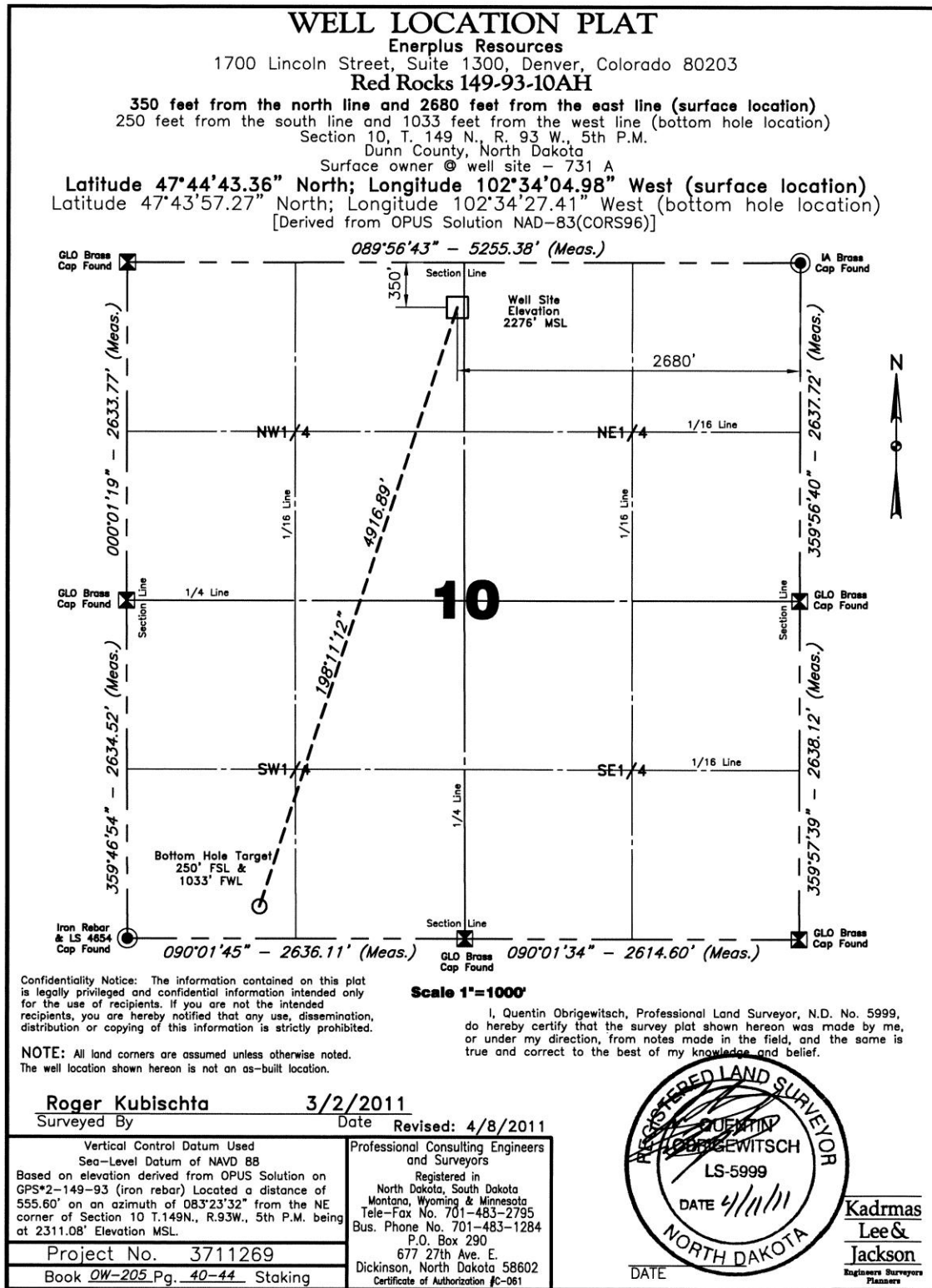
² Earthworks. 2008. *Hall #5-11H Well Pad and Access Road: A Class III Cultural Resource Inventory, McKenzie County, North Dakota*. Prepared by Earthworks Archaeology and Environmental Investigative Services for Enerplus North Dakota, LLC.

³ Earthworks. 2008. *Sherwood #28-44H Well Pad and Access Road: A Class III Cultural Resource Inventory, Dunn County, North Dakota*. Prepared by Earthworks Archaeology and Environmental Investigative Services for Enerplus North Dakota, LLC.

APPENDIX A

Plats, Drawings, and Diagrams for the Proposed Morrison 149-93-10AH and Red Rocks 149-93-10AH wells (Fox Ridge #10-21H Well Pad)

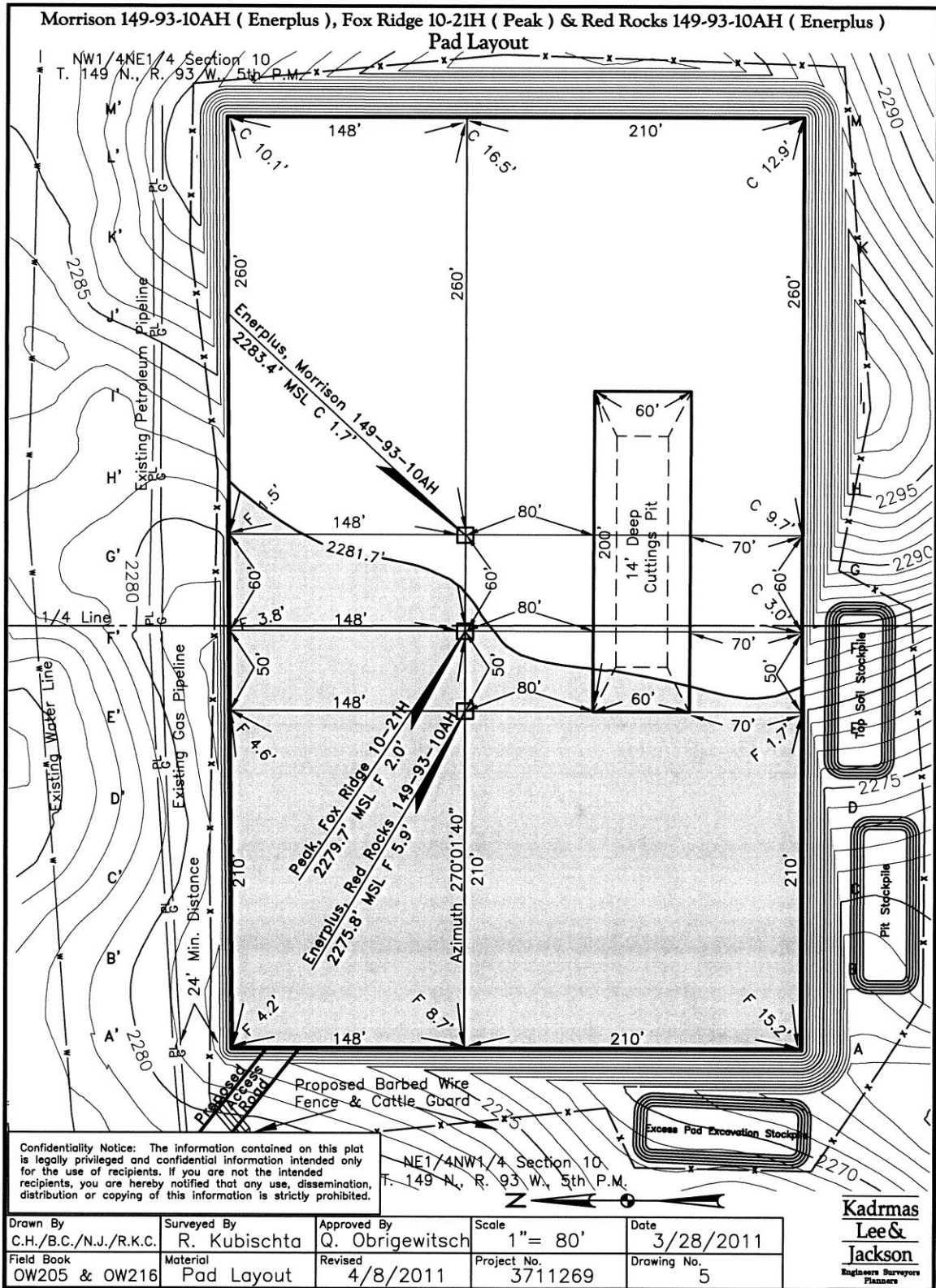




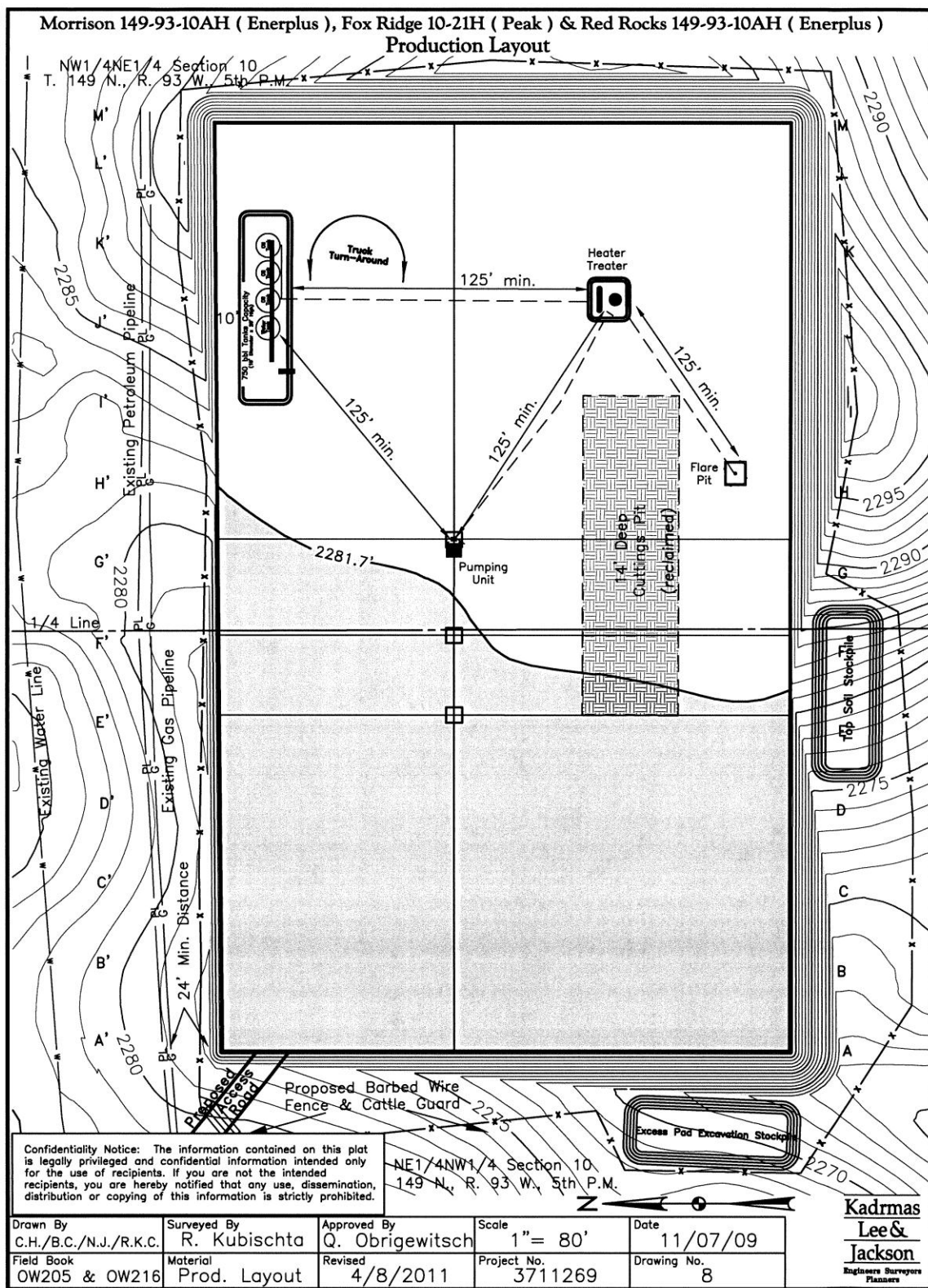
Apr 08, 2011 - 11:13am - J:\oilfield\Enerplus Res\3711269\CADD\3711269BAS01.DWG

© Kadmas, Lee & Jackson 2011

Addendum to Environmental Assessment to Authorize Additional Wells on the Sherwood #28-44H, Fox Ridge #10-21H, and Hall #5-11 Well Pads (April 2011)

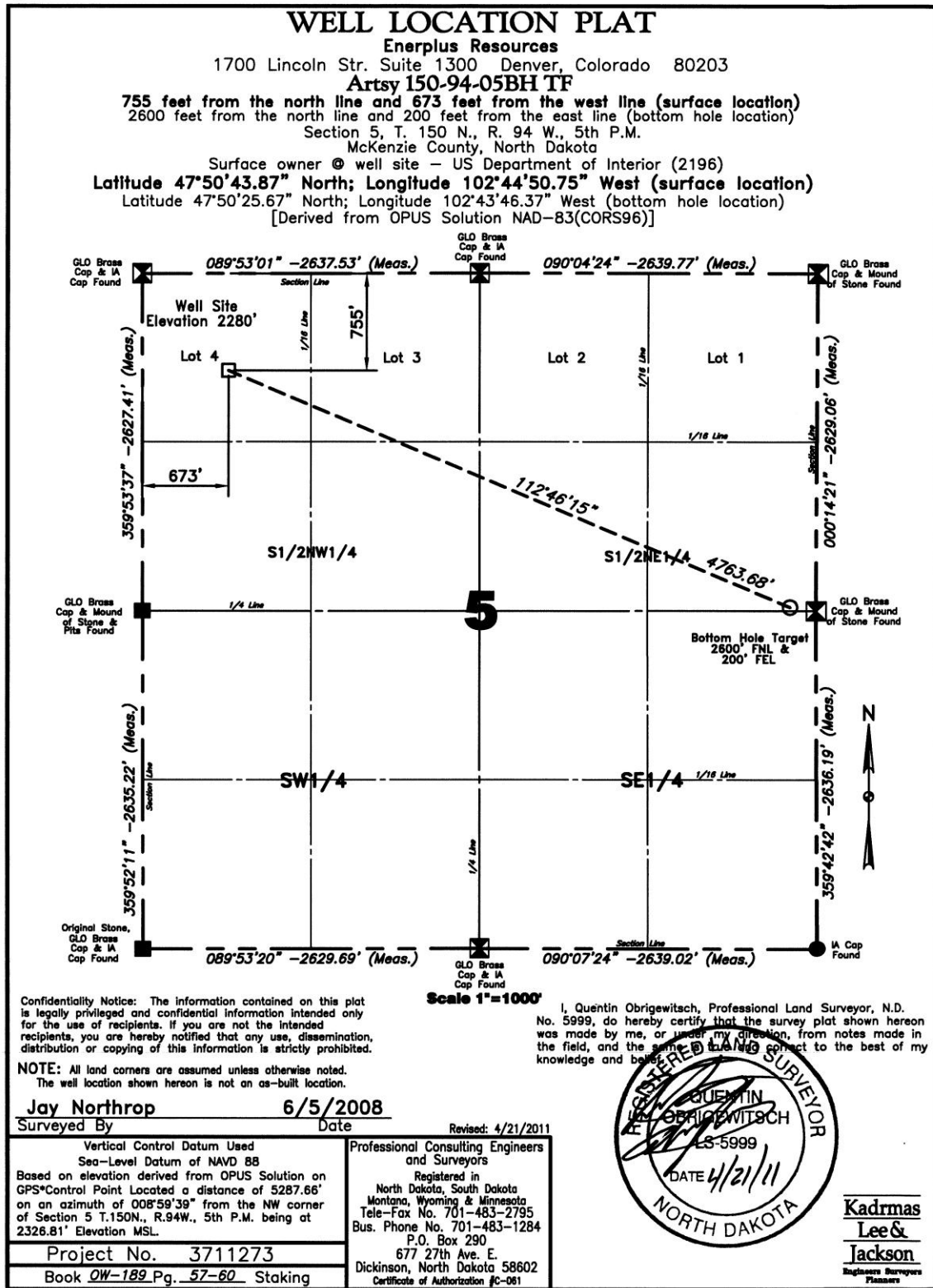


Addendum to Environmental Assessment to Authorize Additional Wells on the Sherwood #28-44H, Fox Ridge #10-21H, and Hall #5-11 Well Pads (April 2011)



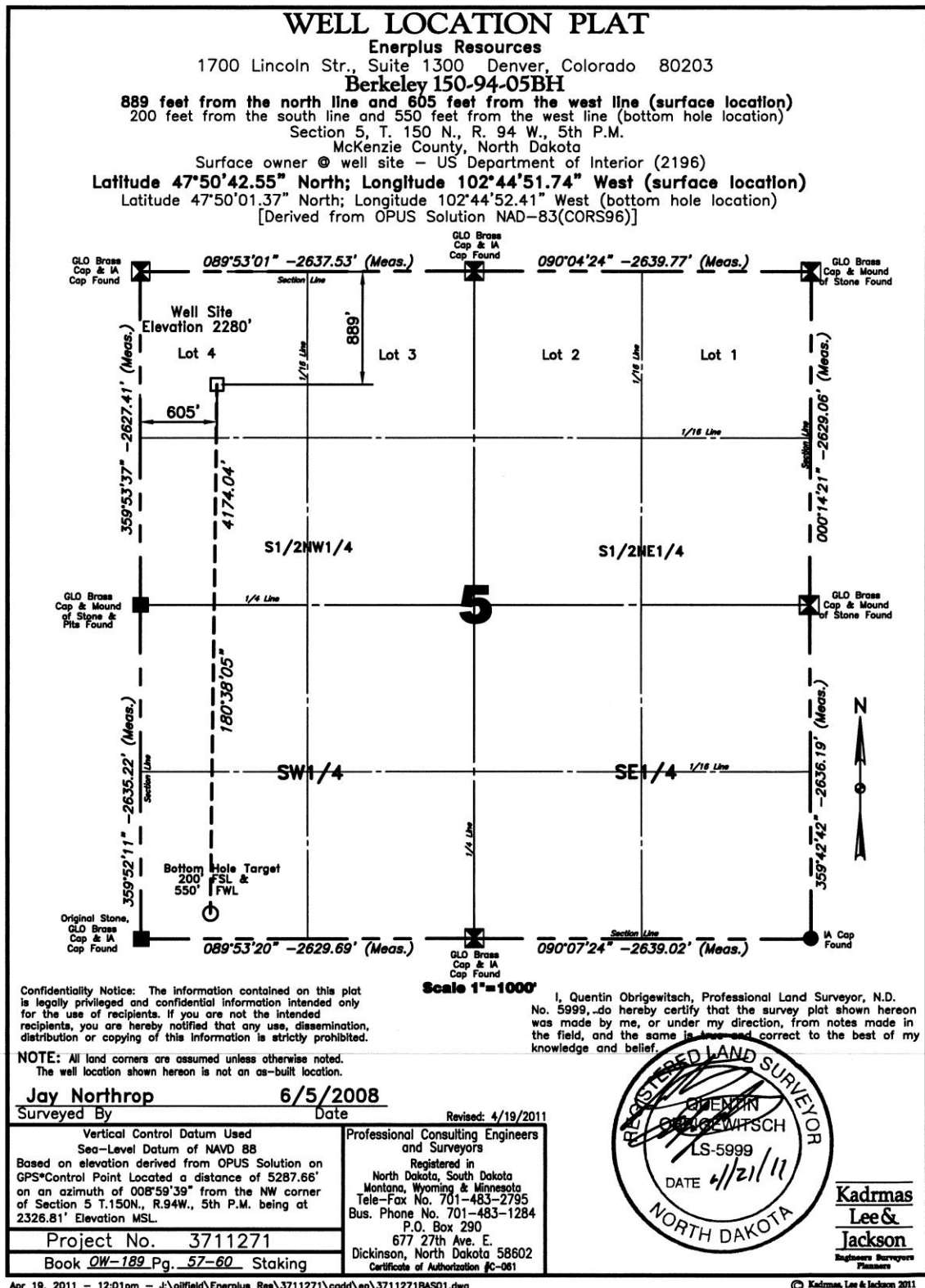
APPENDIX B

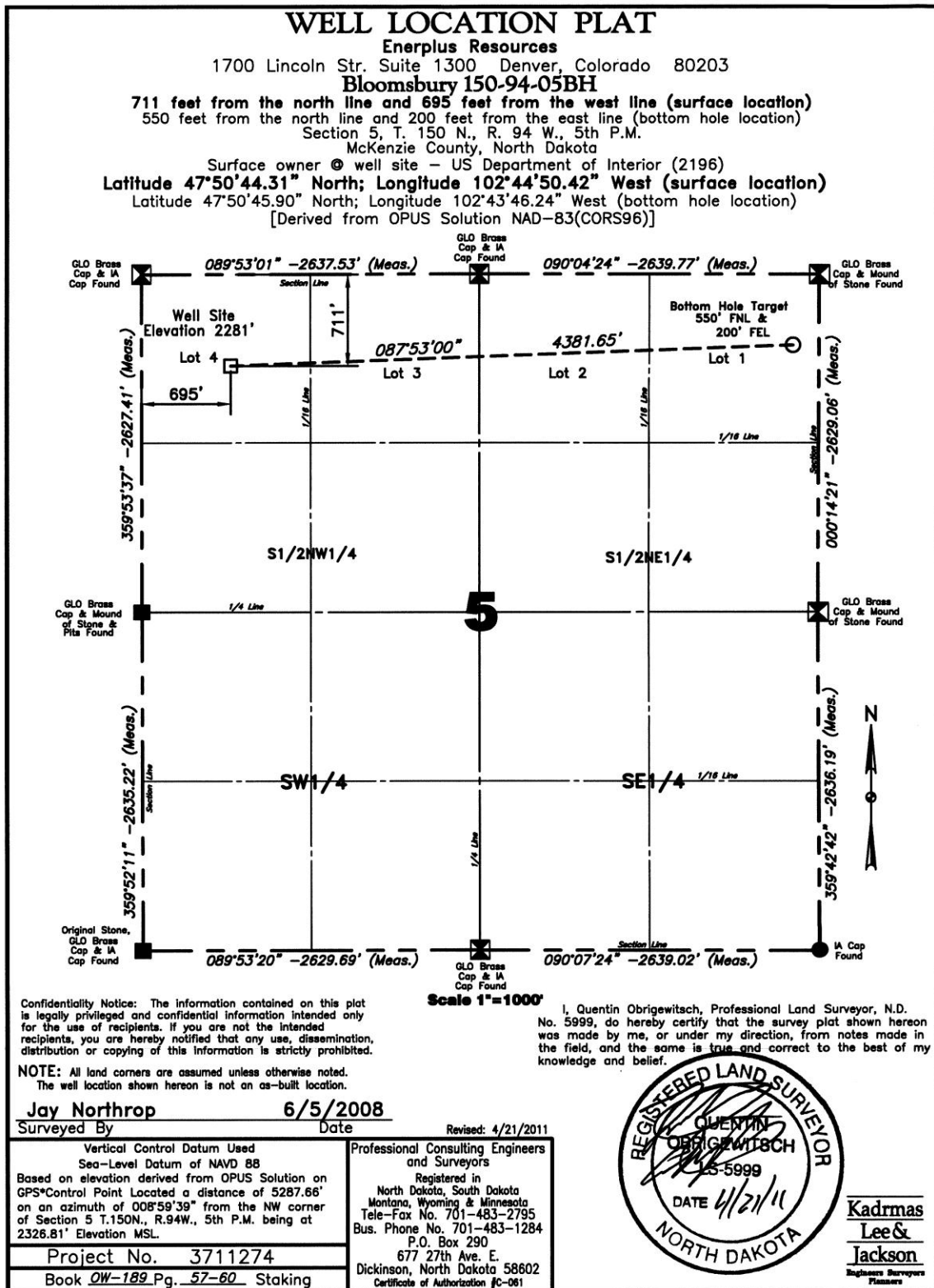
**Plats, Drawings, and Diagrams for the Proposed Artsy 150-94-05BH,
Berkeley 150-94-05BH, Bloomsbury 150-94-05BH, and Speedy 150-94-05BH
Wells (Hall #5-11H Well Pad)**

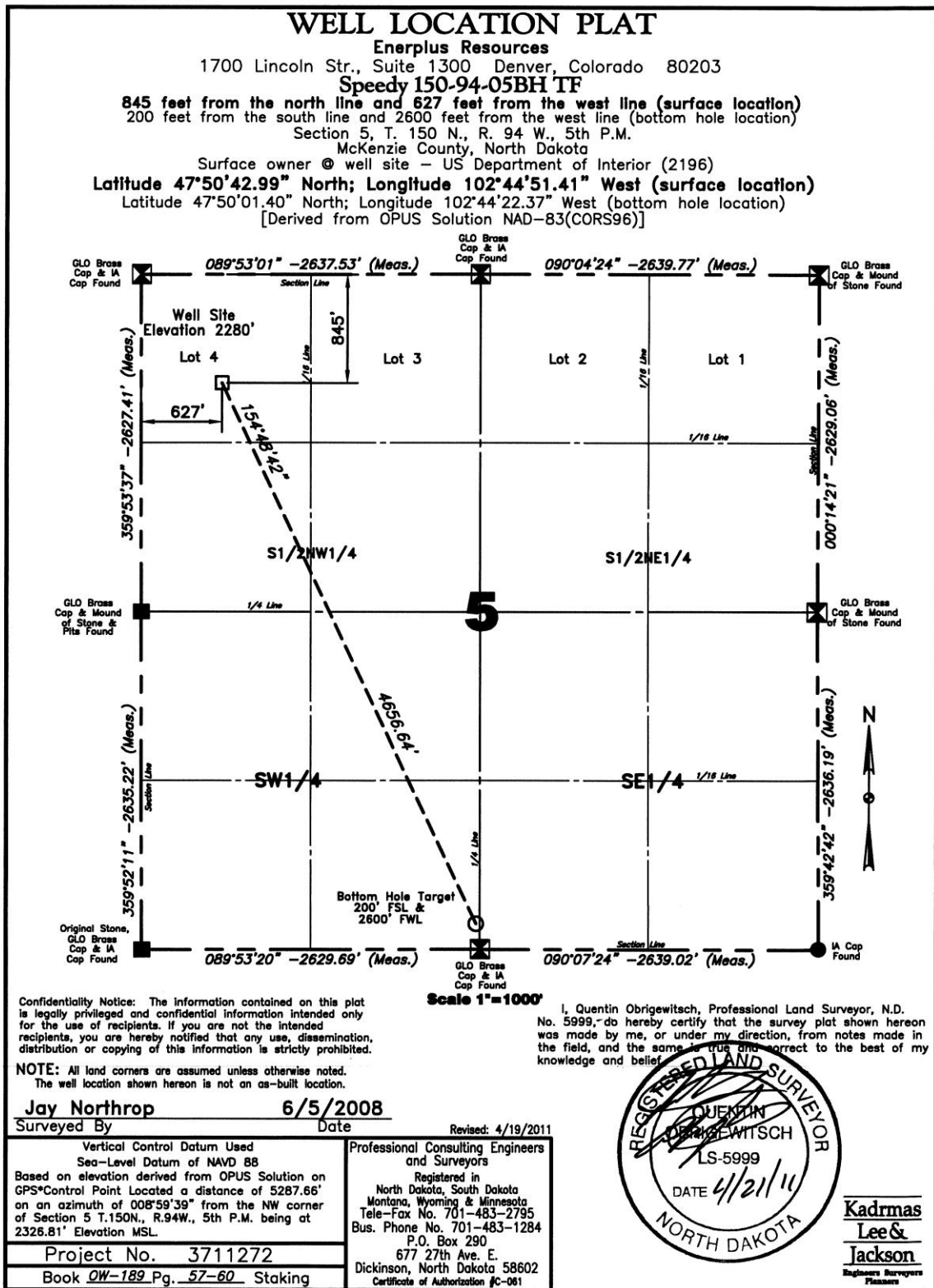


Apr 21, 2011 - 9:27am - J:\oilfield\Enerplus Res\3711273\cadd\ep\3711273BAS01.dwg

© Kadmas, Lee & Jackson 2011

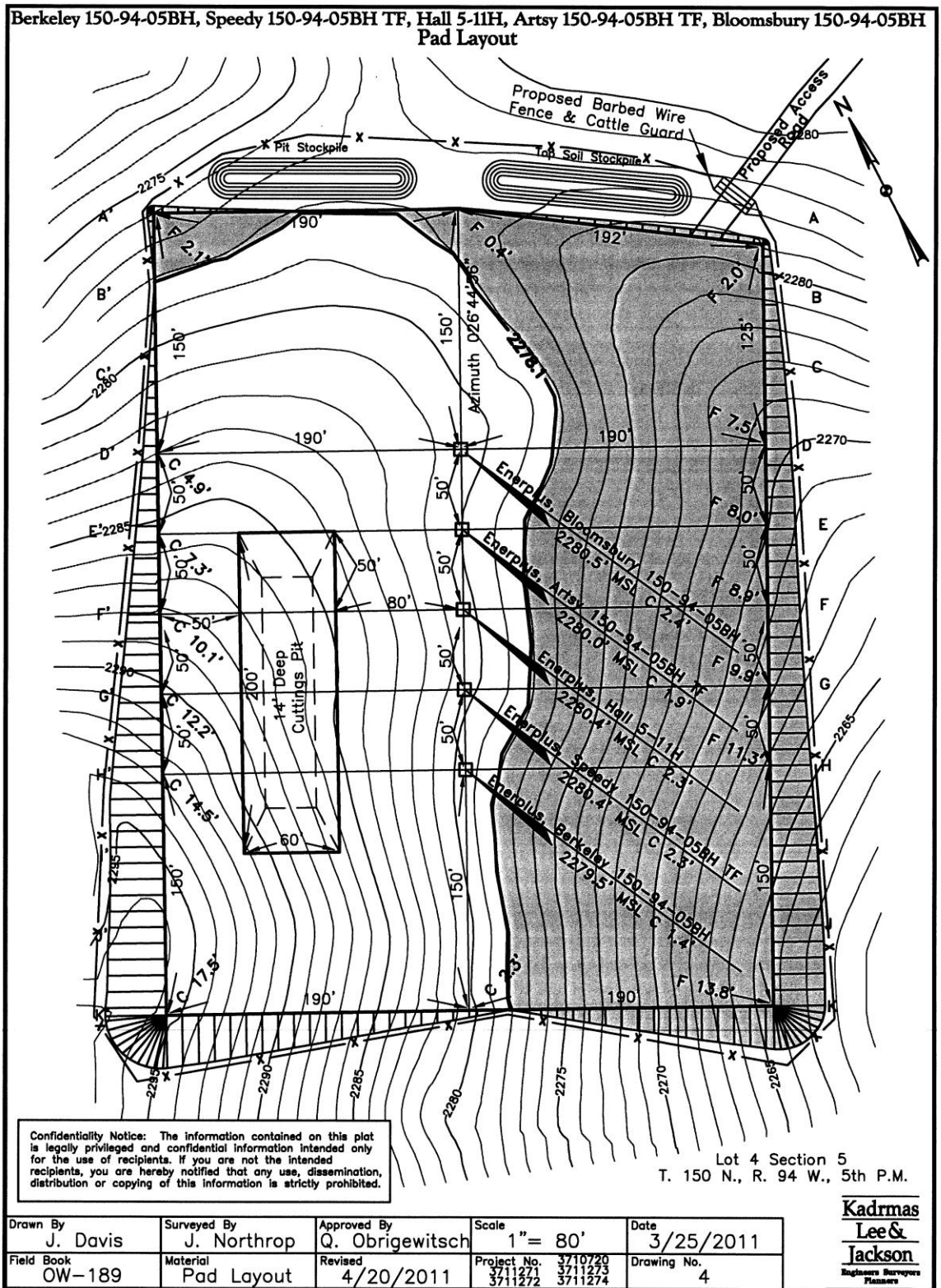


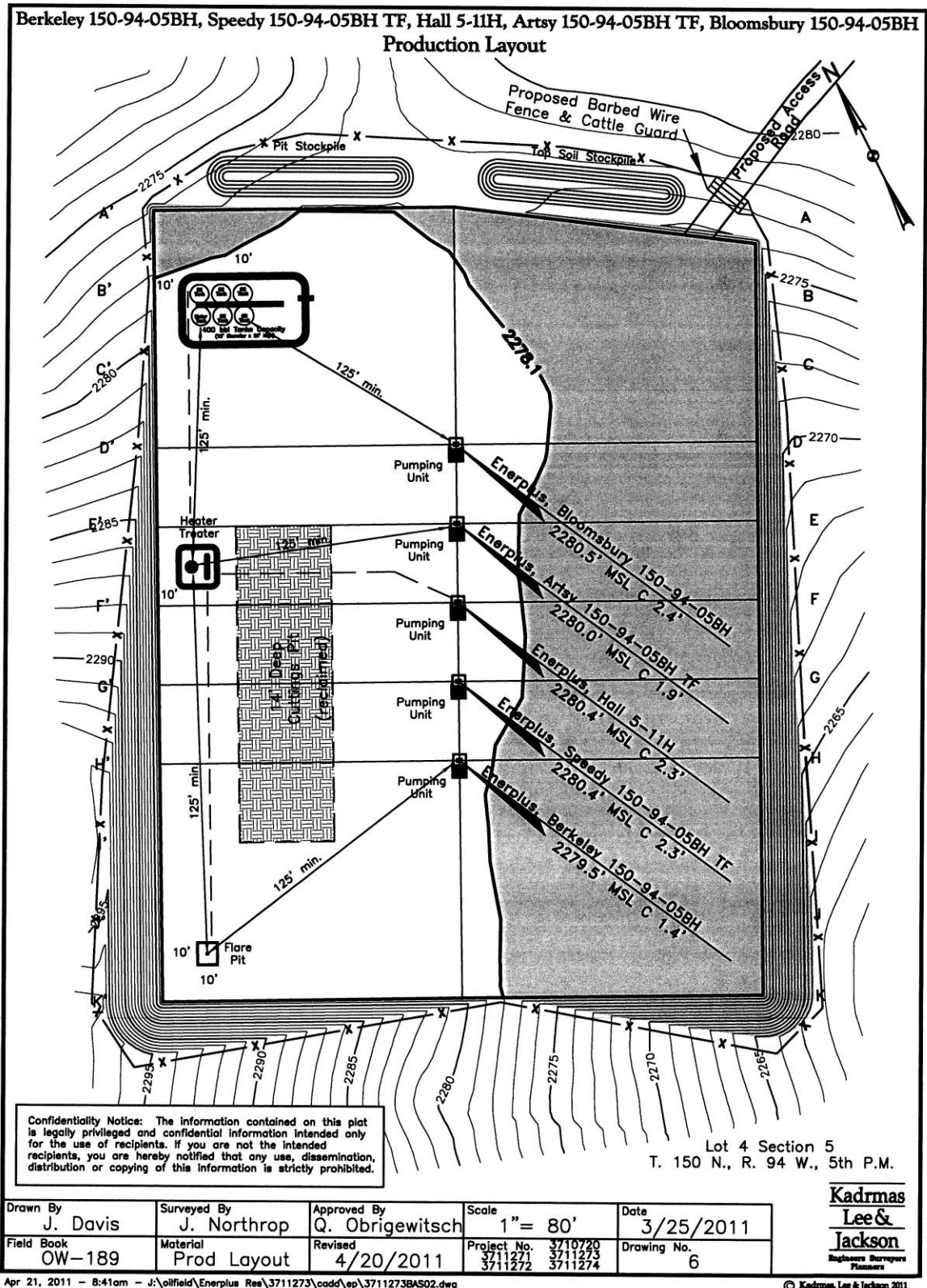




Apr 19, 2011 - 3:19pm - J:\oilfield\Enerplus Res\3711272\cadd\ep\3711272BAS01.dwg

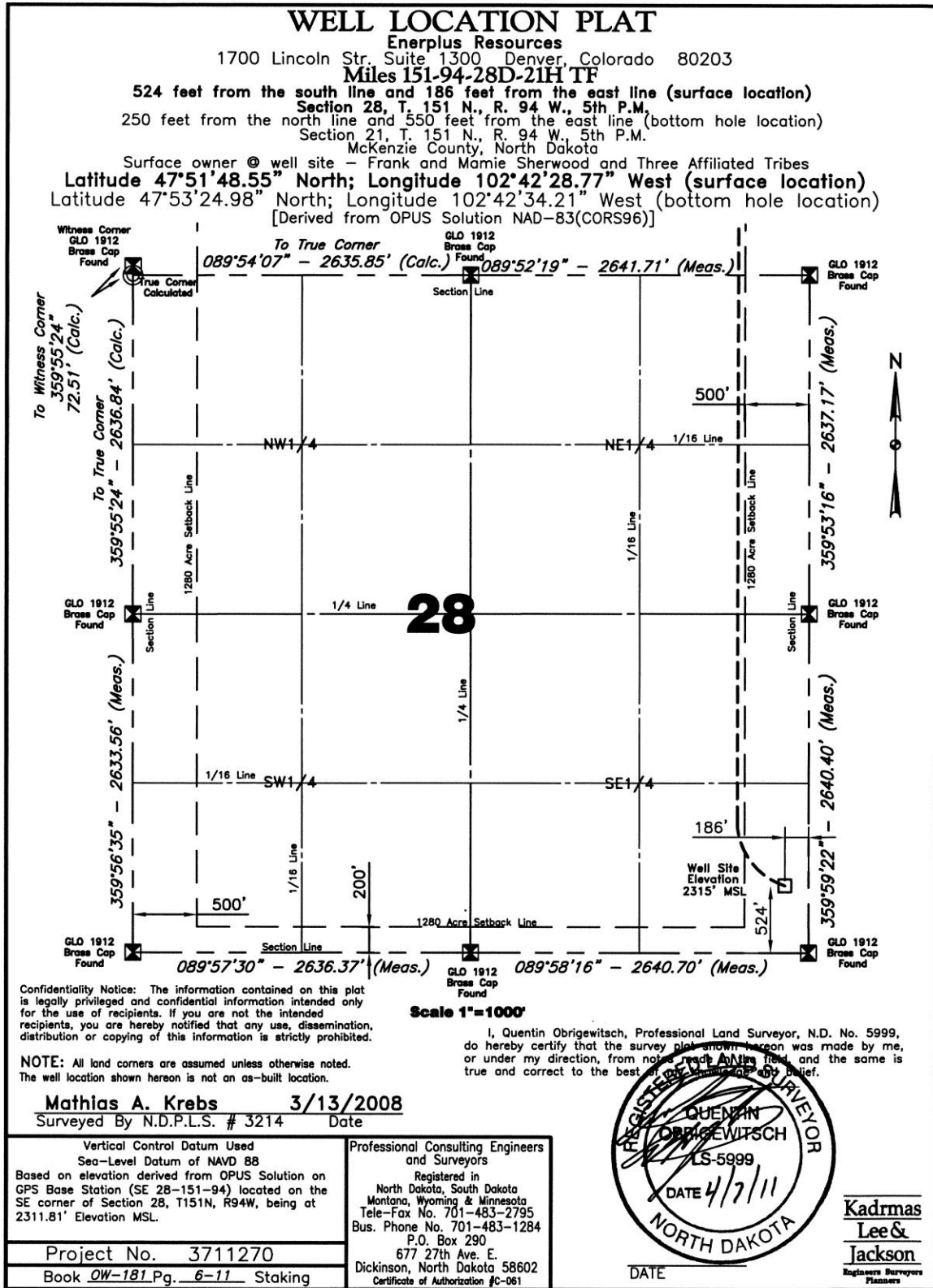
© Kadmas, Lee & Jackson 2011





APPENDIX C

Plats, Drawings, and Diagrams for the Proposed Miles 151-94-28D-21-2H Well (Sherwood #28-44H Well Pad)



Apr 06, 2011 - 5:11pm - J:\oilfield\Enerplus Res\3711270\CADD\EP\3711270BAS01.DWG

© Kadrmass, Lee & Jackson 2011

