



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

Project: Buffalo Run #5-24H Well Location Date: 6/13/2011

Nature of Proposed Action: Authorize Enerplus Resources (USA) Corp. to drill an additional exploratory oil well on the Buffalo Run #5-24H well pad on the Fort Berthold Indian Reservation. There will be no additional ground disturbance associated with the addition of this well to the previously approved well pad.

Exclusion category and number: 516 DM 10.5(g) (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: Jeffrey Davis

Regional Archeologist Concurrence with Item Corson R. Munday

Concur: Jeffrey Davis
Regional Office/Agency Environmental Coordinator

Date: 6-13-2011

Concur: Tim Lofgren
Regional Director/Superintendent

Date: 6-14-11

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 an Additional Well on the
Buffalo Run #5-24H Well Pad**

Fort Berthold Indian Reservation

June 2011

For information contact:
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- A Plats, Drawings, and Diagrams for the Proposed Gray Wolf 148-94-05CH TF (Buffalo Run #5-24H Well Pad)

1. Purpose and Need for the Proposed Action

The purpose of the proposed action is to authorize Enerplus Resources (USA) Corp. to drill an additional exploratory oil well on the Buffalo Run #5-24H well pad on the Fort Berthold Indian Reservation.

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 well is located on an approved well pad in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 148 North, Range 94 West in Dunn County, ND (Figure 1).

4. Scope of Work for Proposed Action

Enerplus proposes to drill one additional well to the Three Forks formation on the approved well pad. There will be no additional surface disturbance to the well pad.

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

Environmental Assessment: *Zenergy Operating Company: Five Bakken Exploratory Oil Wells (Dakota-3 Fast Dog #14-5H, Fettig #3-6H, Patricia Charging 2 #2-15H, Pauline Grady #4-19H, TAT [1800] #2-4H)*. This document received a FONSI in December 2009. *Note: the Buffalo Run #5-24H was originally named the Fast Dog #14-5H. The name was changed after the analysis was completed.*

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. Surveys for Proposed Action

SWCA Environmental Consultants (SWCA) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands at the location November of 2008 and August of 2009. No primary or secondary indications of protected species occurrences were observed during the field surveys.

On August 10 and 17, 2009, SWCA personnel conducted a cultural resource inventory using an intensive pedestrian methodology. A total of 28.4 acres were inventoried; BIA reached a determination of *No Historic Properties Affected* (Lechert and Cooper 2009¹). This determination was communicated to the THPO on October 30, 2009; however, no response was received from the THPO within the allotted 30-day comment period for this project area.

9. Potential Effects

Potential impacts to cultural resource sites could 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 right-of-way and boring, rather than trenching, the ROW to install the gathering lines.

Potential indirect impacts include noise and other disturbances to wildlife during construction and the introduction of noxious weeds. Impacts would be mitigated through avoidance of any federally listed threatened or endangered species or wetlands, avoidance of nesting migratory birds, implementing best management practices to control the introduction of noxious weeds. These mitigation measures are consistent with the approved National Environmental Policy Act (NEPA) document, which received a finding of no significant impact (FONSI) (December 2009).

¹ Lechert, Stephanie, and Dr. Judy Cooper

2009 A Class I and Class III Cultural Resource Inventory of the Zenergy Fast Dog 4-5H and Fast Dog 14-15H Well Pads and Access Roads, Dunn County, North Dakota. Prepared by SWCA Environmental Consultants for Zenergy Operating Company, LLC, Tulsa, OK.

Based the resource surveys, evaluation of potential effects and mitigation measures, and consistency with the applicable NEPA document, no new, significant direct, indirect, or cumulative impacts to natural and cultural resources are anticipated as a result of the proposed changes in this addendum.

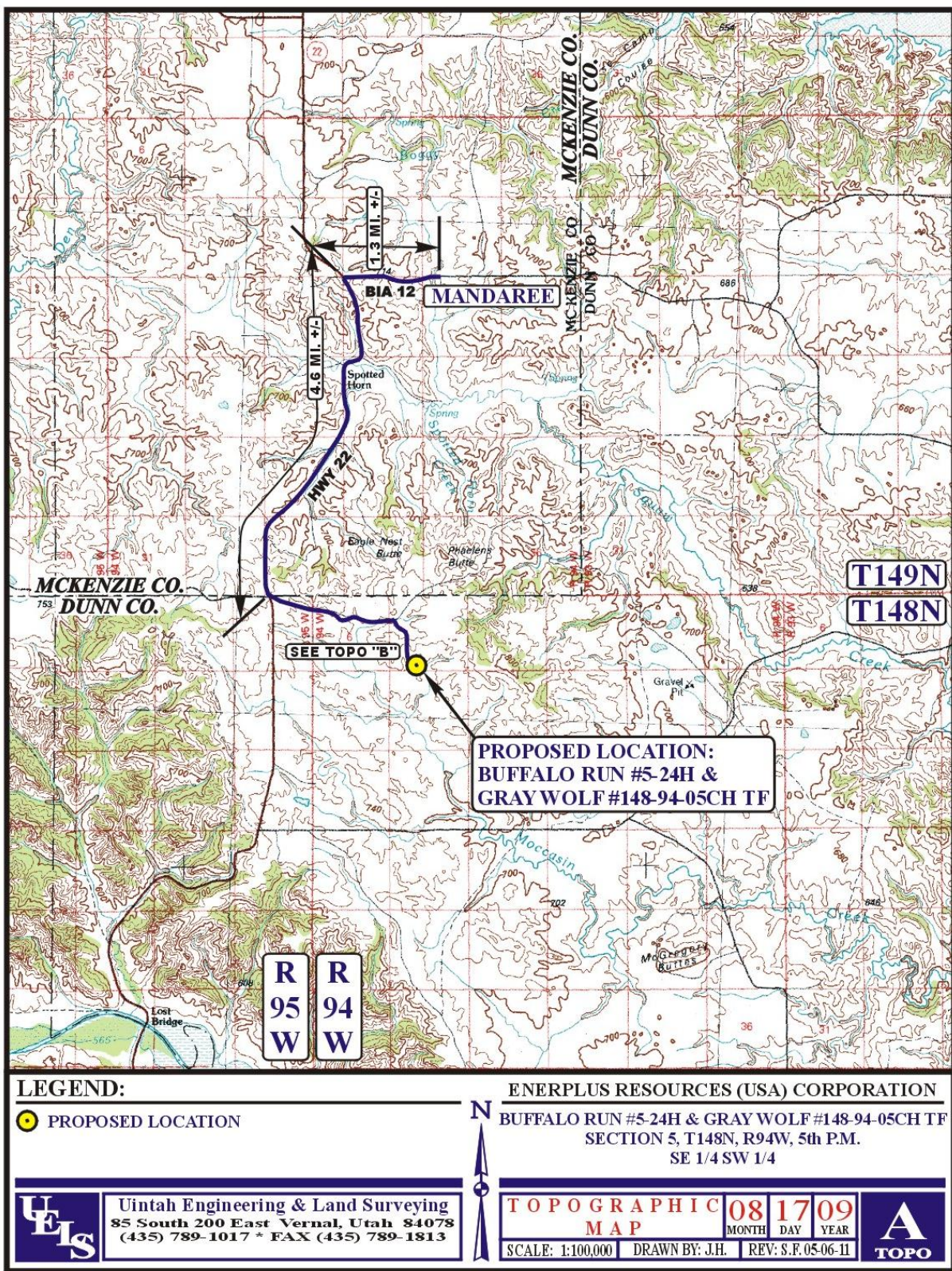


Figure 1. Map of Buffalo Run #5-24H/Gray Wolf #148-94-05CH TF Location.

APPENDIX A

**Plats, Drawings, and Diagrams for the Proposed Gray Wolf #148-94-05CH
TF Well (Buffalo Run #5-24H Well Pad)**

