



# 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: Red Tipped Arrow/Audrey Rabbithead Well Location Date: 6/16/2011

Nature of Proposed Action: Delay interim reclamation of the well pad and install temporary compression, dehydration units, and processing skids to deliver gas to the Saddle Butte pipeline until a permanent location can be completed. This will be installed on the previously approved well pad with no additional ground disturbance.

Exclusion category and number: 516 DM 10.5 (A)

### 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  Yes
8. This action will affect a species listed, or proposed to be listed as endangered or threatened. No  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 Concur R. Munday  
Concur: Jeffrey R. Davis Date: 6/16/2011  
Regional Office/Agency Environmental Coordinator

Concur: Tim J. Ginter Date: 6-16-2011  
Regional Director/Superintendent

**ENVIRONMENTAL ASSESSMENT  
Addendum**

**United States Bureau of Indian Affairs**

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



**Enerplus Resources (USA) Corporation**

**Addendum to Environmental Assessment to Delay Interim Reclamation and to  
Authorize the Addition of Temporary Compression Equipment to the Red Tipped  
Arrow #33-11H/Audrey Rabbithead Hall #33-11H Well Pad**

**Fort Berthold Indian Reservation**

**May 2011**

For information contact:  
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**Appendix**

A Plats, Drawings, and Diagrams Showing the Well Pad Layout and the Proposed Compression System

## **1. Purpose and Need for the Proposed Action**

The purpose of the proposed action is to authorize Enerplus to install Saddle Butte Pipeline's temporary compression system on the Red Tipped Arrow #33-11H/Audrey Rabbithead Hall #33-11H well pad. This action is similar to, but not the same as, the action discussed in the original EA in that gas gathering above-ground facilities and buried pipelines would be added to the site. However, the level of disturbance and associated impacts would remain the same.

## **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 existing well pad and access ROW are located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, T150N, R94W in McKenzie County, North Dakota (Figure 1).

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

Enerplus proposes to delay interim reclamation of the well pad and install a temporary compression system to deliver gas to the Saddle Butte pipeline until a permanent location can be completed in October of 2011. The system would include the contactor with glycol and condensate containment above-ground storage tanks, an inlet separator, discharge filter skid with metering, the compressor, and above-ground piping connecting the components. There would be no additional surface disturbance to the well pad.

Enerplus would grant Saddle Butte the right to enter and use the well pad for purposes of compressor installation and maintenance. Saddle Butte agrees to comply with the terms and provisions of the EA and accompanying APD and would not do anything to adversely affect the grants held by Enerplus or to compromise the effects analysis conducted in the environmental assessment.

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

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

## **6. Other Relevant Documentation**

*A Supplemental to Environmental Assessment for Peak North Dakota, LLC Four Horizontal Bakken Exploratory Wells: Sherwood #28-44H, Red Tipped Arrow #33-11H, Baker #15-44H, and Fredericks #23-31H* was submitted to the BIA on July 20, 2010, requesting authorization

to add a second well to the Red Tipped Arrow #33-11H well pad. The document received a FONSI on July 20, 2010.

An addendum to the *Saddle Butte Pipeline, LLC August 2010 Environmental Assessment for Approval of Saddle Butte Trunk Lines* was prepared in September of 2010, analyzing the gathering lines to the Red Tipped Arrow #33-11H/Audrey Rabbithead Hall #33-11H well locations. The document received a FONSI in October of 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.

## **8. Surveys for Proposed Action**

Kadrmaz, Lee & Jackson (KLJ) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands at the location on November 4, 2008.

On July 15, 2008, Earthworks, Inc. personnel conducted a cultural resource inventory using an intensive pedestrian methodology; a total of 14 acres, including the well pad and access road, were inventoried. No new or previously recorded cultural materials were encountered during the course of the inventory and no areas of cultural significance or concern were identified. (Harty 2008<sup>1</sup>).

## **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 on the location.

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) (July 2009).

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 changes proposed in this addendum.

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<sup>1</sup> Harty, Jennifer

2008a Red Tipped Arrow #33-11H Well Pad and Access Road: A Class III Cultural Resource Inventory, McKenzie County, North Dakota. Prepared by Earthworks Archaeology & Environmental Investigative Services for Peak North Dakota, LLC, Durango, CO.

Contains Privileged Information -- Do Not Release

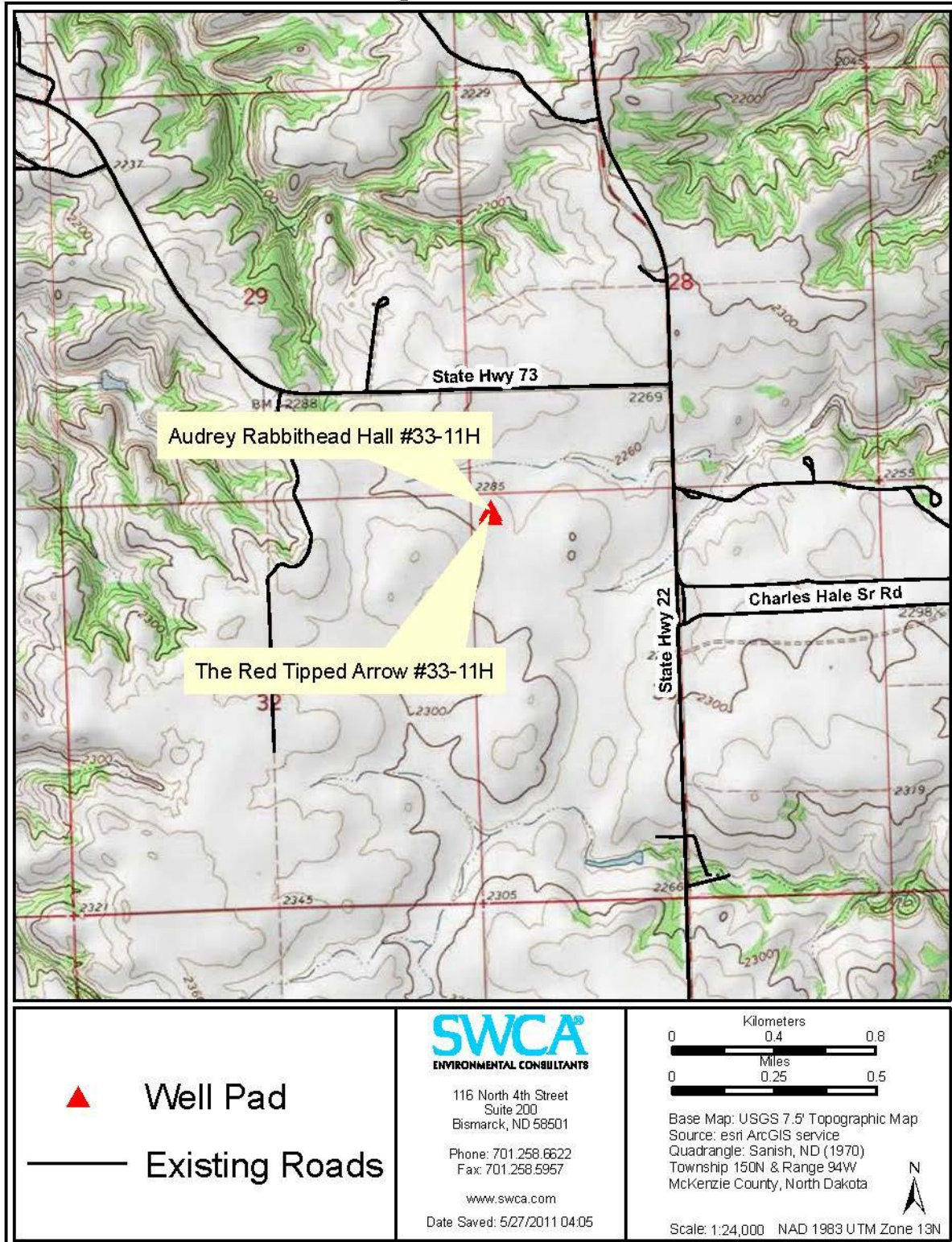


Figure 1. Map Showing the Red Tipped Arrow #33-11H/Audrey Rabbithead Hall #33-11H Well Pad Location.



**APPENDIX A**

**Plats, Drawings, and Diagrams Showing the Well Pad Layout and the  
Proposed Compression System**

*Addendum to Environmental Assessment to Delay Interim Reclamation and to Authorize the Addition of Temporary Compression Equipment to the Red Tipped Arrow #33-11H/Audrey Rabbithead Hall #33-11H Well Pad (May 2011)*

