



United States Department of the Interior

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




IN REPLY REFER TO:

DESCRM
MC-208

AUG 16 2011

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region 

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The addendum authorizes land use for a pad expansion and location adjustment on the previously approved 152-93-18B-19-1H well pad and to drill two additional wells on expanded pad, on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files are copies of the EA Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the FONSI (40 C.F.R. Part 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

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, Tribal Historic Preservation Officer (with attachment)
Derek Enderud, BLM, Bureau of Land Management (with attachment)
Jonathon Shelman, Corps of Engineers (with attachment)
Jeff Hunt, Fort Berthold Agency

**Finding of No Significant Impact
Petro-Hunt, LLC**

**Addendum to Environmental Assessment to
Authorize Land Use for Pad Expansion/Location Adjustment for the 152-93-18B-19-1H
well pad and to add two additional wells**


**Fort Berthold Indian Reservation
McKenzie County, North Dakota**

The U.S. Bureau of Indian Affairs (BIA) has received a proposal to authorize land use to add 75 feet to the east and west sides of the 19-1H pad for an overall width expansion of 150 feet along with lengthening the pad by 20 feet. The pad would also be moved slightly to the east and is located in Section 18 and 19, Township 152 North, Range 93 West, on the Fort Berthold Reservation. The new proposed wells are 152-93-18B-19-2H and 1812-93-18B-19-3H. Associated federal actions by BIA include determinations of effect regarding cultural resources, approvals of leases, rights-of-way and easements, and a positive recommendation to the Bureau of Land Management regarding the Applications for Permit to Drill.

The potential of the proposed actions to impact the human environment is analyzed in the attached Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed EA, I have determined that the proposed projects will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement was solicited and environmental issues related to the proposal were identified.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed action and the No Action alternative.
3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) (MBTA), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).
4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed projects will improve the socio-economic condition of the affected Indian community.


Regional Director

8-16-11
Date

ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



Petro Hunt, LLC

Addendum to:

Petro Hunt, LLC March 2010 Environmental Assessment
for Drilling of 15-1H, 11-1H, 24-1H and 19-1H
Exploratory Oil and Gas Wells

Fort Berthold Indian Reservation

August 2011

*For information contact:
Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources
115 4th Avenue SE
Aberdeen, South Dakota 57401
605-226-765*

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1 PURPOSE AND NEED FOR THE PROPOSED ACTION

Petro Hunt, LLC (Petro Hunt) proposes to expand the pad dimensions and slightly adjust the location of its 152-93-18B-19-1H well pad in McKenzie County, North Dakota, on the Fort Berthold Indian Reservation. The proposed expansion would add 75 feet to the east and west sides of the pad, for an overall width expansion of 150 feet along with lengthening the pad by 20 feet. The pad would also be moved slightly to the east to avoid cultural resource impacts. *Please refer to Exhibit 1, Project Location Map.*

The proposed project is located on tribal lands. The well pad has achieved a Finding of No Significant Impact (FONSI) approval on March 30, 2010 under the National Environmental Policy Act (NEPA) of 1969, as amended. The previously approved EA included drilling and construction of four wells atop four well pads (15-1H, 11-1H, 24-1H, and 19-1H). The proposed expansion is necessary to drill two additional wells on the well 19-1H well pad. The new proposed wells are 152-93-18B-19-2h and 152-93-18B-19-3H. The slight adjustment of the well pad location is necessary to avoid impacts to cultural resources as well as buried utilities. The expansion/adjustment would minimize environmental impact through drilling three wells on one pad.

2 AUTHORITIES

Activities associated with oil and gas exploration and development are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 USC [United States Code] 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 OF PROPOSED ACTION

The proposed well pad expansion/adjustment would be located in McKenzie County, North Dakota. The proposed expansion, 75 feet of width on both east and west sides and 20 feet of additional length, would provide adequate facilities to add two more wells to the well pad. The well pad will be located in the NW¼ of Section 18, T152N, R93W. Please refer to *Figure 1 Project Location Map.*

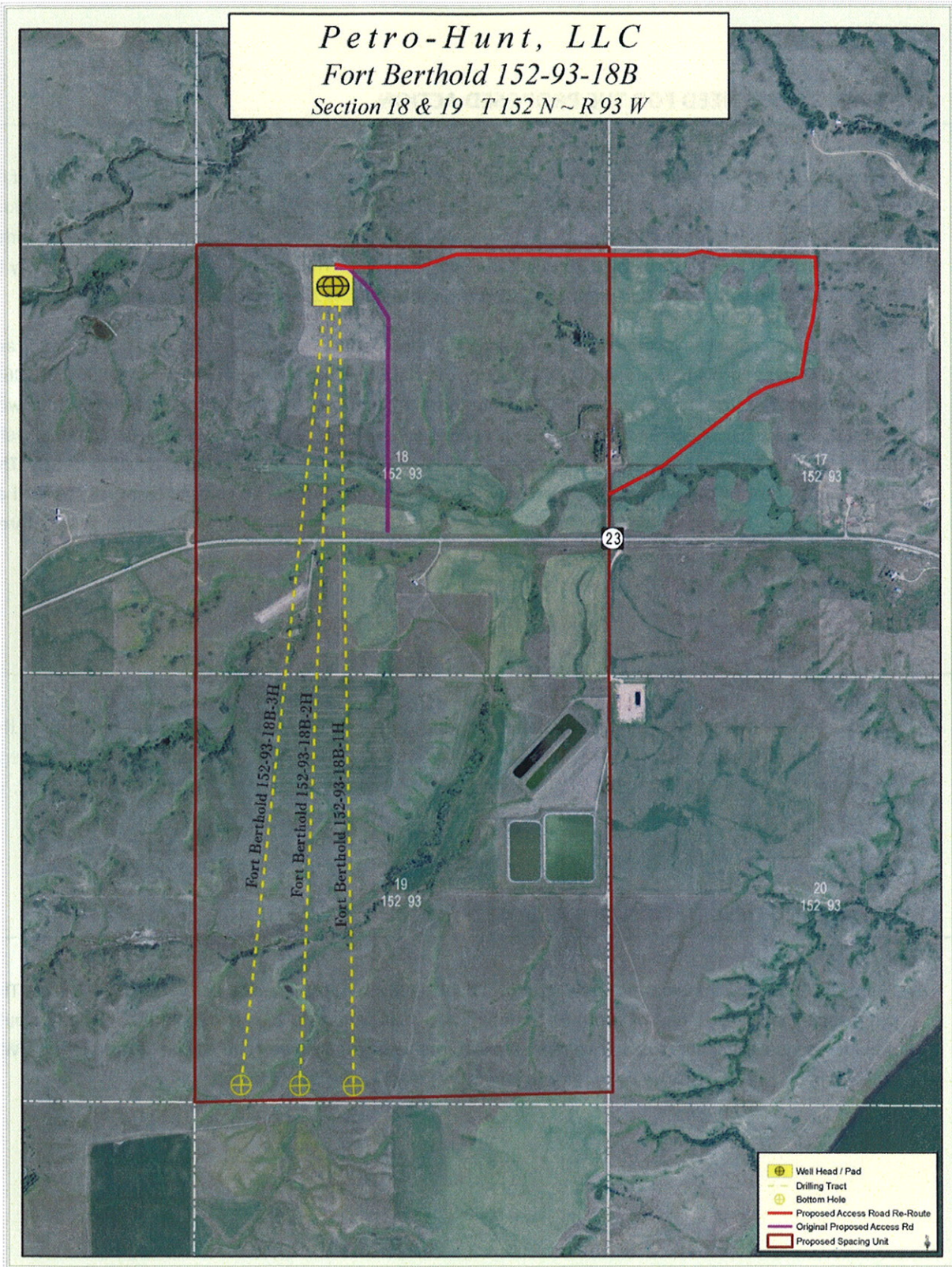


Figure 1 Project Location Map

4 SCOPE OF WORK FOR PROPOSED ACTION

A well pad construction site was previously approved in a FONSI for Petro Hunt's 152-93-18B-19-1H well site.¹ In addition, an EA Addendum and FONSI was signed for the 152-93-18B-19-1H well pad access road realignment.² Since that time, the proposed pad size and location has changed due to the expansion of the pad to allow for two additional wells.

An on-site assessment was conducted on May 18, 2011, with Jeff Desjarlis from the Bureau of Indian Affairs (BIA); Grady Wolf, Jen Macy, Mary Mitchell, and Bridget Brady of Kadrmass, Lee & Jackson (KL&J); Mike Lindsay of Petro Hunt; and Sherman Sienna of the Tribal Historic Preservation Office (THPO) to look at a new well pad site. Those present at the on-site assessment agreed that the expansion and adjustment for the proposed well pad would minimize potential environmental impacts. A new location was selected that would avoid a nearby cultural resource find as well as buried underground utilities consisting of a fiber optic line. The new well pad site would be in the same general area, but would be 150 feet wider and 20 feet longer than the original pad dimensions, and would be shifted slightly to the east from the original location. Please refer to *Figure 1 Project Location Map*.

5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

Environmental Assessment: *Petro Hunt, LLC March 2010 Environmental Assessment for Drilling of 15-1H, 11-1H, 24-1H and 19-1H Exploratory Wells, Fort Berthold Reservation*.

- FONSI issued March 30, 2010

Addendum to Environmental Assessment: *Petro Hunt, LLC March 2010 Environmental Assessment for Drilling of 15-1H, 11-1H, 24-1H and 19-1H Exploratory Wells, Fort Berthold Reservation*.

- FONSI issued December 12, 2010

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following discussion addresses environmental and social impacts as a result of the proposed expansion and adjustment of the well pad site. Impacts are only discussed if the expansion/adjustment of the proposed well pad has changed the impact assessment reflected in the March 2010 EA.

A. Climate/Geologic Setting/Land Use Impacts

The proposed well site is located within a predominately rural area; land use impacted by the proposed well pad construction consists entirely of cultivated land (100%). Construction of the expanded well site

¹ *Finding of No Significant Impact: Petro Hunt, LLC, Environmental Assessment for Drilling of 15-1H, 11-1H, 24-1H and 19-1H Exploratory Wells, Fort Berthold Reservation* (March 2010)

² *Finding of No Significant Impact: Petro Hunt, LLC, Addendum to: Drilling of 15-1H, 11-1H, 24-1H and 19-1H Exploratory Wells, Fort Berthold Reservation* (December 2010)

would result in the conversion of approximately 5.7 acres of land for a total of approximately 0.05 acres more than in the previously approved EA. Drilling of three wells on one well pad compared to three wells on separate pads would minimize land use impacts from pad construction by approximately 2.63 acres not including potential disturbance due to additional access road construction. This conversion is not anticipated to result in a trend towards changing land use patterns. No mitigation is proposed.

B. Wetlands, Wildlife, and Vegetation

An on-site assessment was conducted on May 18, 2011 with the BIA Environmental Protection Specialist, Petro Hunt, BIA Tribal Historic Preservation Office (THPO), and Kadrmas, Lee & Jackson. The purpose of this survey was to gather site-specific data and photos with regards to biological, botanical and water resources. The proposed well pad expansion was adjusted, as appropriate, to best avoid impacts to any identified environmental areas of concern. The site occurred on a cultivated field with crop residue and annual weeds present on site. There were also no wildlife sightings or wetlands observed on the expanded site.

C. Cultural Resources

A Class III Cultural Resource Inventory was conducted at the site for the expanded/adjusted well pad by KL&J on May 18, 2011. A Traditional Cultural Property Survey was also conducted at this time by monitors representing the THPO. The Area of Potential Effect (APE), or area surveyed, consisted of a 10-acre site around the proposed wells. A cairn was recorded while surveying the new proposed site, which led to the eventual adjustment of the site to avoid cultural impacts. If cultural resources are identified during construction or operation, work shall immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work shall not resume until written authorization to proceed has been received from the BIA. All project workers are prohibited from collecting artifacts or disturbing cultural resources in any area under any circumstances.

A cultural resource inventory of this well pad expansion was conducted by personnel of Kadrmas, Lee & Jackson, Inc., using an intensive pedestrian methodology. Approximately 33 acres were inventoried on May 19, 2011 (Macy 2011). One archaeological site was located that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for this undertaking, as the archaeological site is outside the area of potential effect of the project. This determination was communicated to the THPO on July 14, 2011; however the THPO did not respond within the allotted 30 day comment period.

Macy, Jennifer N.

(2011) Fort Berthold 152-93-18B-19-1H, Fort Berthold 152-93-18B-19-2H & Fort Berthold 152-93-18B-19-3H Triple Well Pad: A Class III Cultural Resource Inventory, McKenzie County, North Dakota. KLJ Cultural Resources for Petro-Hunt, Denver.

D. Best Management Practices

Best management practices (BMP's) committed to in the original Environmental Assessment will be followed under the new pad expansion/adjustment EA Addendum. No additional BMP's were determined to be needed for the potential pad expansion/adjustment.

7 NEPA ADEQUACY CRITERIA

This document has identified two previously prepared NEPA document, *Petro Hunt, LLC, March 2010 Environmental Assessment for the Drilling of 15-1H, 11-1H, 24-1H and 19-1H*, and EA Addendum to *Petro Hunt, LLC, March 2010 Environmental Assessment for the Drilling of 15-1H, 11-1H, 24-1H and 19-1H* 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 sites 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 and/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 or described in this EA Addendum.
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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Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

JUL 14 2011

Elgin Crows Breast, THPO
Mandan, Hidatsa and Arikara Nation
404 Frontage Road
New Town, North Dakota 58763

Dear Mr. Crows Breast:

We have considered the potential effects on cultural resources of a proposed triple oil well pad in McKenzie County, North Dakota. Approximately 33 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. One archaeological site (32MZ2210) was located that may possess the quality of integrity and meet at least one of the criteria (36 CFR 60.4) for inclusion on the National Register of Historic Places. No properties were located that appear to qualify for protection under the American Indian Religious Freedom Act (42 USC 1996).

As the surface management agency, and as provided for in 36 CFR 800.5, we have therefore reached a determination of **no historic properties affected** for this undertaking, as the archaeological site is outside the area of potential effect for this project. Catalogued as **BIA Case Number AAO-1884/FB/11**, the proposed undertaking, location, and project dimensions are described in the following report:

Macy, Jennifer N.
(2011) Fort Berthold 152-93-18B-19-1H, Fort Berthold 152-93-18B-19-2H & Fort Berthold 152-93-18B-19-3H Triple Well Pad: A Class III Cultural Resource Inventory, McKenzie County, North Dakota. KLJ Cultural Resources for Petro-Hunt, Denver.

If your office concurs with this determination, consultation will be completed under the National Historic Preservation Act and its implementing regulations. We will adhere to the Standard Conditions of compliance.

If you have any questions, please contact Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

Sincerely,

ACTING

Regional Director

Enclosure

cc: Chairman, Three Affiliated Tribes
Superintendent, Fort Berthold Agency

Notice of Availability and Appeal Rights

**PetroHunt: Addendum to Environmental Assessment for pad expansion and adjust location for
152-93-188-19-1H well pad**

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Environmental Assessment to Authorize Land Use for pad expansion and adjust pad location for 152-93-188-19-1H well pad as shown on the attached map. Construction by Petro-Hunt is expected to begin in 2011.

An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until September 14, 2011, by contacting:

**United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 N. Quincy Street, Suite 300, Arlington, Va 22203.**

Procedural details are available from the BIA Fort Berthold Agency at 701-627-4707.

Project locations.

