



# 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: Supplemental to Environmental Assessment

A Categorical Exclusion has been completed in compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed Supplemental Categorical Exclusion is for information tiering off of an existing Environmental Assessment for Dakota-3 E & P Company, LLC, and authorizes three additional wells on the existing Fettig #6-7H (formerly Fettig #3-6H) well pad. No new surface disturbances will be associated with the proposed action.

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, Three Affiliated Tribes (with attachment)  
Elgin Crows Breast, THPO (with attachment)  
Derek Enderud, BLM, Dickinson, ND (with attachment)  
Jeffrey Hunt, Fort Berthold Agency



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## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: Fettig #6-7H (formerly Fettig #3-6H) Addendum to drill three additional wells from an Existing Pad.

Date: 8/15/2011

Nature of Proposed Action: To authorize Dakota-3 to drill three additional wells to explore the potential of the Middle Bakken Formation, on the approved Fettig #6-7H (Formerly Fettig #3-6H) well pad. There will be no additional surface disturbance to the well pad or access road.

Exclusion category and number: 516DM 10.5 (g3)

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  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: Jeffery Davis, NEPA Coordinator

Regional Archeologist Concurrence with Item 7

Sebastian C. Li Sauer

Concur: Jeffery Davis  
Regional Office/Agency Environmental Coordinator

Date: 8-15-2011

Concur: [Signature]  
Regional Director/Superintendent

Date: 8-16-2011

**ENVIRONMENTAL ASSESSMENT  
Addendum**

**United States Bureau of Indian Affairs**

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



**Dakota-3 E&P Company, LLC**

**Addendum to Environmental Assessment as Documentation for the Accompanying  
Categorical Exclusion Form to Authorize Three Additional Wells on the  
Existing Fettig #6-7H (Formerly Fettig #3-6H) Well Pad**

**Fort Berthold Indian Reservation**

**August 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**

Dakota-3 E&P Company, LLC (Dakota-3) is proposing to drill exploratory Middle Bakken Formation 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 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.

This action would qualify under the BIA regulations as a categorical exclusion. Information in this addendum is provided to document analysis of impacts leading to this designation. See accompanying CATEX form. The purpose of the proposed action is to authorize Dakota-3 to drill three wells to explore the potential of the Middle Bakken Formation, on the approved Fettig #6-7H (Formerly Fettig #3-6H) 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 Fettig #6-7H well pad is located approximately 4.2 miles south of Mandaree, North Dakota, in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 6, T148N, R94W, Dunn County, North Dakota (Figure 1). The proposed wells will have bottom holes located approximately:

- **Fettig #6-7HA:** 9,615 feet south and 1,041 feet west of the surface location, in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 7, Township 148 North, Range 94 West, Dunn County (Figure 1).
- **Fettig #6-7HB:** 9,670 feet south and 352 feet east of the surface location, in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 7, Township 148 North, Range 94 West, Dunn County (Figure 1).
- **Fettig #6-7HC:** 9,722 feet south and 1,745 feet east of the surface location, in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 7, Township 148 North, Range 94 West, Dunn County (Figure 1).

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

Dakota-3 proposes to drill three additional wells, which will enter the Middle Bakken Formation, on the approved Fettig #6-7H well pads. **There will be no additional surface disturbance to the well pad or access road.**

#### **5. Cultural Resources**

The cultural resource inventory of this well pad and associated access road was conducted by personnel of SWCA Environmental Consultants (SWCA), using an intensive pedestrian methodology. Approximately 40.5 acres were inventoried on April 27 and 28, and June 18, 2009, for the well pad and access road (Cooper et al. 2009<sup>1</sup>). No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (Title 36 Code of Federal Regulations 60.6) for inclusion on the National Register.

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

Environmental Assessment: *Dakota-3 E&P Company, LLC: Five Bakken Exploratory Wells Dakota-3 Fast Dog #14-5H, Dakota-3 Fettig #3-6H, Dakota-3 Patricia Charging 2 #2-15H, Dakota-3 Pauline Grady #4-19H, and Dakota-3 TAT (1800) #2-4H (November 2009).*

#### **7. Other Relevant Documentation**

N/A

#### **8. 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.

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<sup>1</sup> Cooper, Judith, Norma Crumbley, and Caryn M. Berg. 2009. A Class I and Class III Cultural Resource Inventory of the Zenergy Fettig 3-6H Well and Access Road, Fort Berthold Indian Reservation, Dunn County, North Dakota (September 23, 2009).

*Addendum to Environmental Assessment as Documentation for the Accompanying Categorical Exclusion Form to Authorize Three Wells on the Fettig #6-7H (Formerly Fettig #3-6H) Well Pad (August 2011)*

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.



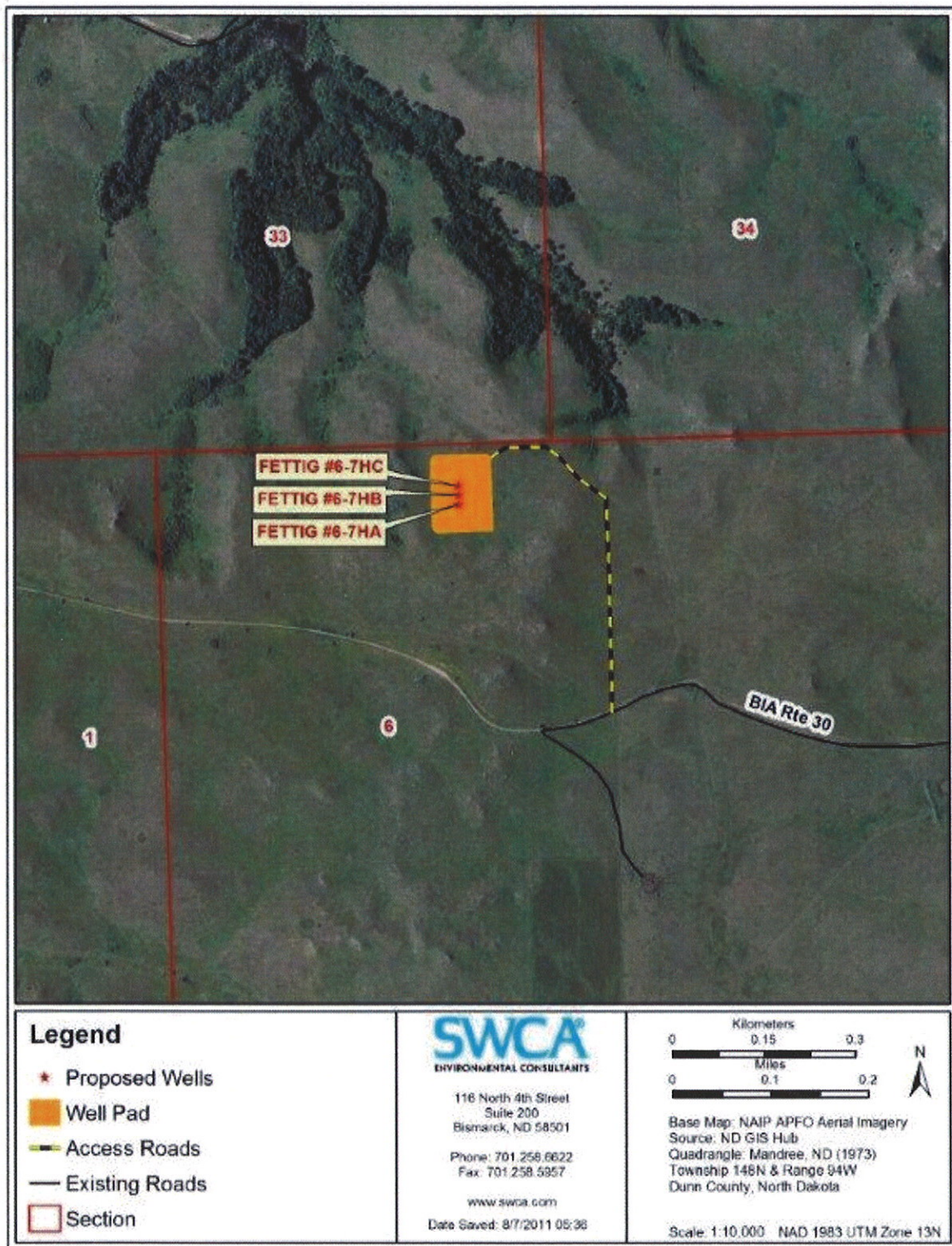
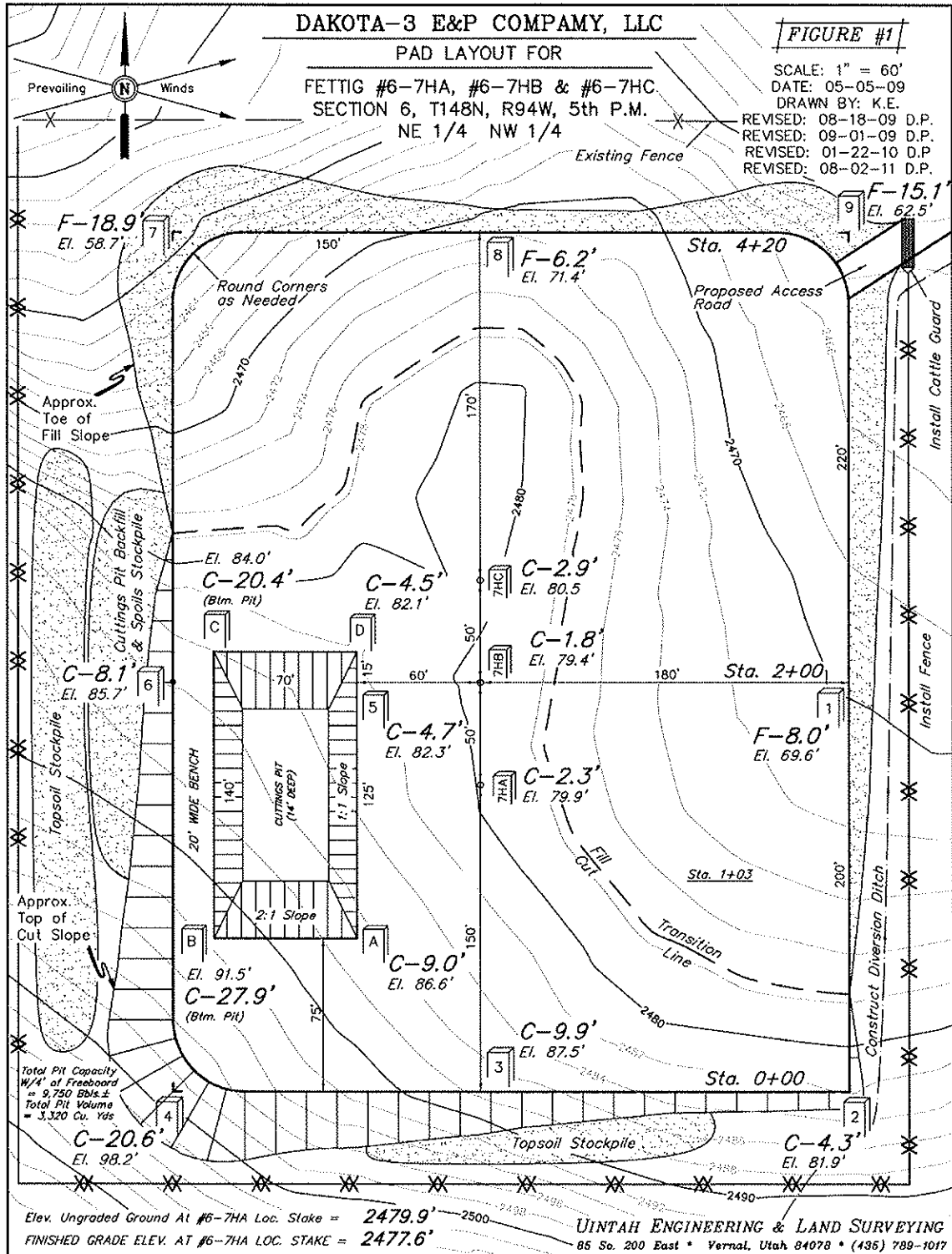


Figure 1. Map of the Fettig #6-7H (Formerly Fettig #3-6H) Well Pad Location.

**APPENDIX A**

**Plats, Drawings, and Diagrams for the Fettig #6-7HA, -7HB, and -7HC  
Well Locations**

Addendum to Environmental Assessment as Documentation for the Accompanying Categorical Exclusion Form to Authorize Three Wells on the Fetting #6-7H (Formerly Fetting #3-6H) Well Pad (August 2011)





Addendum to Environmental Assessment as Documentation for the Accompanying Categorical Exclusion Form to Authorize Three Wells on the Fettig #6-7H (Formerly Fettig #3-6H) Well Pad (August 2011)

