



# 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 24 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 Marathon Oil Company, and authorizes one additional well on the existing Bears Ghost USA #31-4H 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, Chairman, Three Affiliated Tribes (with attachment)  
Elgin Crows Breast, THPO (with attachment)  
Shanna Braun, KLJ (with attachment)  
Derek Enderud, BLM, Dickinson, ND (with attachment)  
John Shelman, US Army Corps of Engineers  
Jeffrey Hunt, Fort Berthold Agency



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## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 8/18/2011

Project: Amendment to Marathon Oil Company's (Marathon's) June 2011 Environmental Assessment for Drilling of Bears Ghost USA #31-4H Oil & Gas Well to authorize drilling of a second well atop the same well pad.

Nature of Proposed Action: The purpose of the proposed action is to authorize Marathon to drill a second well atop the previously approved Bears Ghost USA #31-4H well pad. The additional well, Bears Ghost USA #31-4TFH, would access mineral resources from the Three Forks Formation within the east half of Sections 4 and 9, Township 147 North, Range 94 west, 5<sup>th</sup> P.M. No new surface disturbances would be associated with the drilling of the proposed second well.

Exclusion category and number: 516 DM 10.5F(1)

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: Shanna Braun, Environmental Scientist/Project Manager, Kadrmias, Lee & Jackson, Fargo, ND

Regional Archeologist Concurrence with Item 7 Cameron B. Mundy

Concur: Marilyn Bauer Regional Office/Agency Environmental Coordinator Date: 8/19/11

Concur: William L. H. [Signature] Regional Director/Superintendent Date: 8/24/11

# 1. Purpose and Need for the Proposed Action

Marathon Oil Company (Marathon) proposes to drill a second well atop the previously approved Bears Ghost USA #31-4H well pad. The additional well, Bears Ghost USA #31-4TFH, would access mineral resources from the Three Forks Formation within the east half of Sections 4 and 9, Township 147 North, Range 94 West, 5<sup>th</sup> P.M. **Please refer to Figure 1, Project Location Map and Figure 2, Site Overview Map.**

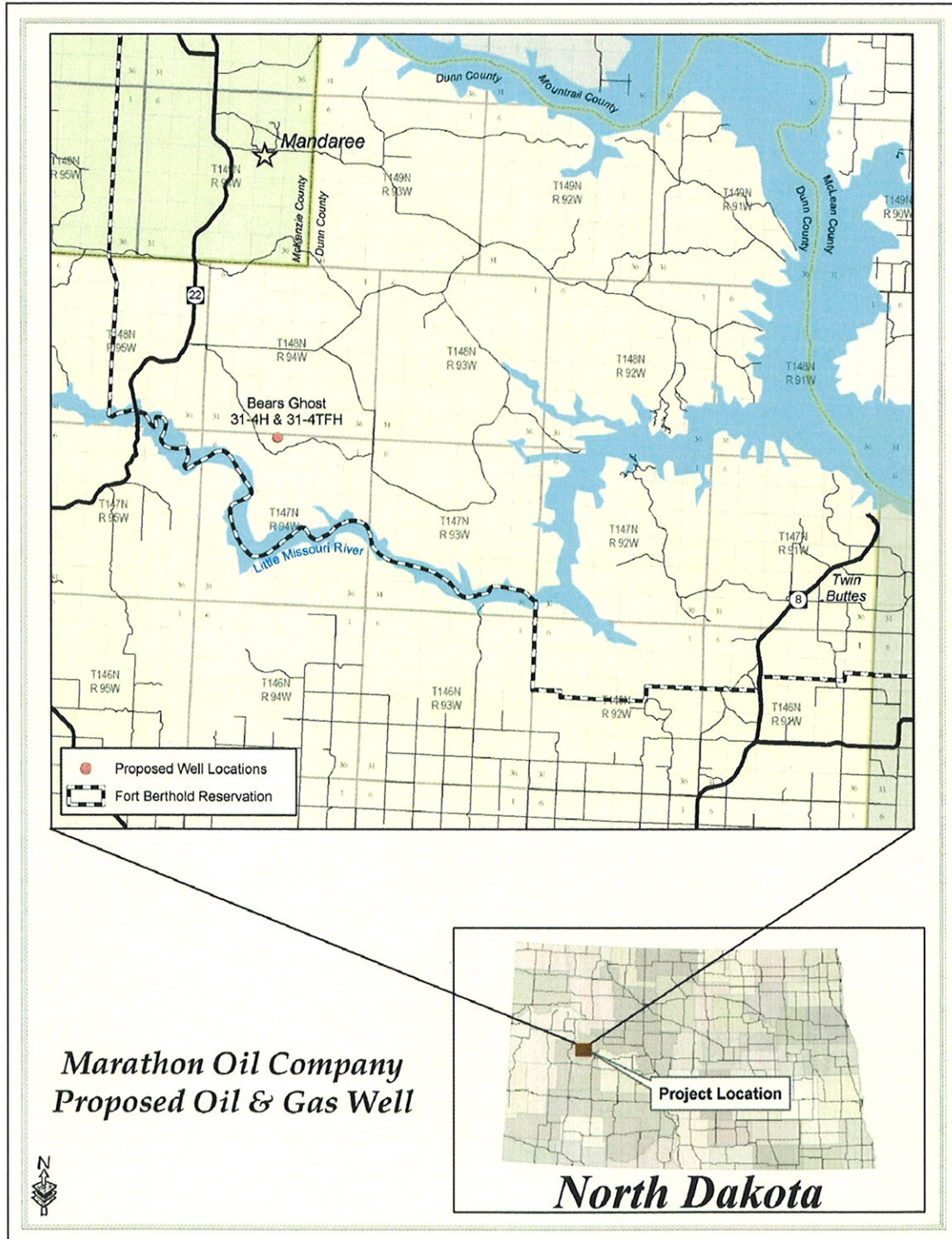
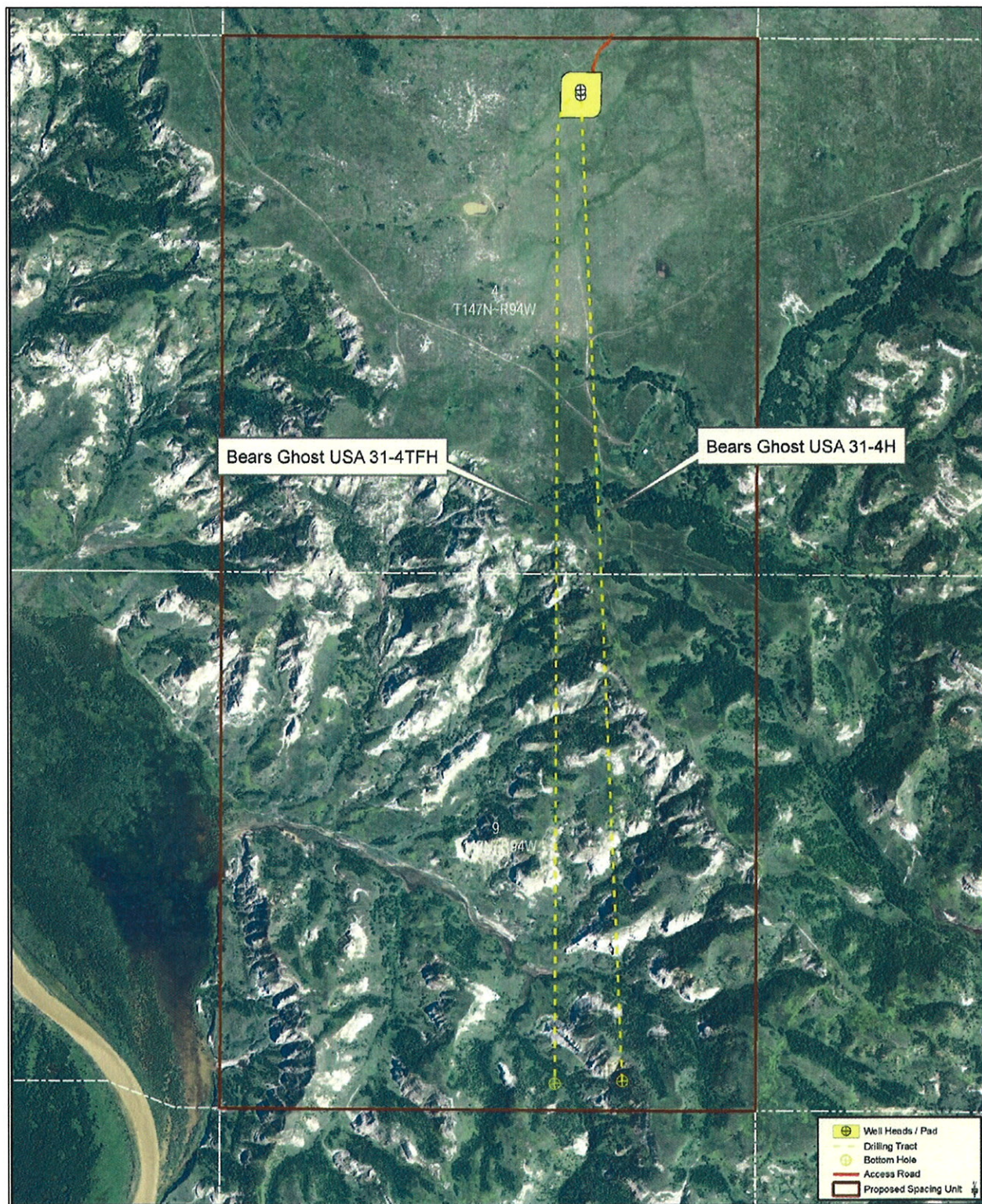


Figure 1, Project Location Map



**Figure 2, Site Overview Map**

## **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 (Bears Ghost USA #31-4TFH) would be constructed atop the previously-approved Bears Ghost USA #31-4H well pad in the NW¼NE¼ of Section 4, Township 147 North, Range 94 West, 5<sup>th</sup> P.M., to access potential oil and gas resources within the spacing unit consisting of Sections 4 and 9, Township 147 North, Range 94 West, 5<sup>th</sup> P.M.

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

The proposed Bears Ghost USA #31-4TFH well would be drilled atop the previously-approved Bears Ghost USA #31-4H well pad and would access mineral resources from the Three Forks Formation. The well pad is large enough to accommodate both wells without additional surface disturbance. In addition, the same access road would be used to reach both wells. Therefore, construction of the proposed Bears Ghost USA #31-4TFH well would not result in additional surface disturbance or environmental impacts.

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

Environmental Assessment: Marathon Oil Company June 2011 Environmental Assessment for Drilling of Bears Ghost USA #31-4H Oil & Gas Well

- FONSI issued June 17, 2011

## **6. Assessment of Environmental Impacts**

The proposed project would take place entirely within areas of disturbance identified and accounted for in the June 2011 Environmental Assessment referenced above. Therefore, the proposed project would not result in additional ground disturbance and would not result in additional environmental impacts from those which are disclosed in the June 2011 Environmental Assessment.

## **7. NEPA Adequacy Criteria**

This document has identified one previously prepared NEPA document *Marathon Oil Company June 2011 Environmental Assessment for Drilling of Bears Ghost USA #31-4H Oil & Gas Well*, which adequately describes the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria:

1. The proposed actions are substantially the same actions and at the sites specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed actions 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 actions.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document or described in this CATEX supplementary information.
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.