



# 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 25 2011

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: <sup>Acting</sup> 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 QEP Energy and authorizes 20 feet of additional rights-of-way for the access road.

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)  
Derek Enderud, BLM, Dickenson, ND (with attachment)  
Jerry Reinisch, QEP Contractor (with attachment)  
John Shelman, US Army Corps of Engineers  
Jeffrey Hunt, Fort Berthold Agency



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



IN REPLY REFER TO:  
DESCRM  
MC-20820

## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 8/24/2011

Project: Supplemental to Environmental Assessment for QEP Energy Company, Tie-in to the MHA Gathering System Supplementing the QEP Energy Company, Drilling of the MHA 1-01-02H-149-91, MHA 2-01-02H-149-91, & MHA 2-07-018H-149-91 Exploratory Oil and Gas Wells, August 2010 to Authorize an additional 20 feet of temporary ROW within the original survey area.

Nature of Proposed Action: The purpose of the proposed action is to authorize QEP to use additional temporary ROW to provide a safer work environment. Trenching equipment would make a one-time pass through the proposed area during installation with minimal surface disturbance. No excavation would take place on the proposed area. The proposed area would not be impacted by any other pipeline installation activities.

Exclusion category and number: 516 DM 10.5 F (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: Jerry D. Reinisch, Environmental Scientist/Biologist, Contractor for QEP, Bismarck, ND

Regional Archeologist Concurrence with Item 7 Carson M. Mundy

Concur: Jeffrey R. Davis  
Regional Office/Agency Environmental Coordinator

Date: 8-24-2011

Concur: Tom [Signature]  
Acting Regional Director/Superintendent

Date: 8-25-2011

# ENVIRONMENTAL ASSESSMENT

## *Supplement*

United States Bureau of Indian Affairs

Great Plains Regional Office  
Aberdeen, South Dakota



### **Supplement to:**

QEP Energy Company's

August 2010 Environmental Assessment  
Drilling of the MHA 1-01-02H-149-91, MHA 2-01-02H-149-91, & MHA 2-07-18H-149-90  
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*  
*605-226-7656*

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## **EXHIBITS**

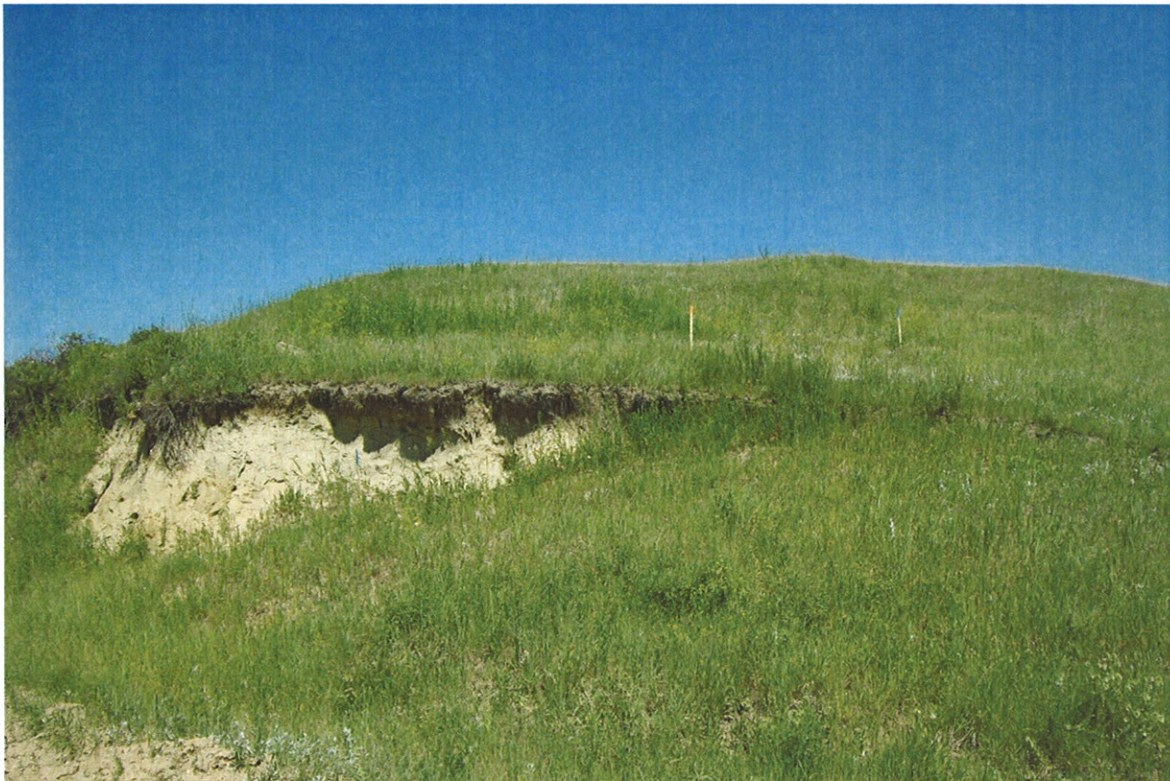
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# 1 PURPOSE AND NEED FOR THE PROPOSED ACTION

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QEP proposes to authorize approximately twenty feet of additional temporary Right-of-Way (ROW) in the same general location covered by the previously authorized EA for the August 2010 Environmental Assessment: Drilling of the MHA 1-01-02H-149-91, MHA 2-01-02H-149-91, & MHA 2-07-18H-149-90 Exploratory Oil and Gas Wells to provide for a safer work environment during the construction of the proposed pipeline. Trenching equipment would pass over the area with very minimal disturbance. No other pipeline installation related activities or excavation would impact the additional requested ROW. The additional temporary ROW is located in the NW¼ of Section 8, Township 149 North, Range 90 West. **Please refer to Figure 1, Pipeline Alignment Terrain.** The additional temporary ROW is within 150 foot corridor surveyed for the previously authorized EAs. The temporary ROW was increased 20-feet to provide a safer working environment as the pipeline is installed on hilly terrain in Section 8. **Please refer to Figure 2, Project Overview**

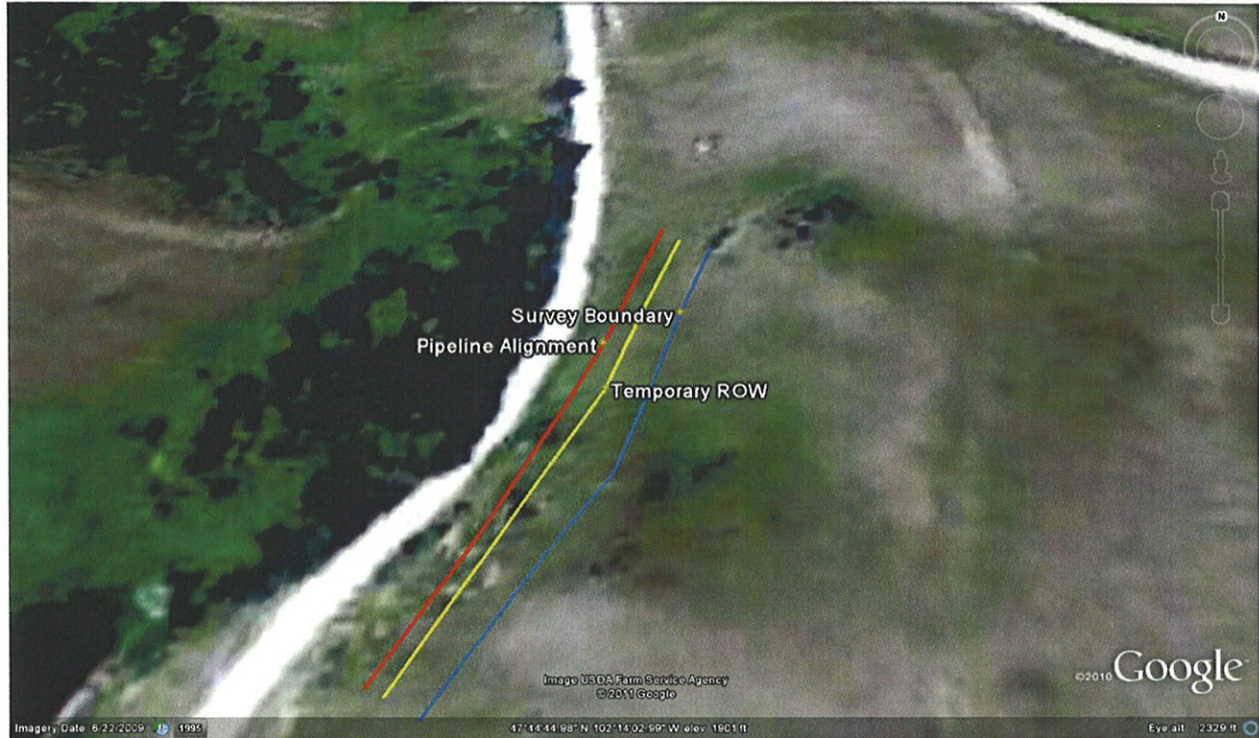


**Figure 1, Pipeline Alignment Terrain (North)**



*Figure 2, Project Overview (South)*

The proposed additional temporary ROW would take place along a very steep and rocky slope in Section 8. The additional proposed temporary ROW would extend approximately 286 feet in this portion of Section 8. This would provide a safer working environment during installation. Please refer to *Figure 3, Pipeline and ROW Boundaries* for the re-alignment pathway, and *Figure 4, Alignment and ROW Comparisons*. Construction activities would take place atop areas that have achieved a Finding of No Significant Impact NEPA approval.



*Figure 3, Pipeline Alignment and ROW Boundaries*

## 2 AUTHORITIES

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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 OF PROPOSED ACTION

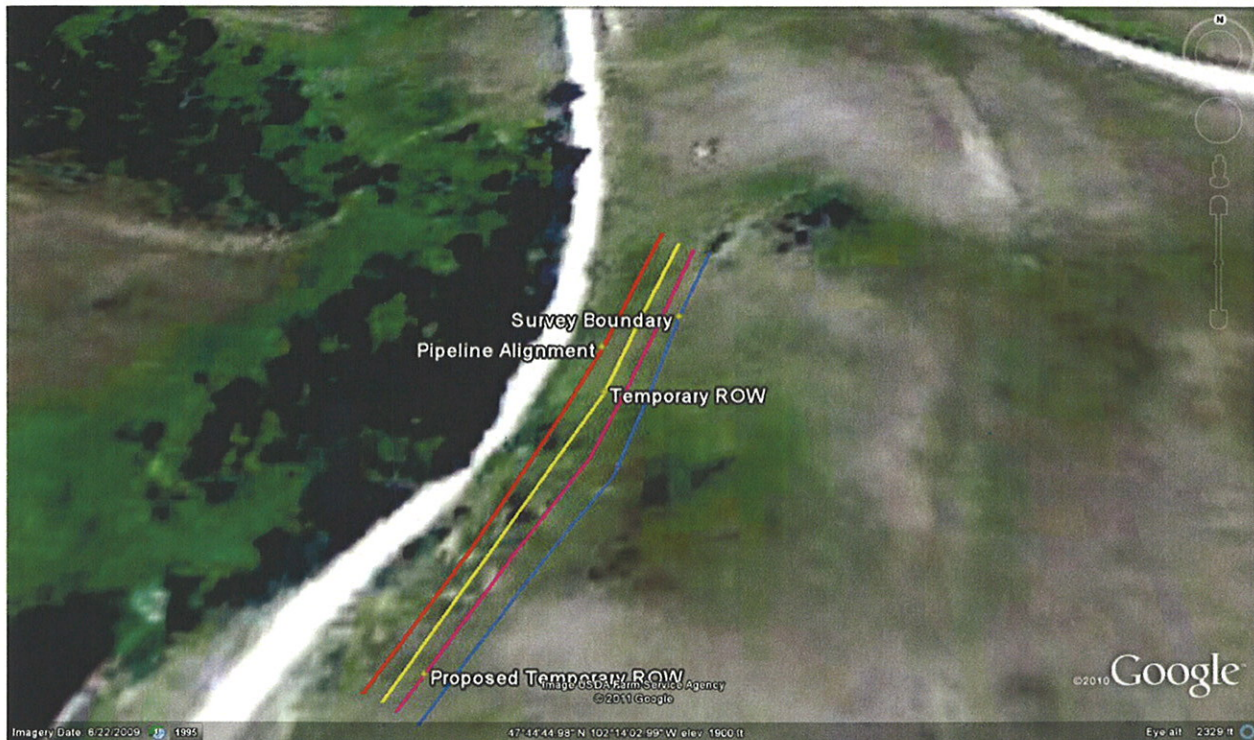
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The proposed additional twenty feet of temporary ROW in the NW¼ of Section 8, T149N, R90W would be located east of the previously authorized pipeline alignment and temporary construction ROW. The remainder of the pipeline would follow the same ROW alignment as was proposed, and was previously authorized for Drilling of the MHA 1-01-02H-149-91, MHA 2-01-02H-149-91, & MHA 2-07-18H-149-90 Exploratory Oil and Gas Wells authorized the placement of oil and gas pipelines and electrical utility in the access road ROW.

### 4 SCOPE OF WORK FOR PROPOSED ACTION

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The proposed additional twenty feet of temporary construction ROW would be utilized atop and adjacent to the previously approved ROW and temporary construction ROW; temporary construction ROW would be increased from 20 to 40 feet. *Please refer to Figure 4, Alignment and ROW Comparisons.* Aside from the temporary ROW expansion for approximately 286 feet of the pipeline alignment, construction and surface disturbance would occur within previously approved locations. As such, no additional environmental impacts aside from those disclosed in the previously referenced NEPA documents are anticipated from construction of the proposed pipeline.



**Figure 4, Proposed Temporary ROW Boundary Comparisons**

## 5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

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### Environmental Assessment:

The Drilling of the MHA 1-01-02H-149-91, MHA 2-01-02H-149-91, & MHA 2-07-18H-149-90 Exploratory Oil and Gas Wells, August 2010 also included the placement of pipelines and underground electrical utility in the access road ROW.

## 6 CULTURAL RESOURCES

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The proposed project area has been surveyed for cultural resources as part of the NEPA processes discussed above. There was a finding of *No Historic Properties Affected*.

As all construction activities associated with the proposed additional pipeline temporary ROW would utilize areas that have achieved cultural resource clearance, it is anticipated that the proposed project would not impact cultural resources.

## 7 NEPA ADEQUACY CRITERIA

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This document has identified one previously prepared NEPA document, Drilling of the MHA 1-01-02H-149-91, MHA 2-01-02H-149-91, & MHA 2-07-18H-149-90 Exploratory Oil and Gas Wells, August 2010, also included the placement of pipelines and electrical utility in the access road ROW which adequately describes the environmental consequences of the newly proposed actions 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 actions are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed actions 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.