



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

SEP 22 2011

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region *W. M. Lick*

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 Enerplus Resources (USA) Corporation, and authorizes the addition of two well on the Likes Eagle #2-31H 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)
Derek Enderud, BLM, Dickenson, ND (with attachment)
Joey Sheeley, SWCA (with attachment)
John Shelman, US Army Corps of Engineers
Jeffrey Hunt, Fort Berthold Agency



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: Likes Eagle #2-31H Well Location, Two Additional Wells (Acadia 148-95-02A-11H TF and Glacier 148-95-02A-11H TF)

Date: 9/21/2011

Nature of Proposed Action: Authorize Enerplus Resources (USA) Corp. to drill two additional exploratory oil wells on the Likes Eagle #2-31H well pad on the Fort Berthold Indian Reservation. There will be no additional surface disturbance to the well pad or access road as the result of drilling two additional wells from previous approved location. This action is tiered off an existing Environmental Assessment: Drilling Likes Eagle #2-31H, Hans #20-21H, Likes Eagle #2-31H, Mandan #8-21H, Mandan #8-31H, Walker #18-34H, and Youngbird #12-21H Exploratory Oil and Gas Wells (October 2010).

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: Mark Herman, Environmental Engineer

Regional Archeologist Concurrence with Item

Karson D. Mundy

Concur:

Jeffrey R. Davis

Regional Office/Agency Environmental Coordinator

Date: 9-21-2011

Concur:

William L. H.

Regional Director/Superintendent

Date: 9-22-11

X

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 Authorize Two Additional Wells on the
Likes Eagle #2-31H Well Pad**

Fort Berthold Indian Reservation

September 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

TABLE OF CONTENTS

	<u>Page</u>
1. Purpose and Need for the Proposed Action	1
2. Authorities	1
3. Legal Land Description for Proposed Action	1
4. Scope of Work for Proposed Action	1
5. Surveys for the Proposed Action	1
6. Applicable National Environmental Policy Act (NEPA) Document(s)	2
7. Other Relevant Documentation	2
8. NEPA Adequacy Criteria.....	2

<u>Figure</u>	<u>Page</u>
Figure 1. Location of the Likes Eagle #2-31H/Acadia 148-95-02A-11H TF/Glacier 148-95-02A-11H TF well pad and access road.	3

Appendix

A Plats, Drawings, and Diagrams for the Likes Eagle #2-31H Well Pad Location

1. Purpose and Need for the Proposed Action

The purpose of the proposed action is to authorize Enerplus Resources (USA) Corporation (Enerplus) to drill two additional wells (Acadia 148-95-02A-11H TF and Glacier 148-95-02A-11H TF) on the approved Likes Eagle #2-31H 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 well pad is located in the N½SW¼ of Section 2, Township 148 North, Range 95 West, Dunn County, North Dakota (Figure 1).

4. Scope of Work for Proposed Action

Enerplus proposes to drill two additional wells, targeting the Three Forks Formation, on the approved well pad, as detailed above. There would be no additional surface disturbance to the well pads.

5. Surveys for the Proposed Action

Kadmas, Lee, and Jackson (KLJ) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands at the approved well pad location on July 13, 2010, and on-site assessments were conducted on July 14 and 15, 2010. The study area consisted of 10 acres centered on each of the proposed well pad center points and a 200-foot-wide corridor along all proposed access roads. The well pad and access road locations were finalized, and the Bureau of Indian Affairs (BIA) gathered information needed to develop site-specific mitigation measures and best management practices to be incorporated into the final documents. Location placement and mitigation measures/best management practices were used to minimize impacts to sensitive wildlife and botanical resources.

On July 14 and 15, 2010, Beaver Creek Archaeology, Inc. personnel conducted a cultural resource inventory using an intensive pedestrian methodology. Approximately 13 acres were inventoried at the Likes Eagle #2-31H location (Jakel 2010¹). No cultural resources were identified that appear to possess the quality of integrity or meet at least one criterion (Title 36 Code of Federal Regulations 60.6) for inclusion on the National Register. The BIA reached a

¹ Jakel, Gwen. 2010. Likes Eagle #2-31H Dual-Well Pad and Access Road: A Class III Cultural Resource Inventory in Dunn County, North Dakota. Prepared by Beaver Creek Archaeology, Inc. for Peak North Dakota, LLC, Durango, CO.

determination of *No Historic Properties Affected*. This determination was communicated to the Tribal Historic Preservation Office on August 3, 2010; however, the Tribal Historic Preservation Office did not respond within the allotted 30-day period.

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

Environmental Assessment: Drilling Likes Eagle #2-31H, Hans #20-21H, Likes Eagle #2-31H, Mandan #8-21H, Mandan #8-31H, Walker #18-34H, and Youngbird #12-21H Exploratory Oil and Gas Wells (October 2010).

7. Other Relevant Documentation

Not applicable.

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.
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.

Addendum to Environmental Assessment to Authorize Two Additional Wells
on the Likes Eagle #2-31H Well Pad
(September 2011)

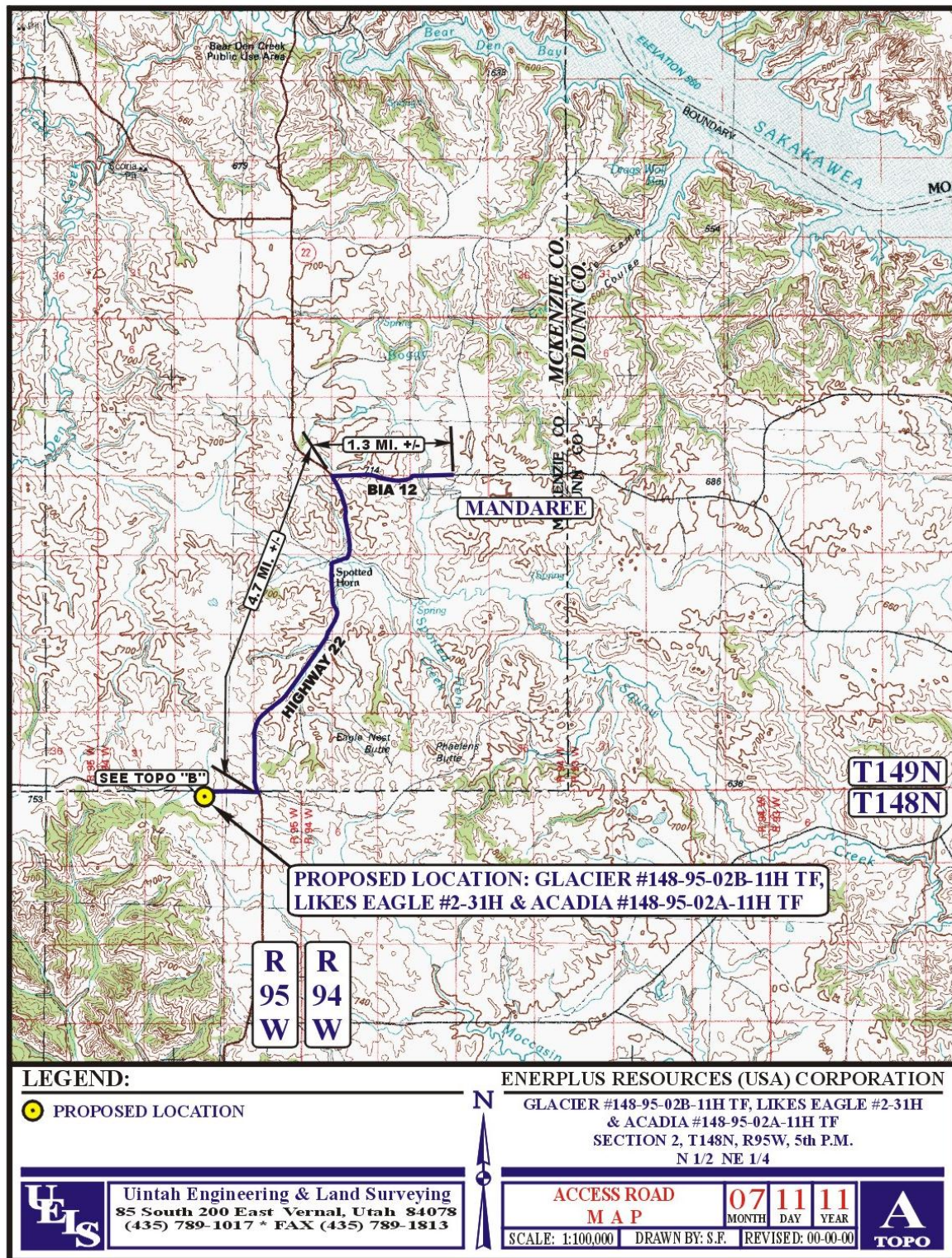
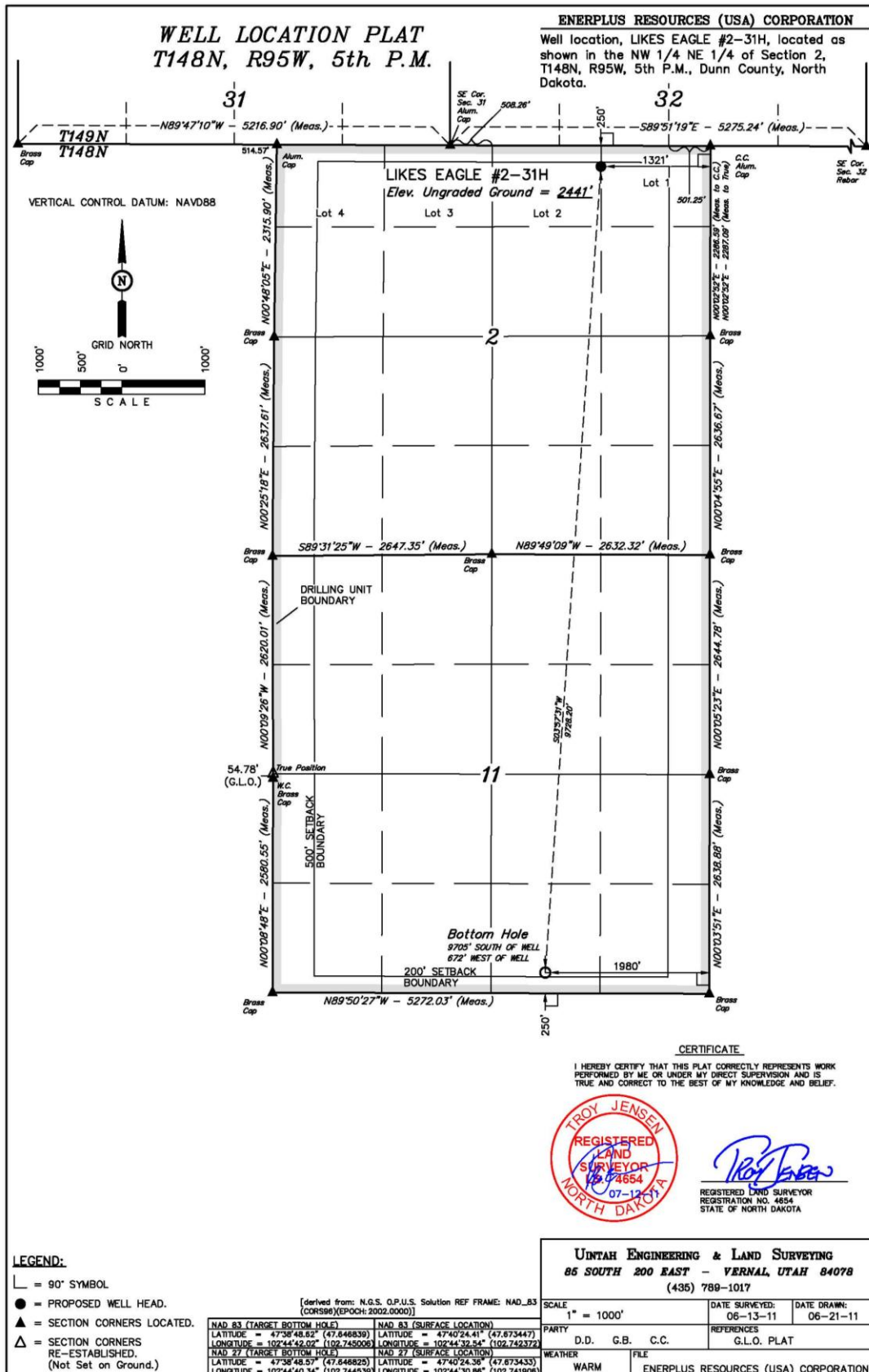


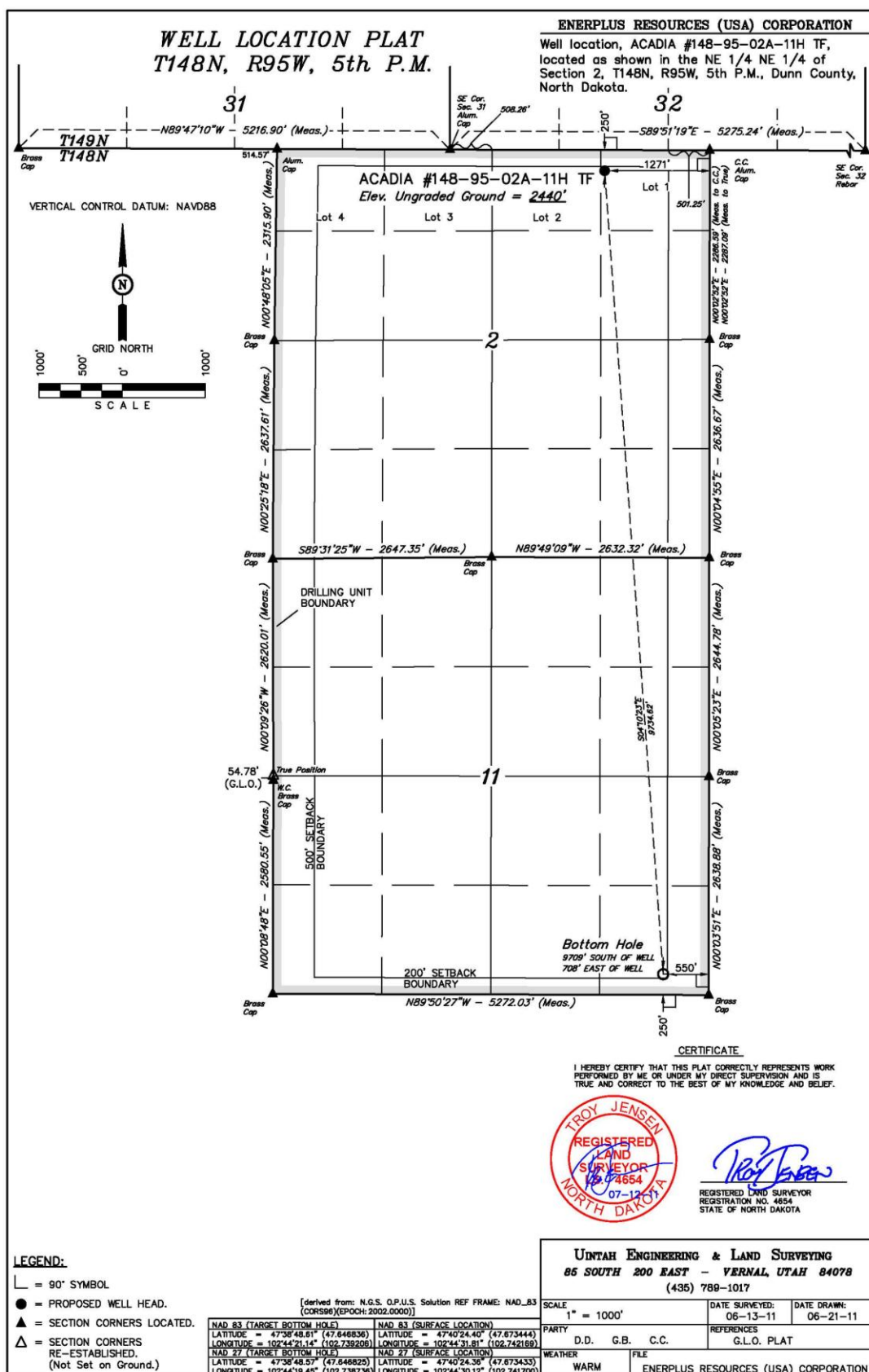
Figure 1. Location of the Likes Eagle #2-31H/Acadia 148-95-02A-11H TF/Glacier 148-95-02A-11H TF well pad and access road.

APPENDIX A
Plats, Drawings and Diagrams for the
Likes Eagle #2-31H Well Pad Location

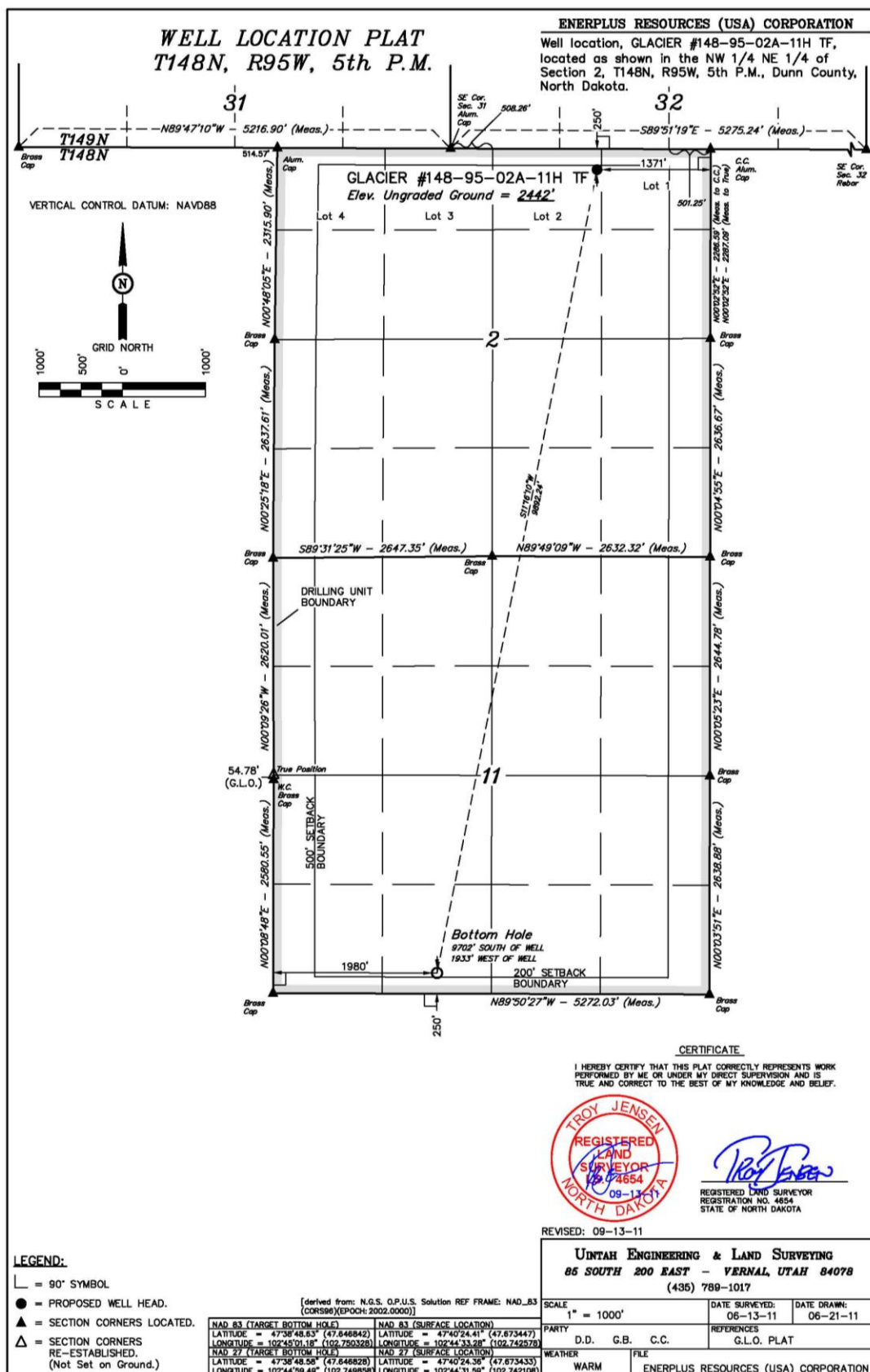
Addendum to Environmental Assessment to Authorize Two Additional Wells
on the Likes Eagle #2-31H Well Pad
(September 2011)



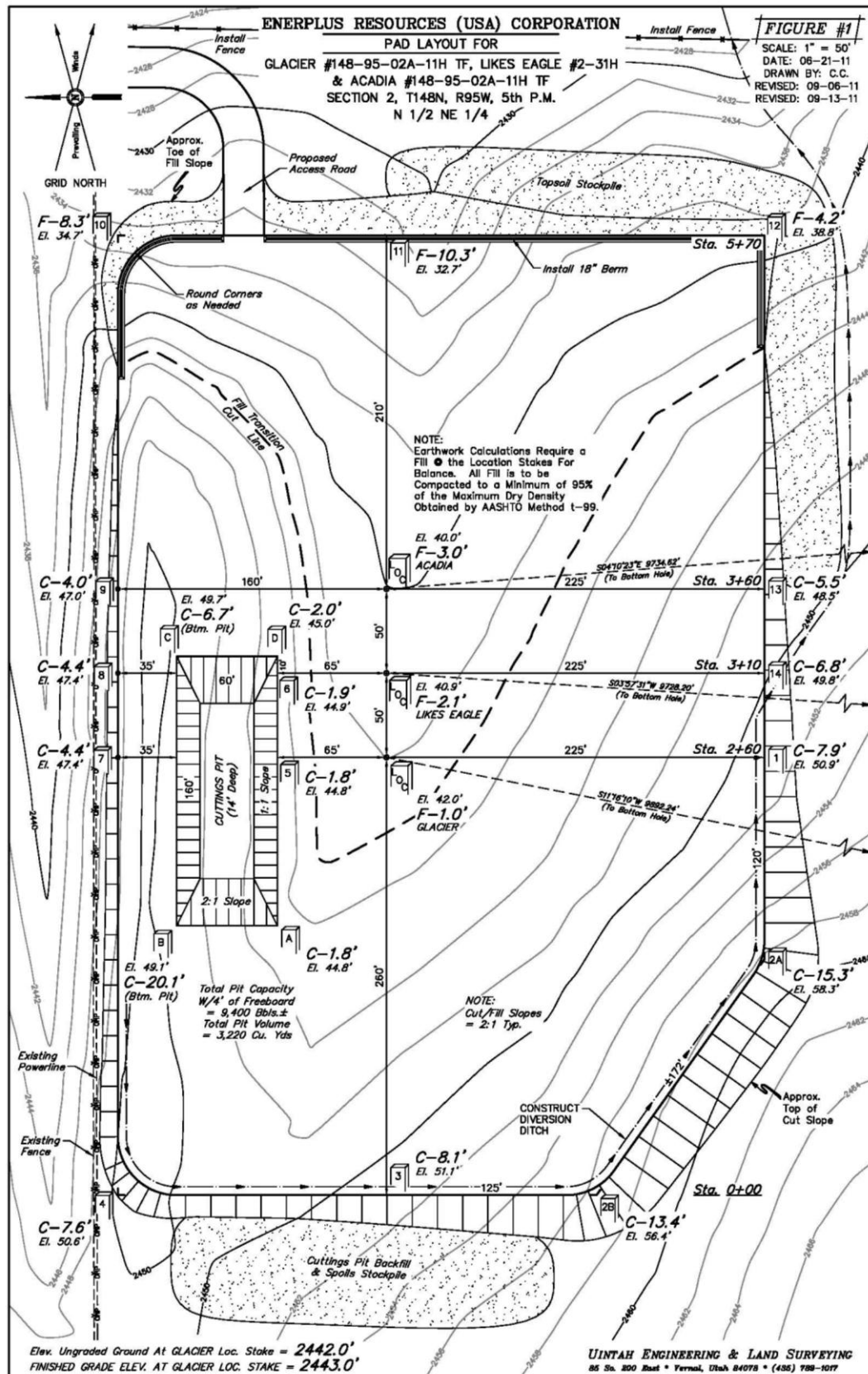
Addendum to Environmental Assessment to Authorize Two Additional Wells
on the Likes Eagle #2-31H Well Pad
(September 2011)



Addendum to Environmental Assessment to Authorize Two Additional Wells
on the Likes Eagle #2-31H Well Pad
(September 2011)



Addendum to Environmental Assessment to Authorize Two Additional Wells
on the Likes Eagle #2-31H Well Pad
(September 2011)



Addendum to Environmental Assessment to Authorize Two Additional Wells
on the Likes Eagle #2-31H Well Pad
(September 2011)

