



# 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

NOV 01 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 Enerplus Resources (USA) Corporation, and authorizes a well pad expansion and access road and utility corridor re-route for the Hall #5-11H well pad on the Fort Berthold Reservation. 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



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## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: Brugh Bear #2-11H Well Location, Additional two wells from existing pad

Date: 10/27/2011

Nature of Proposed Action: Authorize Enerplus Resources (USA) Corp. to drill an additional two exploratory oil wells on the Brugh Bear #2-11H well pad on the Fort Berthold Indian Reservation . No new surface disturbances will be associated with the proposed action

Exclusion category and number: 516 DM 10.5G(3)

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 uncertain environmental effects or involve unique or unknown environmental risks. No X Yes \_\_\_\_\_
4. This action will establish a precedent for future actions. No X Yes \_\_\_\_\_
5. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No X Yes \_\_\_\_\_
6. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No X Yes \_\_\_\_\_
7. This action will affect a species listed, or proposed to be listed as endangered or threatened. No X Yes \_\_\_\_\_

8. This action threatens to violate federal, state, local or tribal law or requirements imposed for protection of the environment.

No X Yes \_\_\_\_\_

9. This action will have a disproportionately high and adverse effect on low income or minority populations.

No X Yes \_\_\_\_\_

10. 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 \_\_\_\_\_

11. 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 7

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

Date: 10/27/2011

Concur: Bruce D. Hinkle  
Regional Director/Supervisor

Date: 11/1/11

# **ENVIRONMENTAL ASSESSMENT Supplement**

**United States Bureau of Indian Affairs**

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



**Enerplus Resources (USA) Corporation**

**Supplement to Environmental Assessment to Authorize  
Two Additional Wells on the Brugh Bear #2-11H Well Pad**

**Fort Berthold Indian Reservation**

**October 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

*Supplement to Environmental Assessment to Authorize Two Additional Wells on the  
Brugh Bear #2-11H Well Pad (October 2011)*

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
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

<b><u>Figure</u></b>	<b><u>Page</u></b>
1 Location of the Bradfield #31-14H/Lucky Mound #149-94-31C-30H TF/Diamond #148-95-03A-10H TF/Emerald #148-95-03A-10H well pad and access road. ....	3

**Appendix**

A Plats, Drawings, and Diagrams for the Bradfield #31-14H Well Pad Location	
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## **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 (Beaver Creek #149-94-31D-30H TF and Zion #148-95-02B-11H) on the approved Brugh Bear #2-11H 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 SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, Township 149 North, Range 94 West, McKenzie County, North Dakota (Figure 1).

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

Enerplus proposes to drill two additional wells (Beaver Creek #149-94-31D-30H TF and Zion #148-95-02B-11H) targeting both the Bakken and Three Forks formations, on the approved well pad, as detailed above. There would be no additional surface disturbance to the well pad.

## **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 well pad location on September 29 and 30, 2009. 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 (BMPs) to be incorporated into the final documents. Location placement and mitigation measures/BMPs were used to minimize impacts to sensitive wildlife and botanical resources.

On October 9, 2008, Earthworks, Inc. personnel conducted a cultural resource inventory using an intensive pedestrian methodology. Approximately 11 acres were inventoried at the Brugh 31-34H (renamed to the Brugh Bear #2-11H) location (Morrison 2008<sup>1</sup>). 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 determination of *No Historic Properties Affected*. This determination was communicated to the Tribal Historic Preservation Office in October of 2008.

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<sup>1</sup> Morrison, John. 2008. Brugh #31-34H Well Pad and Access Road: A Class III Cultural Resource Inventory in Dunn County, North Dakota. Earthworks, Inc. for Peak North Dakota, LLC, Durango, CO.

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

Environmental Assessment: *Drilling Baker, Brugh Bear, Danks, Eagle's Nest, and Fox Ridge Exploratory Oil and Gas Wells* (January 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.



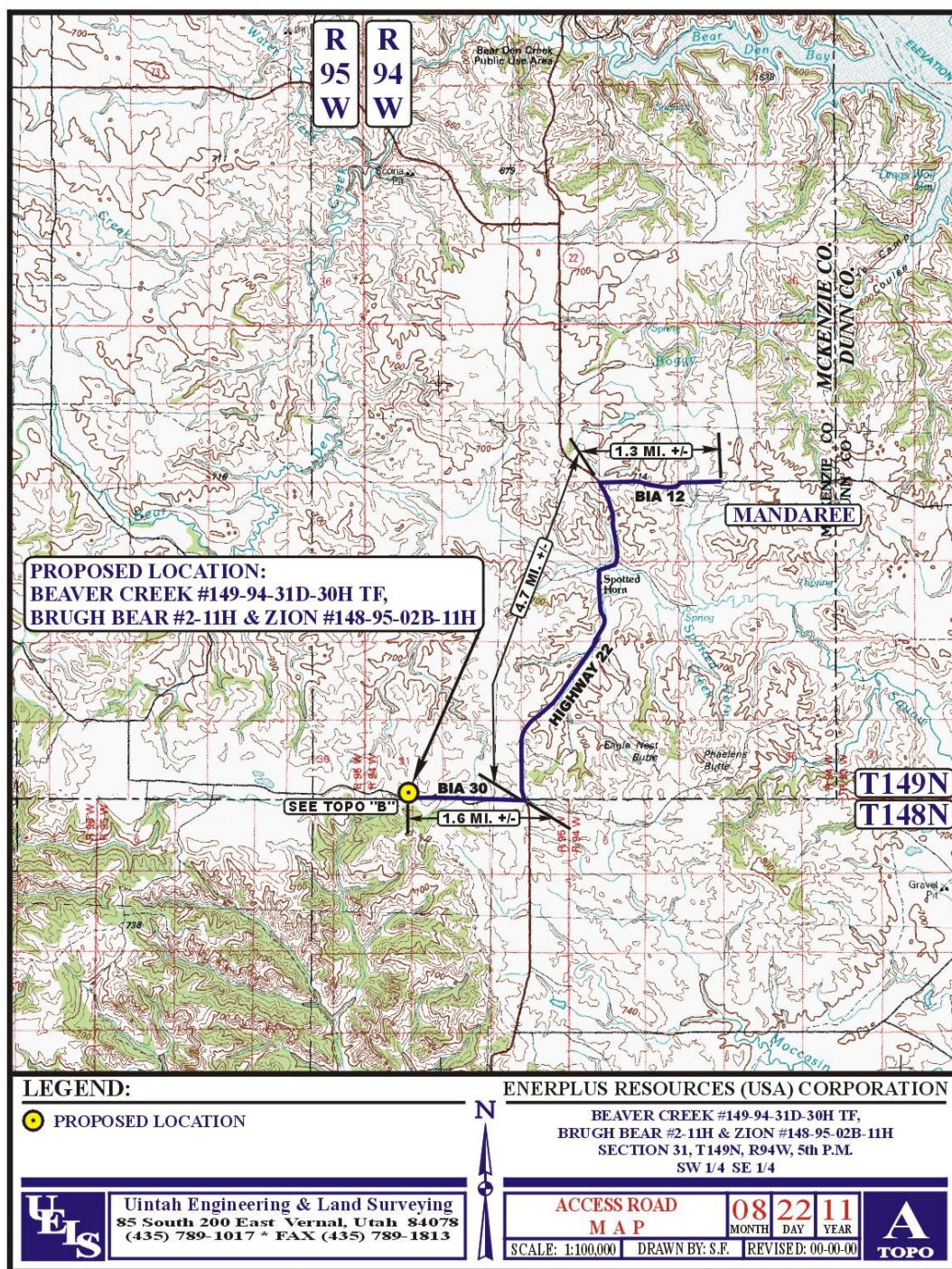
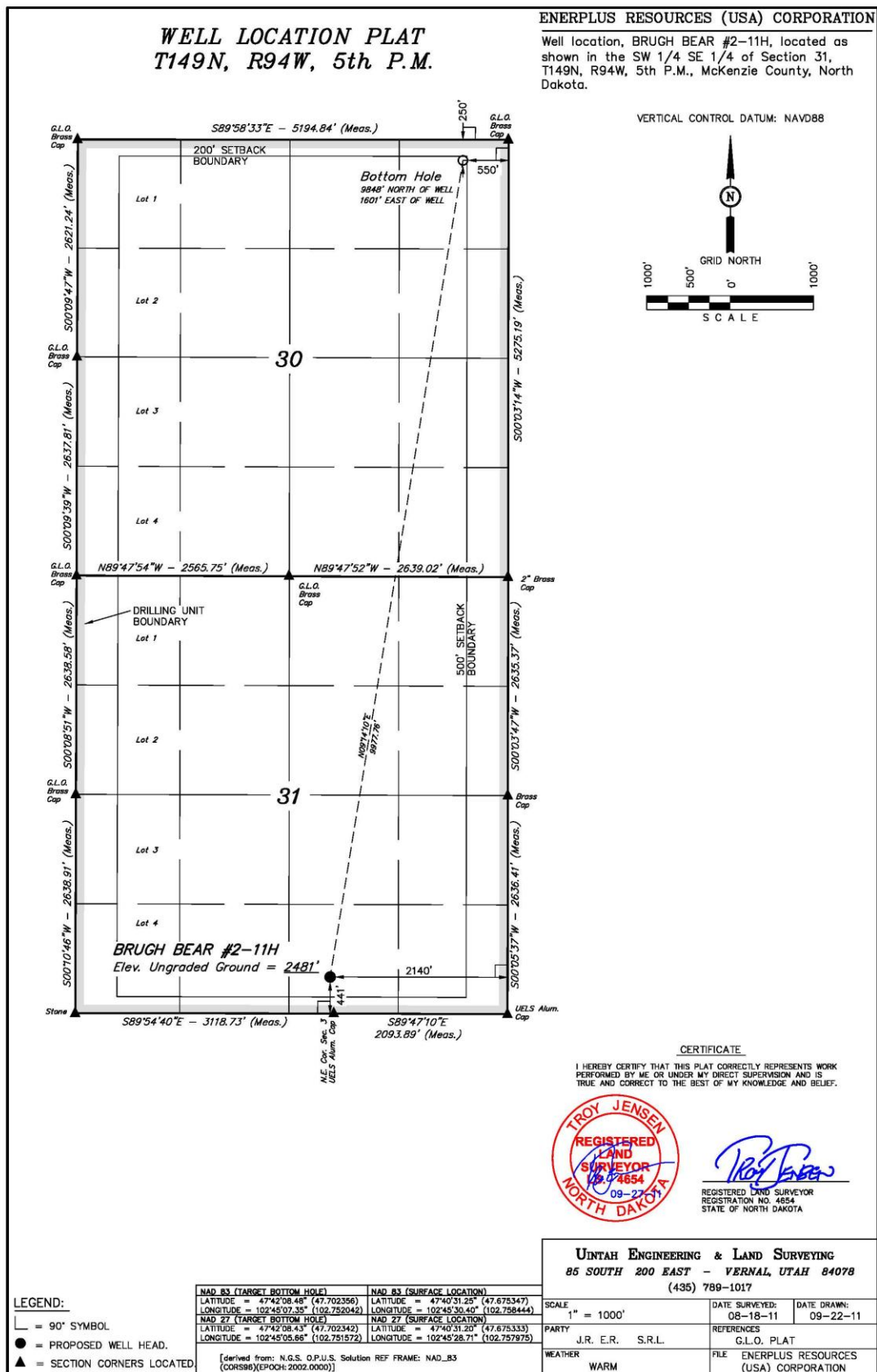


Figure 1. Location of the Brugh Bear #2-11H/Beaver Creek #149-94-31D-30H TF/Zion #148-95-02B-11H well pad and access road.

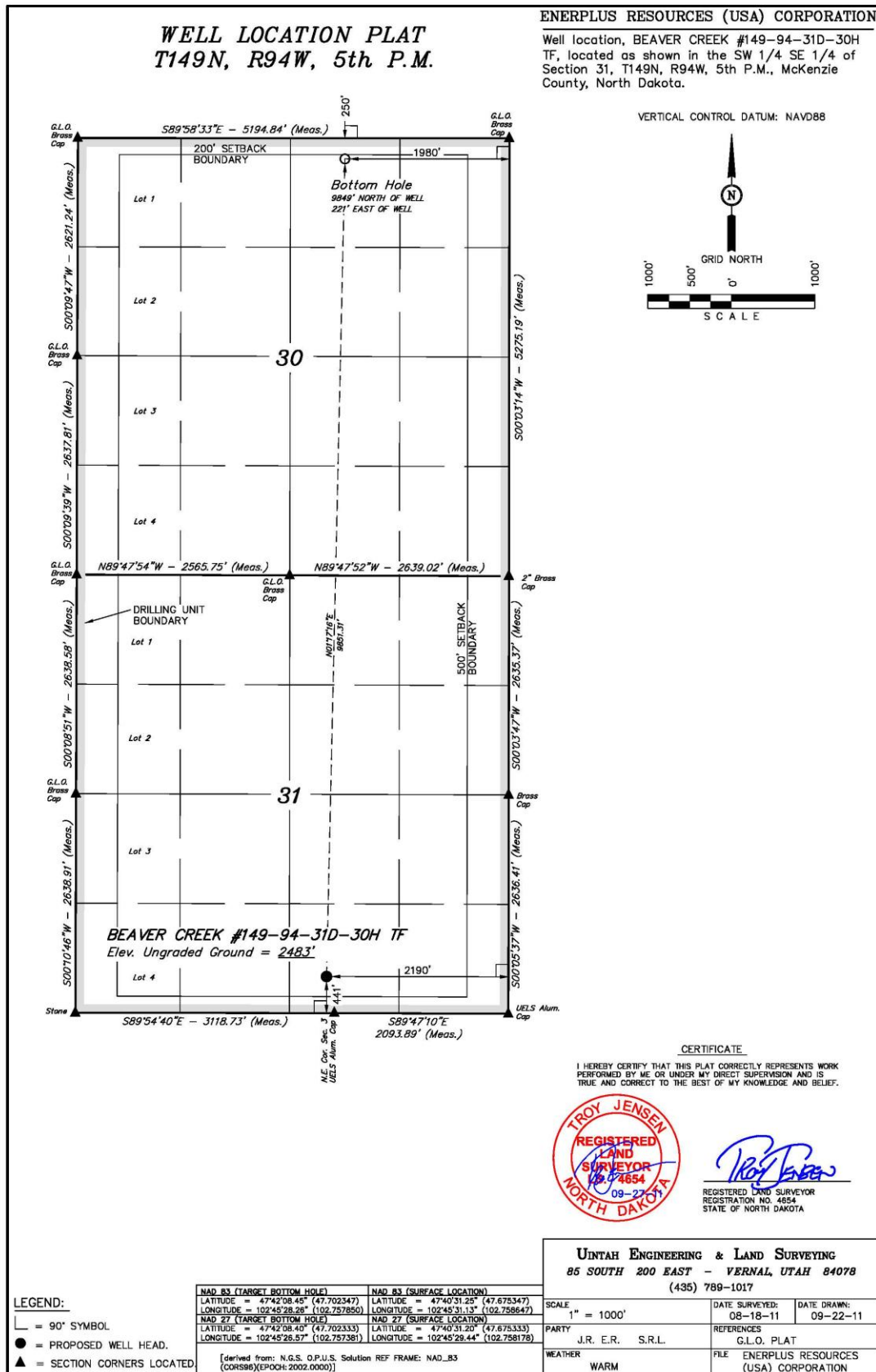


**APPENDIX A**  
**Plats, Drawings, and Diagrams for the**  
**Brugh Bear #2-11H/Beaver Creek #149-94-31D-30H TF/Zion #148-95-02B-**  
**11H Well Pad Location**

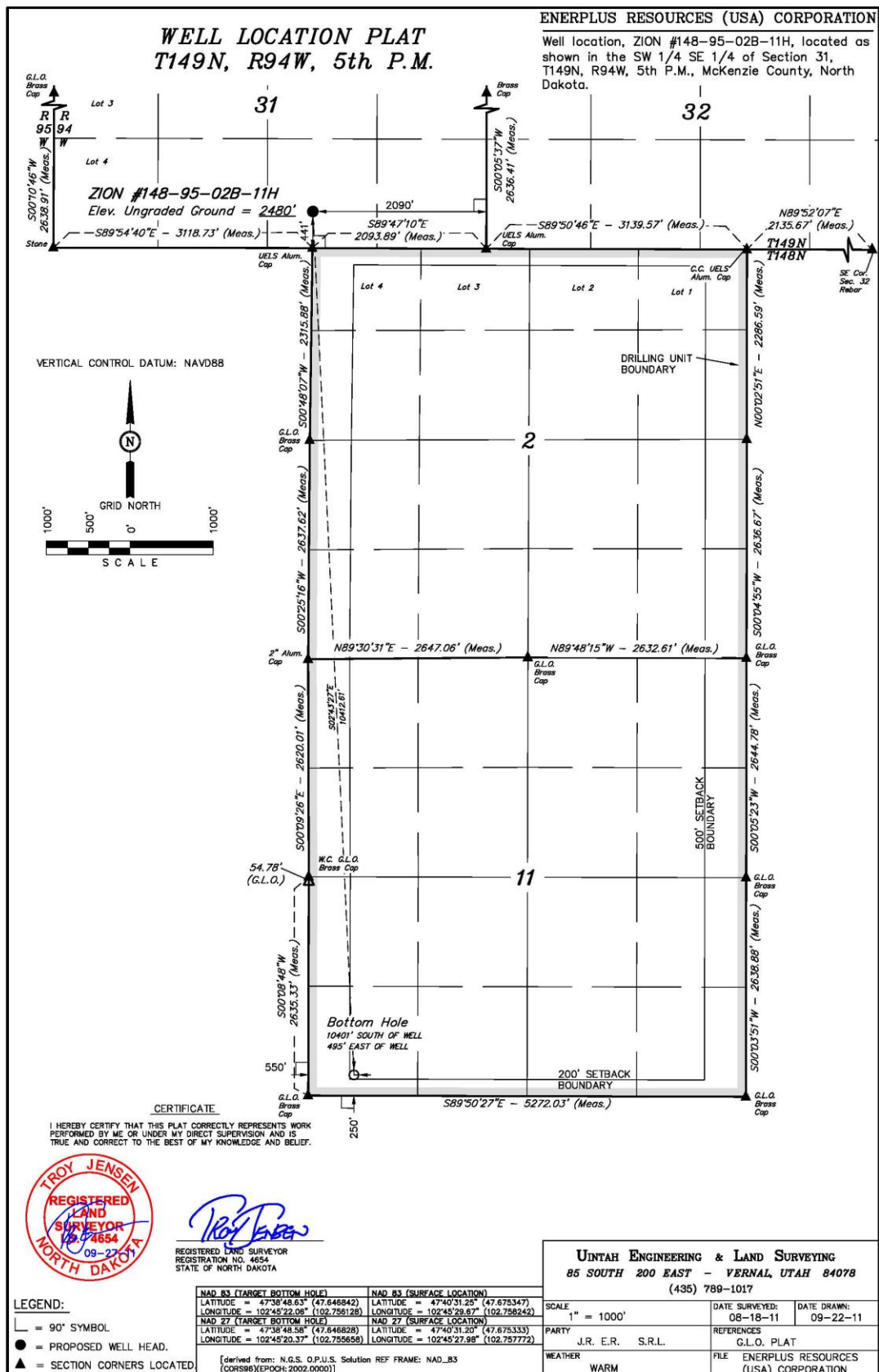
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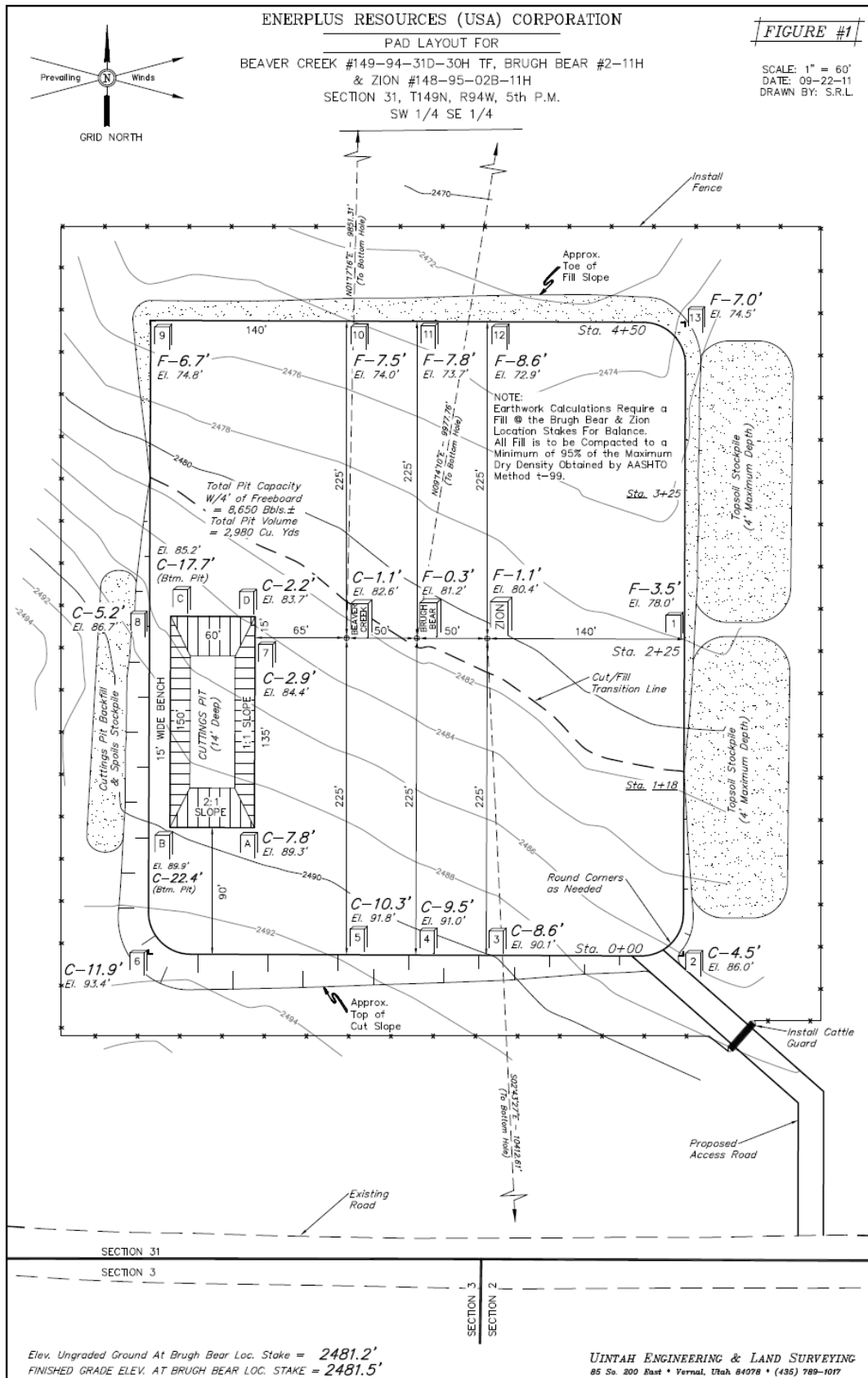
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