

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

DEC 05 2011

Tim Lafointe

MEMORANDUM

TO:

Superintendent, Fort Berthold Agency

FROM: ACTING 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 an additional geophysical monitoring well to the George Evans #11-2H multi-well ad site. 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) Ryan Krapp, Carlson McCain, Inc. (with attachment) Jeffrey Hunt, Fort Berthold Agency



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EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: Supplement to Environmental Assessment to authorize Dakota-3 E&P to include a vertical listening well on the previously approved well pad of the George Evans #11-2H Multi-Well Pad Site. Date: December 5, 2011

Nature of Proposed Action: <u>Dakota-3 E&P Company, LLC (Dakota-3 E7P)</u>, a subsidiary of Williams, is proposing to drill a geophysical monitoring well on the Fort Berthold Indian Reservation to assist in developing the commercial potential of natural resources. The purpose of the proposed action is to authorize Dakota-3 E&P to include a vertical listening well on the previously approved well pad. There will be no additional surface disturbance to the well pad. This document is tiered to an Environmental Assessment: Dakota-3 E&P Company, LLC, D-3 George Evans #11-2H Multi-Well Pad Site and John Evans #11-23H Dual-Well Pad Site (November 2011)

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

Evaluation of Exceptions to use of Categorical Exclusion:

| I. | effects on public health or safety. | No <u>X</u> | 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 <u>X</u> | 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 <u>X</u> | Yes |
| 5. | This action will establish a precedent for future actions. | No <u>X</u> | Yes |
| 6. | This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. | No <u>X</u> | 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 | ζ | 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 | 2. 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: <u>Jeffrey Davis, Environmental Protection Specialist</u> | | | | | | |
| Regional Archeologist Concurrence with Item 7 Woodhar C. Custave Concur: Date: 12 - 5 - Zoll Regional Office/Agency Environmental Coordinator | | | | | | |
| C | oncur: My firste ING Regional/Director/Superintendent | Date:_ | 12. | -5-2011 | | |

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 to Authorize Additional Geophysical Monitoring Well to George Evans #11-2H Multi-Well Pad Site

Fort Berthold Indian Reservation

December 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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1.0 Purpose and Need of Action

Dakota-3 E&P Company, LLC (Dakota-3 E&P), a subsidiary of Williams, is proposing to drill a geophysical monitoring well on the Fort Berthold Indian Reservation to assist in developing the commercial potential of natural resources. Developments have been proposed on land held in trust by the United States in Mountrail 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 Nations and to individual tribal members.

The purpose of the proposed action is to authorize Dakota-3 E&P to include a vertical listening well on the previously approved well pad of the George Evans #11-2H Multi-Well Pad Site (Figure 1). The well pad will not be modified in size or orientation from originally approved.

2.0 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.).

3.0 Legal Land Descriptions of Proposed Action

The George Evans #11-2H Multi-Well Pad Site is located on the SW¼ of the SE ¼ of Section 11, Township 150 North, Range 92 West, Mountrail County.

4.0 Scope of Work for Proposed Action

Dakota-3 E&P proposes to include a geophysical monitoring well (#11V) on the previously approved well pad without expanding pad or increasing disturbance area. The surface location of the vertical listening well will be approximately 30 feet east of the proposed 11-2HD well bore. This well will be used for microseismic monitoring during the completion of the two adjacent horizontal wellbores, as well as a pressure monitoring well for both the Bakken and Three Forks reservoirs during production of these adjacent laterals. In addition to monitoring during and after completion, whole core will be collected from the reservoir intervals for analysis.

5.0 Cultural and Natural Resource Surveys

No additional surveys for cultural or natural resources were conducted as the approved pad will not be modified in size or orientation. D-3 E&P will comply with the mitigation measures specified in the original EA. All other conditions and findings of the original EA will remain in effect. Based on those surveys and the mitigation measures committed to by Dakota-3 E&P,

no significant impacts to natural and cultural resources are anticipated. All other conditions and findings of the original EA will remain in effect.

6.0 Applicable National Environmental Policy Act (NEPA) Document(s)

Environmental Assessment: Dakota – 3 E&P Company, LLC, D-3 George Evans #11-2H Multi-Well Pad Site and John Evans #11-23H Dual-Well Pad Site (November, 2011); Finding of No Significant Impact: Dakota – 3 E&P Company, LLC, D-3 George Evans #11-2H Multi-Well Pad Site and John Evans #11-23H Dual-Well Pad Site (November 22, 2011).

7.0 Other Relevant Documentation

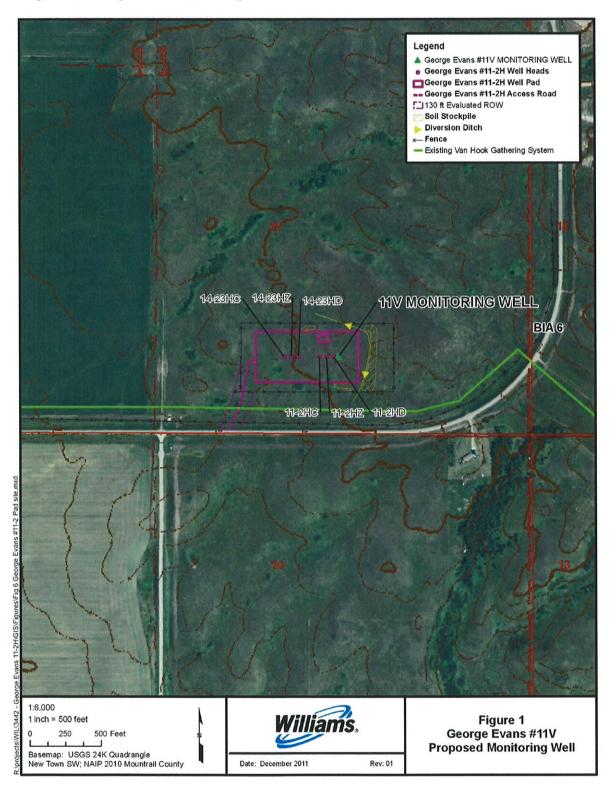
Cooper, Judith. 2011(a). A Class I and Class III Cultural Resources Inventory of the George Evans #11-2H Well Pad and Utility Corridor, Fort Berthold Indian Reservation, Mountrail County, North Dakota. Submitted by SWCA Environmental Consultants to the BIA Great Plains Regional Office, October 6, 2011.

8.0 NEPA Adequacy Criteria

This document has identified a previously prepared NEPA document, Environmental Assessment: Dakota – 3 E&P Company, LLC, D-3 George Evans #11-2H Multi-Well Pad Site and John Evans #11-23H Dual-Well Pad Site (November, 2011), 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. George Evans #11V Map



APPENDIX A

Revised Select Pages of Plats, Drawings, and Diagrams for the George Evans #11V Monitoring-Well

DAKOTA-3 E&P COMPANY, LLC
GEORGE EVANS #11-2HC, #11-2HD, #11-2HZ,
#11V MONITORING WELL, #14-23HC, #14-23HD & #14-23HZ
LOCATED IN MOUNTRAIL COUNTY, NORTH DAKOTA SECTION 11, T150N, R92W, 5th P.M.



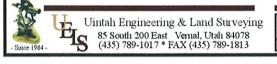
PHOTO: VIEW OF LOCATION STAKES

CAMERA ANGLE: WESTERLY



PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS

CAMERA ANGLE: NORTHERLY



O8 O6 11 MONTH DAY YEAR LOCATION PHOTOS РНОТО TAKEN BY: GR. DRAWN BY: S.F. REVISED: 11-18-11

