



# 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

JUN 19 2012

## 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 Marathon Oil Company, and authorizes one additional well on the previously approved William USA #31-2H well pad. No additional 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)  
Mike Cook, KLJ (with attachment)  
Eric Wortman, EPA (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

Project: Supplement to Environmental Assessment to Authorize Marathon Oil to Date: June 15, 2012  
drill a second Well on the William USA #31-2H well pad.

Nature of Proposed Action: Marathon Oil Company (Marathon) proposes to drill a second well atop the previously approved William USA #31-2H well pad. The additional well, William USA #31-2TFH, would access mineral resources from the Three Forks Formation. There will be no additional surface disturbance outside of a previous approved location. This document is tiered to an Environmental Assessment: Marathon Oil Company August 2011 Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells (FONSI issued August 03, 2011), (ROW issued October 27, 2011).

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: Jeffrey Davis, Environmental Protection Specialist

Regional Archeologist Concurrence with Item 7

*Sebastian C. Lisman*

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

Date: 6-15-2012

Concur: Tim LaSante  
Regional Director/Superintendent

Date: 6-19-2012

ACTING

# CATEGORICAL EXCLUSION

## *Supplementary Information*

United States Bureau of Indian Affairs

Great Plains Regional Office  
Aberdeen, South Dakota



Marathon Oil Company

### **Supplementary Information for:**

Marathon Oil Company CAT-EX for Drilling of Williams USA #31-2TFH to Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells.

Drilling of Williams USA #31-2TFH in the NE¼ Section 2, T150N, R93W

Fort Berthold Indian Reservation

June 2012

### *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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# 1 PURPOSE AND NEED FOR THE PROPOSED ACTION

Marathon Oil Company (Marathon) proposes to drill a second well atop the previously approved William USA #31-2H well pad. The additional well, William USA #31-2TFH, would access mineral resources from the Three Forks Formation within Sections 2 and 11, township 150 North, Range 93 West, 5th P.M. *Please refer to Figure 1, Project Location Map and Figure 2, Site Overview Map.*

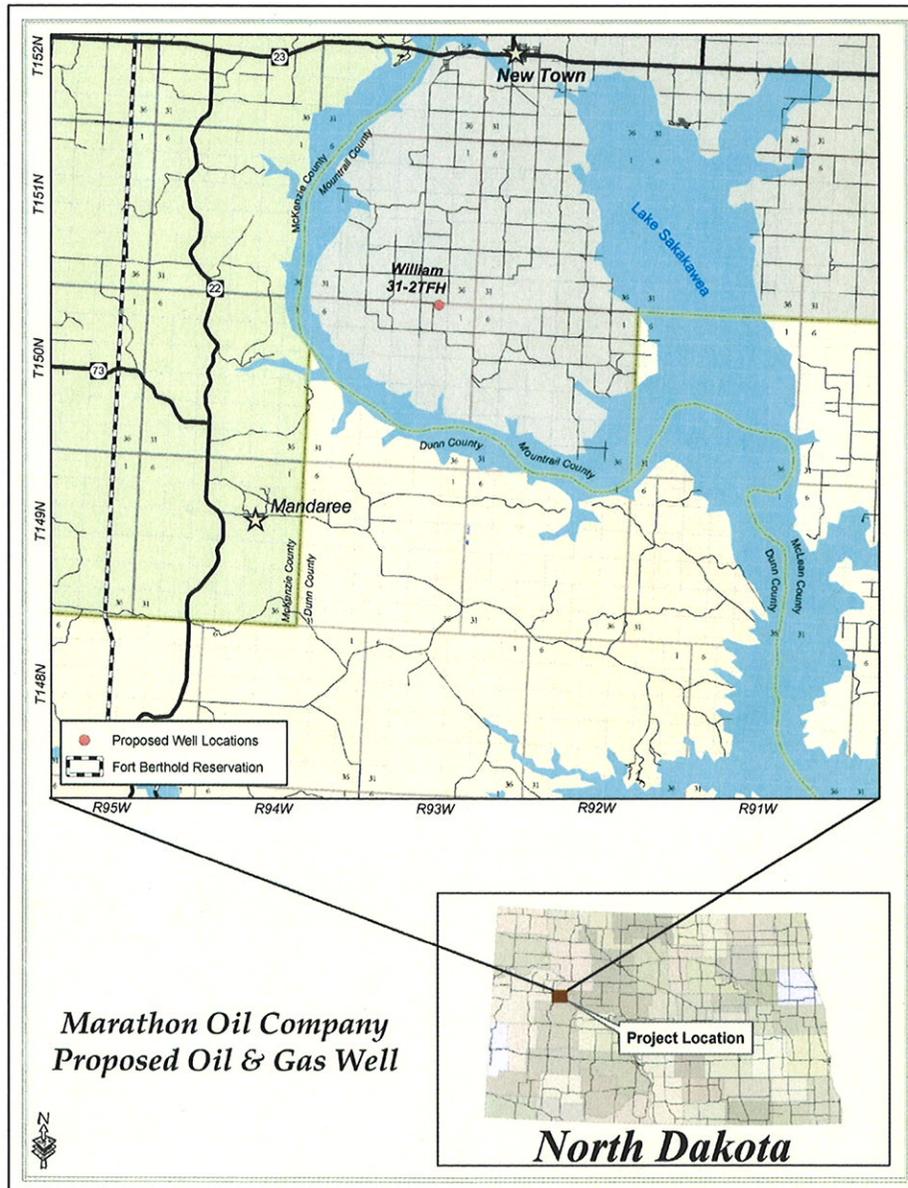
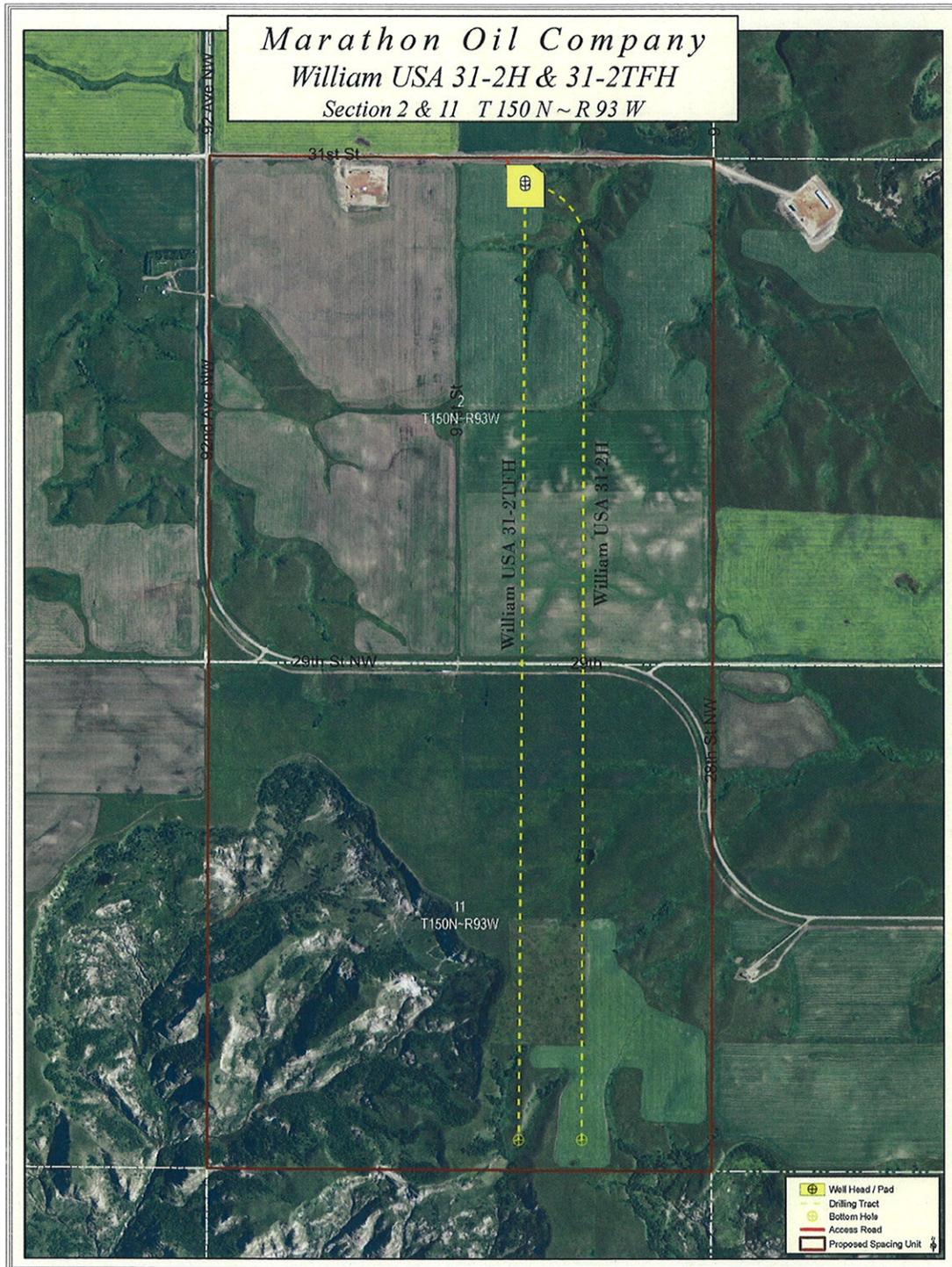


Figure 1, Project Location Map



**Figure 2, Site Overview Map**

## **2** AUTHORITIES

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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 well (William USA #31-2TFH) would be constructed atop the previously-approved William USA #31-2H well pad in the NW¼NE¼ of Section 2, Township 150 North, Range 93 West, 5th P.M., to access potential oil and gas resources within the spacing unit consisting of Sections 2 and 11, Township 150 North, Range 93 West, 5th P.M.

## **4** SCOPE OF WORK FOR PROPOSED ACTION

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The proposed William USA #31-2TFH well would be drilled atop the previously-approved William USA #31-2H 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 William USA #31-2TFH well would not result in additional surface disturbance or environmental impacts.

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

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Environmental Assessment: Marathon Oil Company August 2011 Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells.

FONSI issued August 03, 2011

ROW issued October 27, 2011

## 6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

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The proposed project would take place entirely within areas of disturbance identified and accounted for in the August 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 August 2011 Environmental Assessment.

## 7 NEPA ADEQUACY CRITERIA

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This document has identified one previously prepared NEPA document: Marathon Oil Company August 2011 Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells, 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 documents.
2. The range of alternatives is reasonable with respect to the current proposed actions in the existing NEPA documents, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. 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 documents 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 documents.
6. The cumulative impacts that would result from implementation of the proposed actions are unchanged from those analyzed in the existing NEPA documents.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.