

**United States Department of the Interior  
Bureau of Land Management**

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**FINDING OF NO SIGNIFICANT IMPACT  
(FONSI)  
TO ADOPT THE  
MITIGATED PROGRAMMATIC ENVIRONMENTAL  
ASSESSMENT  
OIL AND GAS DEVELOPMENT  
ON TRUST LANDS AND MINERALS  
FORT BERTHOLD INDIAN RESERVATION (FBIR)**

*Location:* The FBIR is located in west-central North Dakota, in portions of Dunn, McLean, Mountrail, Mercer, McKenzie, and Ward counties. FBIR boundaries encompass approximately 1 million acres, of which about 458,000 surface acres are owned by tribal allottees or by the TAT. The U.S. owns about 152,000 surface acres, administered by the U.S. Army Corps of Engineers as Lake Sakakawea. Nearly all remaining areas are owned in fee, mostly by persons who are not tribal members.

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Bureau of Land Management  
North Dakota Field Office  
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# **FINDING OF NO SIGNIFICANT IMPACT**

## **MITIGATED PROGRAMMATIC ENVIRONMENTAL**

### **ASSESSMENT**

## **Introduction**

The Bureau of Land Management (BLM) was a Cooperating Agency with the Three Affiliated Tribes (TAT) and the Bureau of Indian Affairs who prepared this Mitigated Programmatic Environmental Assessment (PEA), of the above listed oil and gas development on trust lands and minerals in the Fort Berthold Indian Reservation in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the regulations of the Council on Environmental Quality (CEQ), 40 Code of Federal Regulations (CFR) parts 1500 through 1508. Alternative A, the Proposed Action, identified and analyzed the types and extent of environment effects that could result from the drilling of up to 1,740 wells on approximately 435 well pads (an average of four wells per pad) for the exploration and production of oil and associated gas over the next 5 years. These wells would be drilled after permission to drill has been received from the BLM by the mineral leaseholders that are parties to the Proposed Action, and activities would include: associated well pad construction; drilling and completion of the wells; construction of access roads; installation of oil, gas, fresh water, and produced water flow lines; installation of buried electric utility lines; and construction of other oil and gas related facilities.

## **Finding of No Significant Impact Determination**

Based upon a review of the environmental assessment and the supporting documents I have determined that this project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27, An environmental impact statement is not needed. This finding is based on the context and intensity of the project as described below.

## **Context**

This Mitigated PEA identifies and analyzes potential environmental effects of anticipated continuation of oil and natural gas (gas) exploration and development on the FBIR during the period 2016 through 2021. Oil and gas production will continue beyond 2021, but most future drilling and related infrastructure development on the FBIR are anticipated to occur during the 2016 to 2021 period. Under the Mitigated PEA, associated federal actions by BIA include determinations of effect regarding environmental resources and positive recommendations to the U.S. Bureau of Land Management (BLM) regarding the Applications for Permit to Drill (APDs). These wells will be drilled after permissions are granted by the mineral owners, the BIA ROW is issued, and the subsequent APD is approved by the BLM for the Proposed Action. The Proposed Action will include well pads (oil and gas wells), access roads, and pipeline systems and electric utility lines within the ROW. Note that the 5-year timeframe is an estimate and that the proposed development analyzed in the Mitigated PEA could occur over a shorter or longer timeframe. The Mitigated PEA will be evaluated on a yearly basis to determine if the proposed development has been reached. The use of the Mitigated PEA may be extended beyond 5 years depending on the

level of development reached. Additionally, BIA will reassess the Mitigated PEA if pertinent changes in federal regulations are identified. The list of terms, conditions and stipulations and cite specific mitigation measures that have been analyzed in the Mitigated Programmatic Environmental Assessment are located in the EA in Appendix B and K.

## **Intensity**

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

### **1. Impacts may be both beneficial and adverse**

The proposed project would impact resources as described in the EA. Design features to minimize or eliminate adverse impacts were identified in the analysis and will be included as Conditions of Approval with the approved permits. The EA also disclosed beneficial impacts from the proposed project, such as increase the knowledge base of the mineral resources potential.

### **2. The degree to which the selected alternative will affect public health or safety.**

The PEA minimizes impacts to public health and safety by project design and additional mitigation measures in section 2.5 and/or in the BIA COAs (Appendix K).

### **3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.**

There are no effects on park lands, prime farm lands, wild and scenic rivers, or ecologically critical areas. The historic and cultural resources investigations would be completed prior to any permits being issued for ground disturbing activities. In addition, historic properties would not be affected by this proposed action for the reasons listed in 3.10 section of the PEA. Wetlands that may be affected are discussed in Section 3.6 that include protection measures that apply to both jurisdictional and non-jurisdiction under CWA Section 404.

### **4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action. The environmental analysis did not show any highly controversial effects to the quality of the human environment.

### **5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The analysis did not show any unique or unknown risks to the human environment. The project is not unique or unusual because BLM and the State of North Dakota have

approved similar actions in the same geographic area. The environmental effects to the human environment are analyzed in the environmental assessment. There are no known predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The actions considered in the preferred alternative were considered by BLM within the context of past, present, and reasonably foreseeable future actions. The action would not establish a precedent, since the project area is in a developed oil and gas field.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.**

The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 3 of the EA, including cumulative impacts.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The NRHP resources investigations would be completed prior to any permits being issued for ground disturbing activities. In addition, historic properties would not be affected by this proposed action for the reasons listed in 3.10 section of the PEA.

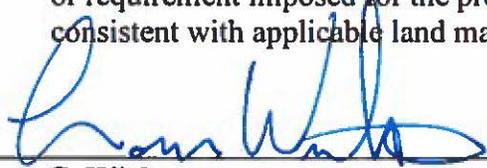
**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.**

Mitigating measures to reduce impacts to wildlife and fisheries have been incorporated into the project design. Eight different species could utilize habitat within the project boundary and maybe affected by some actions, however the USFWS has issued a Biological Opinion and concurrence under Section 7 consultation that any effects will not adversely impact the listed species or established critical habitat.



**10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.**

The proposed project does not threaten to violate any Federal, State, Tribal, or local law or requirement imposed for the protection of the environment. Furthermore, the project is consistent with applicable land management plans, policies, and programs.



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4/23/17

**Date**