

United States Department of the Interior Bureau of Land Management

Environmental Assessment DOI-BLM-MT-C030-2016-0212-EA

Finding of No Significant Impact

Project Title: Sundry Notice Flaring Requests

Location: Multiple Counties, North Dakota

North Dakota Field Office
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Finding of No Significant Impact North Dakota Field Office

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an Environmental Analysis (EA) (DOI- BLM-MT-C030-2016-0212-EA) to analyze the potential effects from Sundry Notice requests to flare oil-well gas from Federal and Indian leases in western North Dakota. The EA was prepared based on available information from BLM and State inventory and database files.

Impact identification and analysis of the Alternative A -No Action and the Alternative B- Proposed Action (BLM-Preferred) has been completed. The No Action Alternative (Alternative A), would be to analyze approximately 2,211 pending SN requests to flare gas from Federal and Indian oil wells as submitted by the operator on a case-by-case basis in accordance with National Environmental Policy Act (NEPA) and NTL-4A. This would mean the analysis would also occur on a case-by-case basis without consideration of the environmental conditions of a larger area in the western portion of North Dakota; this would also take longer because the same analysis would have to be done for each SN request (i.e., discussing impacts to air quality in every SN request NEPA document versus disclosing impacts to air quality from all 2,211 SN requests and the reasonably foreseeable development scenario). The proposed action (Alternative B-BLM Preferred) would be for BLM to analyze approximately 2,211 pending SN requests, Appendix A in the EA, to flare gas from Federal and Indian oil wells along with disclosing the reasonably foreseeable impacts from flaring in the western portion of North Dakota, and identify mitigation measures for future flaring.

It is the policy of the BLM as derived from NTL-4A, and the Federal Land Policy and Management Act of 1976, and NEPA to respond to flaring requests to vent or flare oil-well gas from Federal and Indian wells and approve under certain conditions.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with the following plans and associated Record of Decision(s): BLM North Dakota Field Office (NDFO) Resource Management Plan (RMP) (April 1988); and its associated Environmental Impact Statement (EIS), the governing land use plan for the NDFO.

FINDING OF NO SIGNIFICANT IMPACT:

Based on my review of the EA and all other available information, I have determined that Alternative B- BLM Preferred Alternative, including the implementation of required mitigation measures for future flaring, 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 (as defined by 40 CFR 1508.27). Therefore, an EIS is not required. Any future proposed surface disturbance on the lease would be subject to additional site-specific National Environmental Policy Act (NEPA) analysis and documentation.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and intensity of the

impacts described in the EA:

Context:

The BLM Preferred Alternative would occur within the western portion of the NDFO and would have local impacts on the resources similar to and within the scope of those described and considered in the North Dakota RMP/FEIS (April 1988). The project is a site-specific action directly involving approximately 2,211 Federal and Indian Sundry Notice requests to flare oil-well gas, and mitigation measures for future flaring within the geographic area; by themselves they do not have international, national, regional, or state-wide importance.

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: Beneficial, adverse, direct, indirect and cumulative environmental impacts have been disclosed in the EA. Mitigating measures to reduce or eliminate impacts to the various resources and land uses were incorporated in the design of the BLM Preferred Alternative. The analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects typically would be limited to Sundry Notice request on Federal and Indian leases and adjacent lands in western North Dakota.

2. The degree to which the selected alternative will affect public health or safety: The selected alternative does not authorize any surface disturbing activities and is designed to minimize or eliminate impacts to other resources as well as to public health and safety.

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: Historic and cultural resources in the analysis area have been reviewed by BLM. These characteristics have been deemed to be not affected by the BLM Preferred Alternative with design features/mitigating measures for future flaring. Due to the infrequent, low production history, and existing infrastructure on location, flaring of oil-well gas from the well within the viewshed of Theodore Roosevelt Greater Elkhorn Ranchlands was determined to not impact the setting or feeling of the historic property.

For future flaring, the BLM would apply design features/mitigation measures as described in the EA to minimize and/or eliminate impacts to the visual, atmospheric or audible elements of a historic or cultural property's setting. When necessary, the BLM would coordinate with the appropriate Surface Management Agency (SMA) for NEPA reviews for future flaring within viewsheds located on lands administered by another federal agency, and recommend design features/mitigation measures analyzed in the EA in consultation with SHPO. There are no impacts to park lands, prime farmlands, wilderness, wetlands, wild and scenic rivers, or ecologically critical areas from the BLM Preferred Alternative.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial: No anticipated effects have been identified that are controversial. The BLM Preferred Alternative conforms with the current land use plan guidance which analyzed impacts from oil and gas production activities which included flaring of natural gas. As a factor for determining (within the meaning of 40 CFR 1508.27(b) (4)) whether or not to prepare a detailed EIS, “controversy is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks: The BLM Preferred Alternative of analyzing flaring oil-well gas is not unique or unusual. The State of North Dakota also responds to operator requests to flare oil-well gas associated with State or private wells. The EA describes and discloses impacts from flaring oil-well gas from Federal and Indian wells, as well as identifies design features/mitigation measures designed to eliminate, minimize, or mitigate impacts to resources from flaring. The environmental effects to the human environment are fully analyzed in the EA. There are no 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 BLM Preferred Alternative neither establishes a precedent nor represents a decision in principle about future actions. The Preferred Alternative does not authorize any surface disturbing activities. The actions considered in the selected alternative were considered within the context of past, present, and reasonably foreseeable future actions.

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 BLM evaluated the possible actions in context of past, present, and reasonably foreseeable actions. The BLM Preferred Alternative by itself or in connection with other activities would not have significant impacts. Future flaring in western North Dakota was analyzed in the EA to determine that there are no significant cumulative impacts. A complete disclosure of the effects of the proposed action is contained in Chapter 4 of the EA.

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 BLM Preferred Alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historic resources. Consultation with the North Dakota SHPO has been completed in accordance with Section 106 of the NHPA and they have concurred with a “no adverse effect” on cultural resources. Future flaring within viewsheds of cultural or historic properties identified, the BLM would require mitigation measures as described in the EA. This would result in a no

adverse effect to these properties by the BLM Preferred Alternative. When necessary, the BLM would coordinate with the appropriate SMA for NEPA reviews on future flaring within viewsheds located on lands administered by another federal agency. BLM would recommend the design features/mitigation measures analyzed in the EA.

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: No threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified for the proposed action.

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 on-Federal requirements are consistent with Federal requirements: The BLM Preferred Alternative does not violate any known Federal, State, local or tribal law or requirements imposed for the protection of the environment. On June 29, 2015, the NDFO invited 17 federally recognized Indian tribes to consult about the NDFO's oil and gas program and the flaring of natural gas. The NDFO sent letters with maps to 17 Tribal Historical Preservation Officers or the respective cultural contacts, inviting them to submit issues and concerns BLM should consider in the environmental analysis. The Fort Belknap Indian Community requested to be consulted with on future NDFO APDs. Furthermore, the project is consistent with applicable land management plans, policies and programs.

Loren Wickstrom
Field Manager

Date