



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

MAR 15 2010

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: **ACTING** Regional Director, Great Plains Region

SUBJECT: Supplemental to Environmental Assessment

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Supplemental for information tiering off of an existing Environmental Assessment for Kodiak Oil & Gas (USA) Inc. for Moccasin Creek 13-34, Two Shields Butte 2-24, Two Shields Butte 3-24, and Two Shields Butte 14-21 completed August 2009, on the Fort Berthold Reservation, a Categorical Exclusion has been completed.

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: Marcus Levings, Chairman, Three Affiliated Tribes (with attachment)
Perry "No Tears" Brady, THPO (with attachments)



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EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 3/11/2010

Project: Supplemental to Environmental Assessment for Kodiak Oil & Gas (USA) Inc: Moccasin Creek 13-34, Two Shields Butte 2-24, Two Shields Butte 3-24, and Two Shields Butte 14-21, August 2009, to Authorize New Bottom Hole Location Two Shields Butte 14-21-33-16H.

Nature of Proposed Action: The purpose of the proposed action is to authorize Kodiak to drill a new bottom hole location for the Two Shields Butte 14-21-33-16H. No new surface disturbances will be associated with the well pad.

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 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 Yes
3. The action will have highly controversial environmental effects. No Yes
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. No Yes
5. This action will establish a precedent for future actions. No Yes
6. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No Yes
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No 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 _____

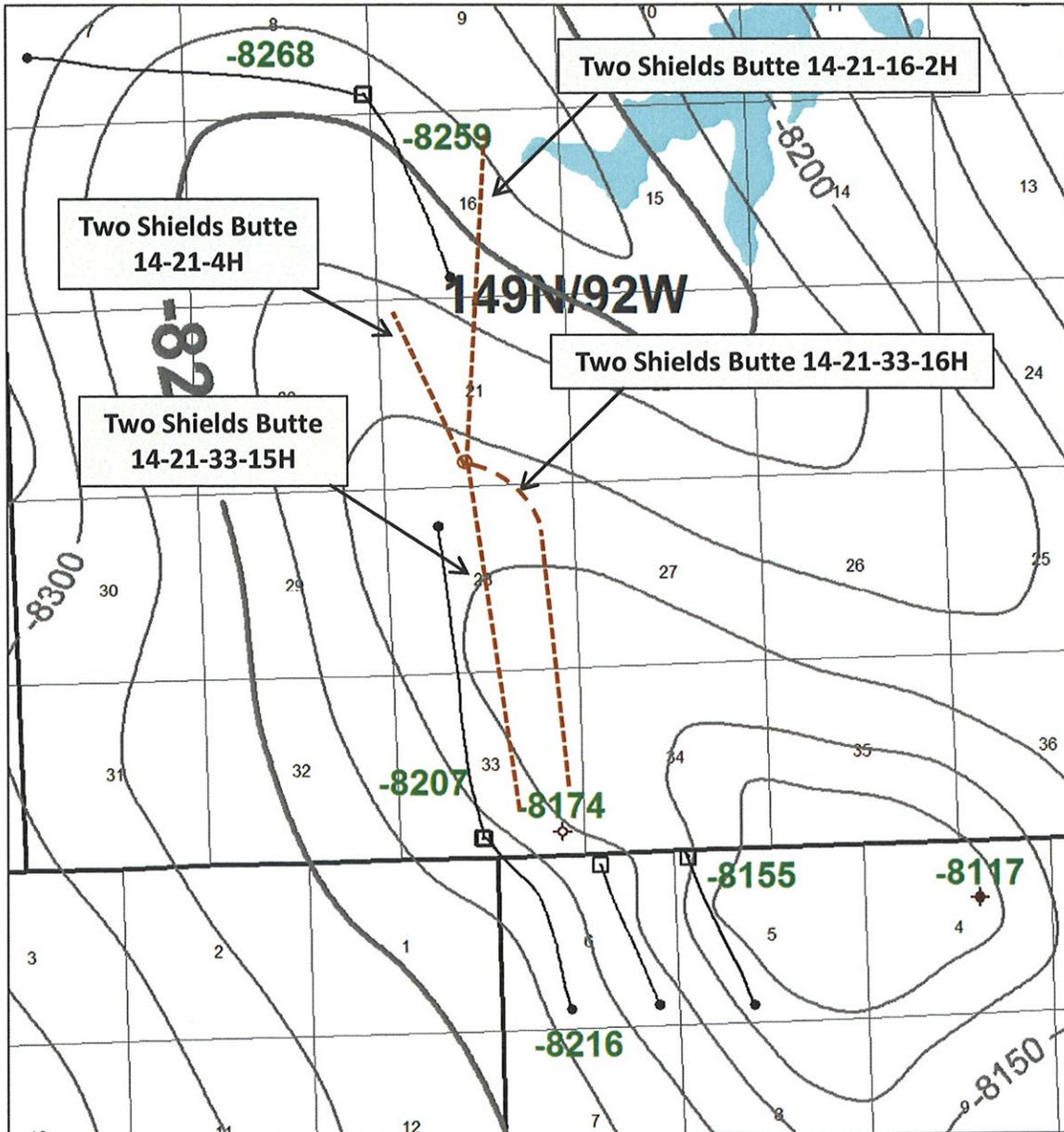
Preparer's Name and Title: Marilyn Bercier, Regional Environmental Scientist

Regional Archeologist Concurrence with Item 7 Carson M. Mundy

Concur: Jeffery R. Dennis Date: 3/15/2010
Regional Office/Agency Environmental Coordinator

Concur: Steve Jauer Date: 3/15/10
Regional Director/Superintendent

Proposed Two Shields Butte 14-21-16-2H
Township 149 North, Range 92 West
E2 Sections 16 & 21



BAKKEN FORMATION
STRUCTURE
CI 25'



KODIAK
OIL & GAS CORP.