



United States Department of the Interior

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

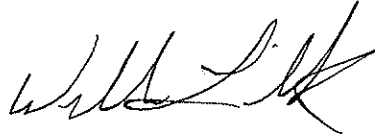


NOV 29 2010

IN REPLY REFER TO:
DESCRM
MC-208

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: 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 Enerplus Resources (USA) Corporation for Birdbear 6C-1H and Yellowbird 6A-1H, dated September 2010 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: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Elgin Crow Breast, THPO (with attachments)



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EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 11/23/2010

Project: Supplemental to Environmental Assessment: Enerplus Resources (USA) Corporation, Birdbear 6C-1H and Yellowbird 6A-1H, September 2010, to authorize additional exploratory Bakken formation well on the Birdbear 6C-1H Well Pad on the Fort Berthold Reservation.

Nature of Proposed Action: The purpose of the proposed action is to authorize Enerplus Resources to drill a second well to the Three Forks formation on the previously approved well pad. No new surface disturbances will be associated with the proposed action.

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 *Kanabon To Puyupuy*

Concur: *Marilyn Bercier* Date: 11/23/10
Regional Office/Agency Environmental Coordinator

Concur: *William L. ...* Date: 11/24/10
Regional Director/Superintendent