



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

FEB 02 2011

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{Acting} Regional Director, Great Plains Region *Marilyn Bercier*

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, for a new access road and underground gathering and electric lines by Kodiak on the Fort Berthold Reservation, an Environmental Assessment (EA) has been completed and a Finding of No Significant Impact (FONSI) has been issued.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the EA, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the FONSI (1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

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)
Derek Enderud, BLM, Dickenson, ND (with attachment)
John Shelman, US Army Corps of Engineers
Jeffrey Hunt, Virtual One Stop Shop

**ENVIRONMENTAL ASSESSMENT
ADDENDUM**

United States Bureau of Indian Affairs

**Great Plains Regional Office
Aberdeen, South Dakota**



Kodiak Oil & Gas (USA) Inc.

Addendum to:

Up to Ten Exploratory Wells with Five Surface Locations

**Skunk Creek 2-8-17H
Skunk Creek 4-8-17H
Skunk Creek 4-10-11H
Skunk Creek 12-10-11H
Two Shields Butte 5-7-8H**

Fort Berthold Indian Reservation

January 24, 2011

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

Finding of No Significant Impact

Kodiak Oil & Gas (USA), Inc. - (Kodiak)

Addendum to: Up to Ten Exploratory Wells with Five Surface Locations

**Skunk Creek 2-8-17H
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Fort Berthold Indian Reservation Dunn County North Dakota

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum for an access road and related underground infrastructure on the Fort Berthold Indian Reservation to be located in Sections 5 and 8 of Township 148 North, Range 93 West, Sections 9 and 10 of Township 148 North, Range 93 West, and Section 7 of Township 149 North, Range 92 West. Associated federal actions by BIA include determinations of effect regarding cultural resources, approvals of leases, rights-of-way and easements, and a positive recommendation to the Bureau of Land Management regarding the Applications for Permit to Drill.

The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing Environmental Assessment (EA), as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement was solicited and environmental issues related to the proposal were identified.
 2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed action and the No Action alternative.
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3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 “Responsibilities of Federal Agencies to Protect Migratory Birds”, and the Endangered Species Act (16U.S.C. 1531 et seq.).
4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed projects will improve the socio-economic condition of the affected Indian community.

Acting Marilyn Bevie
Regional Director → Great Plains Regional Office

2/2/11
Date

Notice of Availability and Appeal Rights

Kodiak: EA Addendum for alternate access road and gathering lines to Skunk Creek 2-8-17H, Skunk Creek 4-8-17H, Skunk Creek 4-10-11H, Skunk Creek 12-10-11H, Two Shields Butte 5-7-8H

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an EA Addendum to authorize construction of alternate route and installation of gathering lines as shown on the attached map. Construction by Kodiak is expected to begin in 2011.

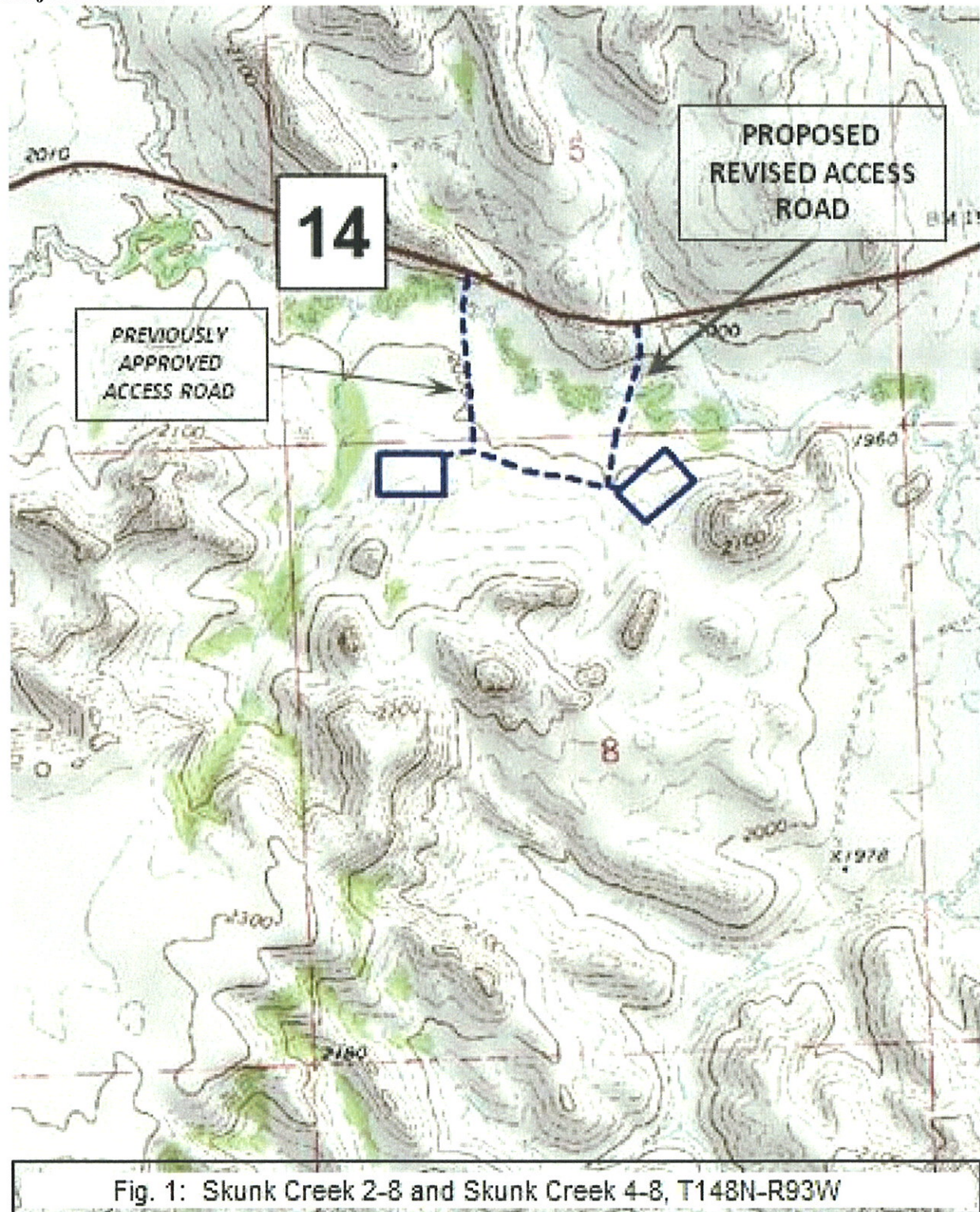
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Howard Bemer, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA’s decision to proceed with administrative actions *can* be appealed until March 3, 2011, by contacting:

**United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 N. Quincy Street, Suite 300, Arlington, Va 22203.**

Procedural details are available from the BIA Fort Berthold Agency at 701-627-4707.

Project locations.



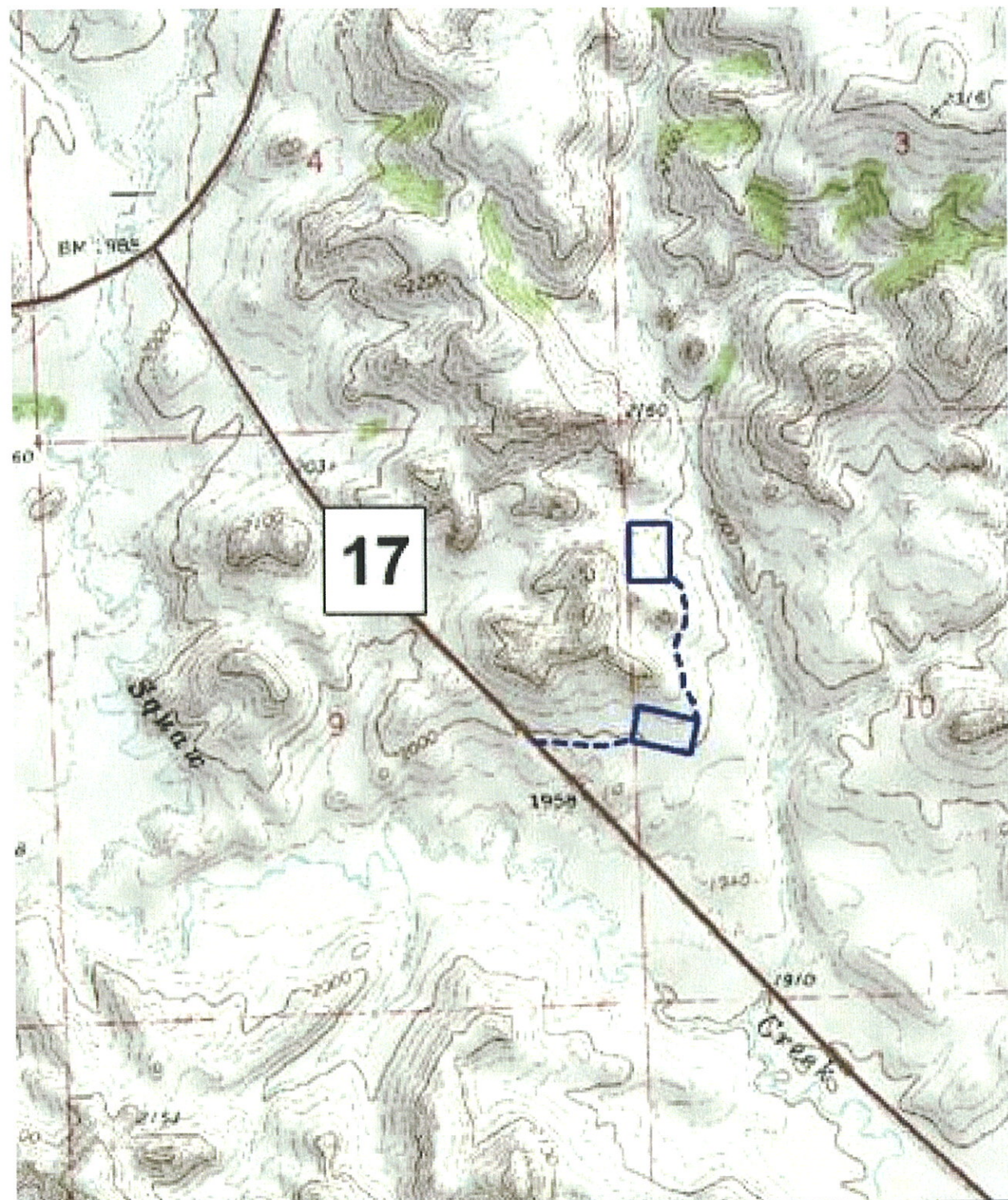


Fig. 2: Location Map Skunk Creek 4-10 and Skunk Creek 12-10, T148N-R93W

