



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

MAY 18 2011

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 Peak, North Dakota, LLC (now Enerplus). This Supplemental Categorical Exclusion has been issued to correct an administrative error; no new surface disturbances will be associated with administrative action.

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 Crows Breast, THPO (with attachment)
Derek Enderud, BLM, Dickinson, ND (with attachment)
John Shelman, US Army Corps of Engineers
Jeffrey Hunt, Fort Berthold Agency



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EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 5/17/2011

Project: Supplemental to Environmental Assessment for Peak, North Dakota, LLC (now Enerplus): Bradfield #31-14H, Mandan #8-21H, Mandan #8-31H, Young Bird #12-21H, Walker #18-34H, Hans #20-21H, and Likes Eagle #2-31H (October 2010) to correct administrative error.

Nature of Proposed Action: The purpose of the proposed action is to correct administrative error. The EA and older plats erroneously indicated access road as 158 feet long, correct length is 190 feet. All surveys were conducted to cover total length of 190 feet. No new surface disturbances will be associated with correcting this administrative error.

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. Munday

Concur: [Signature] Date: 5/17/2011
Regional Office/Agency Environmental Coordinator

Concur: [Signature] Date: 5/18/11
Acting Regional Director/Superintendent



2/36

Sheridan Office
1892 South Sheridan Avenue
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May 16, 2011

Ms. Marilyn Bercier, Regional Environmental Scientist
Bureau of Indian Affairs
115 4th Avenue SE
Aberdeen, South Dakota 57401
(605) 226-7656

RE: Bradfield #31-14H

Ms. Bercier:

When the Bradfield #31-14H was being re-staked for an onsite, the surveyor discovered a discrepancy in the access road length as described on the old plats and in the environmental assessment (EA). Both the older plats and the EA indicated that the access road was 158 feet long, but, following the original stakes, it was determined that it is actually 190 feet. According to the cultural survey reported prepared by Beaver Creek Archaeology in July of 2010 (BIA Case Number: AAO-1808/FB/10), the entire access road length is included in the 10-acre Area of Potential Effect. The plats have been revised to reflect this change.

Please feel free to call (307) 673-4303 or email jsheeley@swca.com if there are any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Joey Sheeley". The signature is fluid and cursive.

Joey Sheeley, Planning Specialist
1892 South Sheridan Avenue
Sheridan, Wyoming 82801
307.673.4303 (office)
307.751.3951 (cell)

Cc: Rachael Overbey, Derek Enderud
