



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

EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: Soil Testing of Two Alternative Off-Site Cuttings Pit Locations Along the Approved Fort Berthold #148-94-19D-18-1H, -2H and Fort Berthold #148-94-30A-31-1H, -2H Access Road

Date: 6/14/2011

Nature of Proposed Action: The purpose of the Proposed Action is to authorize Petro-Hunt, LLC to test the soils on two off-site cuttings pit locations along a previously approved access road. The alternative cuttings pit locations are approximately 16.8 miles south-southwest of Mandaree, North Dakota in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 148 North, Range 94 West, 5th Prime Meridian., Dunn County, North Dakota.

The approved Fort Berthold #148-94-19D-18-1H, -2H and Fort Berthold #148-94-30A-31-1H, -2H well pad location was found to have sandy soils, which are unsuitable for pit construction, creating the need for an alternate location. The soil samples will be taken, with the permission of the land owner, using soil exploration equipment. The samples will be approximately four inches in diameter and twelve feet deep. If the soils on the proposed off-site cuttings pit locations are found to be acceptable, an environmental assessment addendum for pit construction will be prepared for only one of the locations.

The alternate locations were surveyed and cleared for cultural and natural resources on May 3 and May 12, 2011. Jeff Desjarlais from the Bureau of Indian Affairs and Jeff Smith and Weston Smith from the Tribal Historic Preservation Office (THPO) were onsite during the field surveys and have approved the locations. Elgin Crows Breast from the THPO of the Three Affiliated Tribes concurred with the recommendation that the project be granted a determination of a "No Historic Properties Affected" and allow construction and clearance to proceed as planned. This proposed Action is similar to, but not the same as, the action discussed in the original EA.

Exclusion category and number: 516 DM 10, Section 10.5, M (1)

Evaluation of Exceptions to use of Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No X 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 X Yes _____
3. The action will have highly controversial environmental effects. No X Yes _____

- 4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. No X Yes _____

- 5. This action will establish a precedent for future actions. No X Yes _____

- 6. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No X Yes _____

- 7. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No X 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 _____

Reservation

Project

Preparer's Name and Title: Jeffrey Davis, Environmental Protection Specialist

Regional Archeologist Concurrence with Item *Reservoir #1, Mendocino*

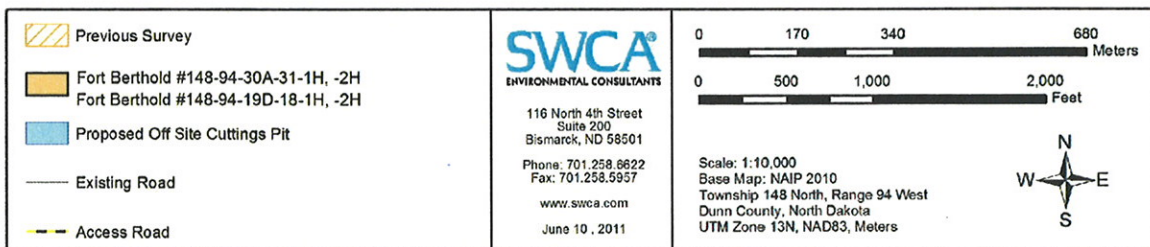
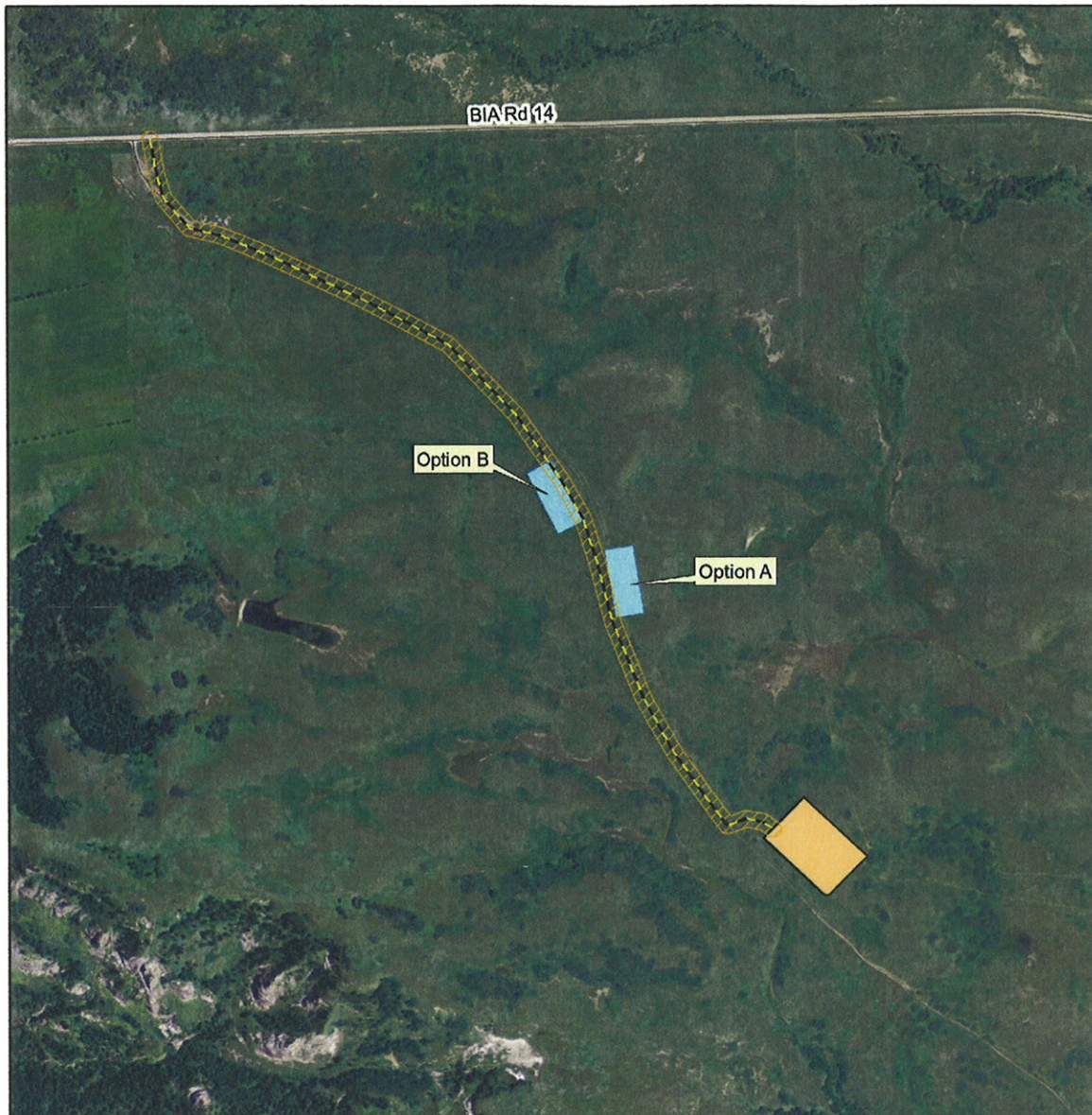
Concur: *Jeffrey Davis*
Regional Office/Agency Environmental Coordinator

Date: 6-14-2011

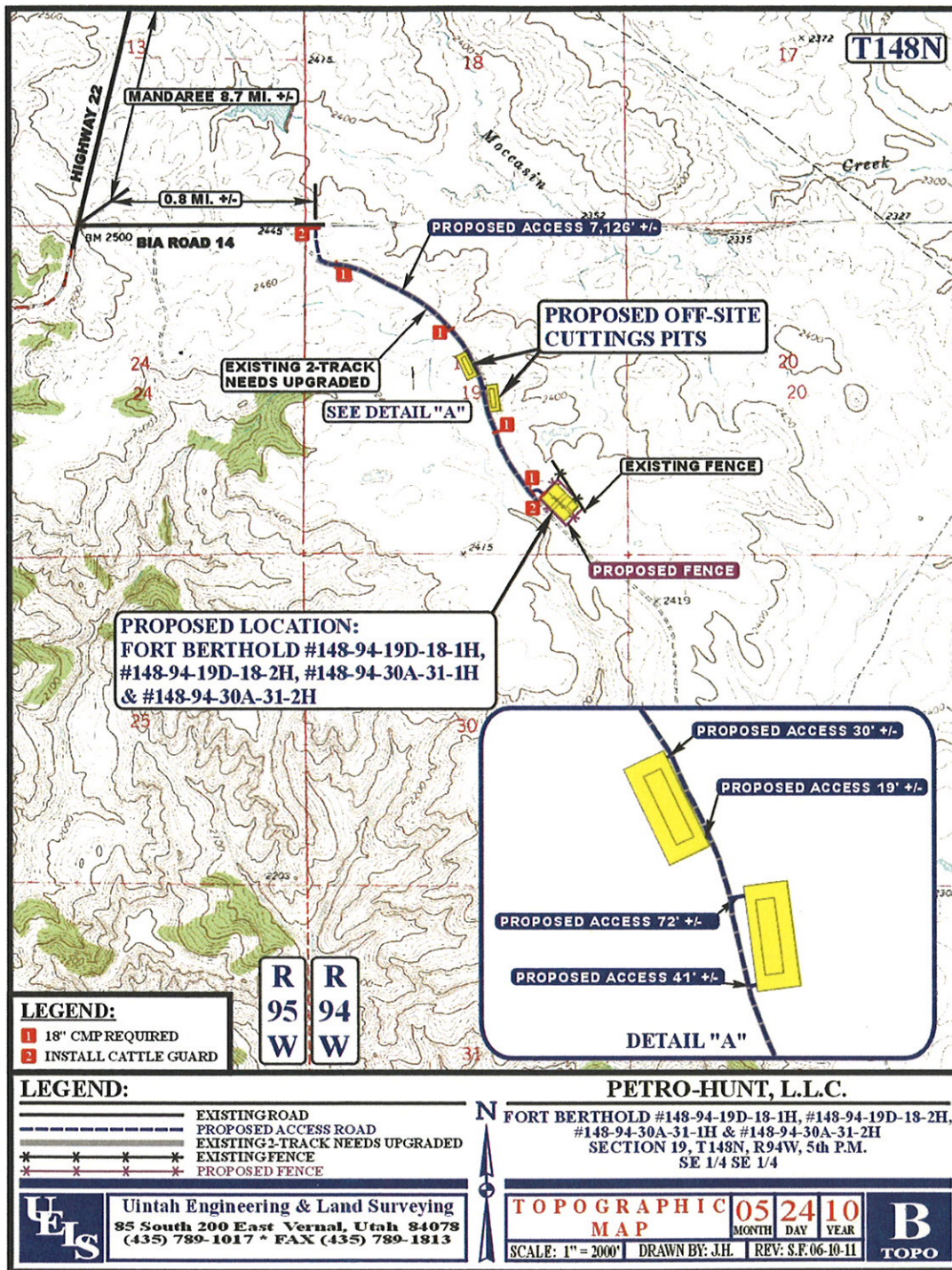
Concur: *Tim Lovvorn*
Regional Director/Superintendent

Date: 6-14-2011





Map of the two options for the Fort Berthold #148-94-19D-18-1H, -2H and Fort Berthold #148-94-30A-31-1H, -2H proposed off-site cuttings pit location.



Topographic Map B of the two options for the Fort Berthold #148-94-19D-18-1H, -2H and Fort Berthold #148-94-30A-31-1H, -2H Proposed Off-Site Cuttings Pits