



United States Department of the Interior

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FISH AND WILDLIFE SERVICE

Ecological Services
420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408

January 8, 2008

newly 29

Wetland easement - per Don Soderlund

*Don Soderlund from Sand Lake
+ Drew from Wabuney
reported no conflict w/
USFW easements*

Mr. Kurt Donelan, Land Agent
East River Electric Power Cooperative
121 Southeast First Street
P.O. Box 227
Madison, South Dakota 57042

Re: Proposed PS-20 115 KV Transmission
Line and Substation, Brown County,
South Dakota

Dear Mr. Donelan:

This letter is in response to your request dated December 4, 2007, for environmental comments regarding the above referenced project involving construction of approximately 13 miles of new 115 KV transmission lines and substation in Brown County, South Dakota.

Our records indicate that the U.S. Fish and Wildlife Service (Service) may hold easements on some of the properties near the areas proposed for construction. For exact locations of these easements and any additional restrictions that may apply regarding these sites, you will need to contact the Service's Sand Lake Wetland Management District at 39650 Sand Lake Drive, Columbia, South Dakota 57433, Telephone No. (605) 885-6320.

According to National Wetlands Inventory maps (available online at <http://wetlandswfs.er.usgs.gov/index.html>), wetlands exist adjacent to the proposed construction corridor. If a project may impact wetlands or other important fish and wildlife habitats, the Service, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and other environmental laws and rules, recommends complete avoidance of these areas, if possible. If this is not possible, attempts should be made to minimize adverse impacts. Finally, if adverse impacts are unavoidable, then measures should be undertaken to replace the impacted areas.

Work requiring the alteration or disturbance of wetlands or streams may require a permit from the U.S. Army Corps of Engineers (Corps) according to the regulations set forth in section 10 of The Rivers and Harbors Act or section 404 of The Clean Water Act. You may contact the Corps' Regulatory Office at 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501, Telephone No. (605) 224-8531.

In accordance with section 7(c) of the Endangered Species Act, as amended, 16 U.S.C. 1531 et seq., we have determined that the following federally listed species may occur in the project area (this list is considered valid for 90 days):

<u>Species</u>	<u>Status</u>	<u>Expected Occurrence</u>
Topeka shiner (<u>Notropis topeka</u>)	Endangered	Possible Resident.

Topeka shiners are known to occupy numerous small streams within eastern South Dakota, and most are concentrated within the Big Sioux, Vermillion, and James River watersheds. Survey efforts continue to reveal additional inhabited streams. We recommend that the proposed project implement the following best management practices to minimize potential impacts specifically to Topeka shiners.

1. Avoid construction activities during the spawning period from May 15 to July 31.
2. Minimize work area at stream locations. The majority of the work (including heavy equipment and storage sites) should occur above the high bank line.
3. Implement comprehensive and effective erosion and sediment controls. These methods should be implemented and maintained for the duration of the project and considered at all stages of project planning and design. Close attention is warranted for the placement and maintenance of temporary erosion control measures at the construction site to minimize sediment loading. These erosion/sediment control techniques should keep sediments from entering the stream and should remain in place until work areas become revegetated and stable. Such erosion control measures may include properly placed sediment/silt screens or curtains and hay bales. Proper techniques are important to the placement of these types of structures and include trenching, staking, and backfilling as well as using the appropriate number of bales. These techniques are best used in combination with each other rather than separately.
4. Erosion and sediment controls should be monitored daily during construction to ensure effectiveness, particularly after storm events, and only the most effective techniques should be utilized.
5. Methods that block a stream should not be constructed for extended periods of time. If temporary blocks are necessary, flexible water barriers should be used.
6. Exposed stream banks must be stabilized immediately after construction activity. Eroded surfaces should not be left exposed for greater than one day. If rain is predicted, no construction should commence unless eroded surfaces are immediately treated with geotextile fabric, mulch, seeding, or some techniques that would stabilize the bank or exposed areas from eroding.
7. Erosion repair and stream bank restoration should use appropriate bioengineering solutions.
8. No in-water dredging and substrate disturbance should occur in Topeka shiner inhabited streams. This includes no removal of stream bottom substrates for construction material. If modifications to the stream substrate cannot be avoided, formal section 7 consultation under the Endangered Species Act may be necessary. Although this process is a regulatory necessity, projects will likely continue with restoration of those physical habitat features that were disturbed during construction activities.

9. Develop and implement a hazardous materials safety protocol. This would include that all temporary storage facilities for petroleum products, other fuels, and chemicals must be located and protected to prevent accidental spills from entering streams within the project area.

If these best management practices are not implemented or applied effectively, potential adverse impacts to Topeka shiners and their habitats could occur.

If the Rural Utilities Service or their designated representative determines that the project "may adversely affect" listed species in South Dakota, it should request formal consultation from this office. If a "may affect-not likely to adversely affect" determination is made for this project, it should be submitted to this office for concurrence. If a "no effect" determination is made, further consultation may not be necessary. However, a copy of the determination should be sent to this office.

If changes are made in the project plans or operating criteria, or if additional information becomes available, the Service should be informed so that the above determinations can be reconsidered.

The Service appreciates the opportunity to provide comments. If you have any questions on these comments, please contact Charlene Bessken of this office at (605) 224-8693, Extension 231.

Sincerely,



Pete Gober
Field Supervisor
South Dakota Field Office

cc: Corps/Regulatory; Pierre, SD
(Attention: Steve Naylor)
FWS/Huron NWR; Huron, SD

Kurt Donelan

From: Donald_Soderlund@fws.gov
Sent: Thursday, January 10, 2008 11:10 AM
To: Kurt Donelan
Subject: Brown County Easement

Hi Kurt -

Looked at the one easement that we might have a conflict with and the wetlands located on the easement are far enough off the road that you will not be effecting any of the protected basins. Thanks for calling so early in the process.

Don