



**ENVIRONMENTAL INFORMATION FOR THE BROOKINGS COUNTY  
– LYON COUNTY AND HELENA – HAMPTON SECOND-CIRCUIT  
PROJECT**

*SDPUC Docket No. EL10-16*

*March 14, 2024*

Submitted by  
Northern States Power Company or Xcel Energy

Prepared by  
Stantec Consulting Services Inc.

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Environmental Information

March 2024

Contents

1 Introduction..... 1

2 ENVIRONMENTAL INFORMATION (ARSD 20:10:22:13)..... 2

2.1 Physical Environment (ARSD 20:10:22:14)..... 2

2.2 Hydrology (ARSD 20:10:22:15, ARSD 20:10:22:20)..... 2

2.3 Terrestrial Ecosystems (ARSD 20:10:22:16)..... 2

2.4 Aquatic Ecosystems (ARSD 20:10:22:17) ..... 4

2.5 Land Use and Audible Noise (ARSD 20:10:22:18, ARSD 20:10:22:19) ..... 4

2.6 Water Quality (ARSD 20:10:22:20) ..... 6

2.7 Air Quality (ARSD 20:10:22:21) ..... 6

3 Community Impact (ARSD 20:10:22:23)..... 7

3.1 Agriculture..... 7

3.2 Transportation..... 7

3.3 Cultural Resources ..... 7

4 Conclusions ..... 9

5 References..... 10

List of Tables

Table 1. Federal and State Listed Species that may occur within the Project Area...5

List of Figures

Figure 1 – Project Study Area

Figure 2 – Project Location

Figure 3 – Water Resources

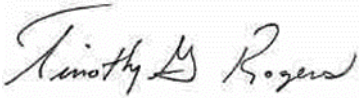
List of Appendices

Appendix A – USFWS and SDGFP Consultations

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Timothy G. Rogers  
Manager  
Xcel Energy

Date: March 14, 2024

## 1 Introduction

Northern States Power Company, doing business as Xcel Energy (Applicant), on behalf of itself as lead utility and on behalf of Great River Energy, is filing this information to the South Dakota Public Utilities Commission (SDPUC) in support of its request for certification under South Dakota Codified Laws (SDCL) § 49-41B-27 by providing updated environmental information associated with the installation of a second circuit on the South Dakota portion of the Brookings County – Hampton transmission line (Project), see Figure 1. The Facility Permit for the Original Brookings 345 kilovolt (kV) transmission line (Original Brookings Line) was previously approved in Docket No. EL10-016 in compliance with SDCL Chapter 49-41B and South Dakota Administrative Rules (ARSD) Chapter 20:10:22.

The Original Brookings Line was built double-circuit capable between the Brookings and Lyon County substations (Line #0972) (Western Segment) and between the Helena and Hampton substations (Eastern Segment) (Lines #0960 and 0961). The Original Brookings Line was energized in 2015. The purpose of the Project is to install a second 345 kV circuit on the existing structures along two segments, the Western Segment and the Eastern Segment (Figure 2). Constructing the double circuit on these segments will complete the double circuit across the entire transmission line, as the second circuit was installed between the Lyon County and Helena substations when the Original Brookings Line was constructed.

Project construction of the Western Segment is expected to begin in May 2024 and be in-service by September 2024. The majority of the conductor stringing for the Project will be completed by helicopter. In areas where helicopter work is infeasible, such as at dead-end structures, a crane will be used. Construction will occur within limited temporary workspaces along the existing transmission line route on existing transmission towers, where temporary workspaces will include temporary access roads, matting areas, and helicopter landing pads. The environmental information provided in the following sections is limited to the 10.6 miles of the Western Segment located in South Dakota, where temporary impacts total approximately 10 acres (Figure 1).

The Applicant and its environmental consultant, Stantec Consulting Services Inc. (Stantec) reviewed the approved Facility Permit (SDPUC Docket No. EL10-016) for

environmental information, specifically sections 10 through 18 and 20, which refer to ARSD Chapter 20:10:22:13 - :21 and 20:10:22:23. The same impact assessment methodology and approach utilized for the original facility permit application has been utilized for this assessment as well. This assessment is limited to the temporary workspace areas for the South Dakota portion of the Project (Project Area). Appropriate Minnesota Public Utilities Commission Permits have been filed for the Minnesota portions of the Project.

## **2 ENVIRONMENTAL INFORMATION (ARSD 20:10:22:13)**

### **2.1 Physical Environment (ARSD 20:10:22:14)**

No changes to landforms, geological features, economic deposits, soil, or seismic risks will occur in South Dakota as part of this Project. The Project is limited to temporary workspace areas where a new circuit will be hung on existing transmission towers that were built double-circuit capable. As such, no mitigation is proposed.

### **2.2 Hydrology (ARSD 20:10:22:15, ARSD 20:10:22:20)**

No changes to hydrology including municipal, private, and agricultural water sources will occur in South Dakota as part of this Project. The Project is limited to temporary workspace areas where a new circuit will be hung on existing transmission towers that were built double-circuit capable. As such, no mitigation is proposed.

### **2.3 Terrestrial Ecosystems (ARSD 20:10:22:16)**

The Applicant reviewed federal and state threatened and endangered species using the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) and the South Dakota Game, Fish, and Parks Department (SDGFP) Environmental Review Tool to obtain lists of species that may occur within the Project Area.

Appendix A includes copies of the USFWS IPaC and SDGFP Environmental Review. Federally listed species will not be impacted based on the result of Stantec's desktop review, as suitable habitat does not occur within the temporary workspaces of the Project, see Table 1. The SDGFP states the Project will have no environmental conflicts to threatened or endangered species.

ENVIRONMENTAL INFORMATION FOR BROOKINGS COUNTY – LYON COUNTY AND HELENA – HAMPTON SECOND-CIRCUIT PROJECT

**Table 1. Federal and State Listed Species that may occur within the Project Area**

Common Name	Scientific Name	Listing Status	Effect Determination
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Federally Endangered	No Effect – Tree clearing will not occur as part of the Project.  Northern long-eared bats use forested habitats in spring, summer, and fall months for roosting and foraging (USFWS 2023a).
Tricolored Bat	<i>Perimyotis subflavus</i>	Federally Proposed Endangered	No Effect – Tree clearing will not occur as part of the Project.  Tricolored bats use forested habitats in spring, summer, and fall months for roosting and foraging (USFWS 2023b).
Piping Plover	<i>Charadrius melodus</i>	Federally Threatened	No Effect – No waterbodies with sandbars that would support nesting are located within the Project Area.  Piping plovers nest in river sandbars or unvegetated shoreline in the great plains (USFWS 2023c).
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	No Effect – No waterbodies that would support nesting or stopover habitat are located within the Project Area.  Rufa red knots use inland saline lakes and possible freshwater lakes for stopover habitat, with vegetated shorelines (USFWS 2023d).
Topeka Shiner	<i>Notropis topeka</i>	Endangered	No Effect – No waterbodies are located in the Project Area  Topeka shiners preferred habitat includes mid-sized prairie streams with sand or gravel substrates (Minnesota Department of Natural Resources 2023).
Dakota Skipper	<i>Hesperia dactotae</i>	Threatened	No Effect – Native prairies are not located in the Project Area that would support this species.  Dakota skippers require two type of prairie system: bluestem prairies and upland prairies, both of which are considered high quality native prairie habitats that haven't been disturbed (plowed, farmed, etc.; USFWS 2023e).
Monarch Butterfly	<i>Danaus plexippus</i>	Candidate	Not Assessed – Not protected by the Endangered Species Act.

Common Name	Scientific Name	Listing Status	Effect Determination
Western Prairie Fringed Orchid	<i>Platanthera praeclara</i>	Threatened	No Effect – No tallgrass prairies are located in the temporary workspace.  Western prairie fringed orchids is found in mesic and wet tallgrass prairies and requires fire for survival (USFWS 2023f).

Impacts to natural flora and fauna are not expected as the Project is limited to temporary workspace areas where a new circuit will be hung on existing transmission towers that were built double-circuit capable. Impacts to threatened and endangered species will not occur as confirmed by a no effect determination for listed federal species and no environmental conflicts were noted for state listed species. As such, no mitigation is proposed.

#### **2.4 Aquatic Ecosystems (ARSD 20:10:22:17)**

Wetland and waterbody delineations were completed during the growing season of 2023 by the Applicant and Stantec. Three palustrine emergent (PEM) wetlands and no waterbodies were identified in proposed construction workspace during field surveys. These PEM wetlands will be temporarily impacted during construction, totaling 0.3 acres, where two are located in access roads, and the third is located in an access road and stringing area (Figure 3). The Applicant will use wetland matting for crossings, minimize construction traffic, will restore wetlands to preconstruction contours following construction, and will reseed using approved wetland mixes. Applicable federal permits through the U.S. Army Corps of Engineers will be acquired prior to the start of construction as applicable. As such, no additional mitigation is proposed.

#### **2.5 Land Use and Audible Noise (ARSD 20:10:22:18, ARSD 20:10:22:19)**

No changes to land use, land controls, or aesthetics will occur as part of this Project, and displacement of residents or businesses is not needed. The Project is limited to temporary workspace areas where a new circuit will be hung on existing transmission towers that were built double circuit capable. As such, no mitigation is proposed.

Generally, activity-related noise levels during the operation and maintenance of substations and transmission lines are minimal. The Applicant conducted noise

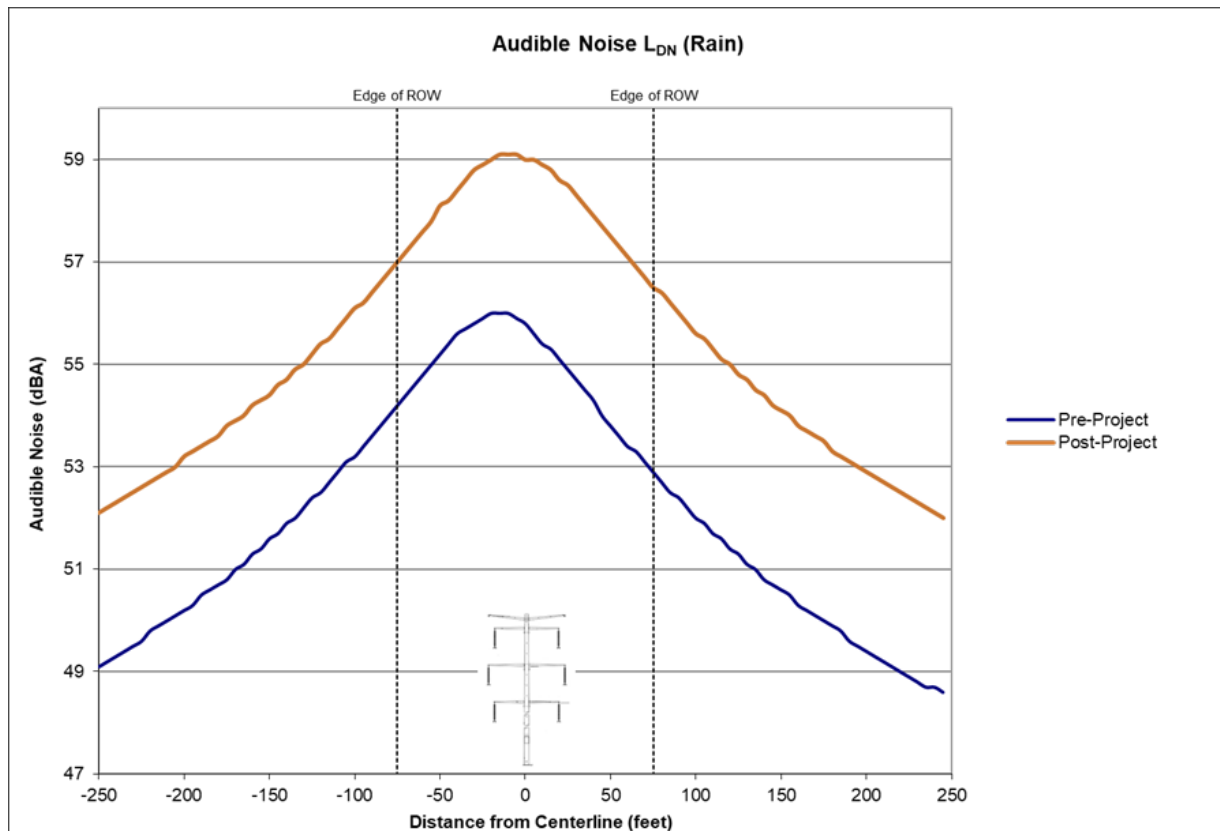
studies in accordance with South Dakota Department of Transportation noise abatement criteria (NAC):

- NAC A includes lands where quiet and serenity are of utmost importance and need to be maintained, where NAC activity levels are capped at 57 decibels (dBA).
- NAC B includes residential areas with a cap of 67 dBA.
- NAC C includes active sport areas, playgrounds, meeting rooms, etc. and is capped at 67 dBA.
- NAC D includes auditoriums, hospitals, libraries, recording studios, and schools, and are capped at 52 dBA.
- NAC E includes hotels, offices, restaurants, and other developed lands, and are capped at 72 dBA.
- NAC F and G include airports, bus yards, industrial facilities, logging operations, utilities, warehousing, and undeveloped lands, and do not have a dBA cap.

The majority of the Project falls within agricultural areas, to which NAC F, and no dBA cap, applies. Nevertheless, here, the Applicant compares noise levels to the more conservative NAC B benchmark of 67 dBA. Exhibit 2-1 shows that the Project is below the NAC B benchmark at all locations and conditions. While there are no receptors classified under the NAC B category, including residences, within the ROW at any point along the line, the data shows the maximum noise would be well below the NAC benchmark. Construction of the Project may have minor impacts to background noise levels due to equipment operation; however, this will be short term and similar to agricultural operations. Because the anticipated operating noise levels fall below the NAC B benchmarks, no additional mitigative measures are proposed.



Exhibit 2-1: Noise Chart



## 2.6 Water Quality (ARSD 20:10:22:20)

No changes to water quality will occur as part of this Project, and as discussed in Section 2.4, temporary wetland impacts will be restored immediately following construction. The Project is limited to temporary workspace areas where a new circuit will be hung via helicopter on existing transmission towers that were built double circuit capable. As such, no mitigation is proposed.

## 2.7 Air Quality (ARSD 20:10:22:21)

No changes to water quality will occur as part of this Project as the Project is limited to temporary workspace areas where a new circuit will be hung on existing transmission towers that were built double circuit capable. As such, no mitigation is proposed.

### **3 Community Impact (ARSD 20:10:22:23)**

Project plans have not changed since the original Facility Permit. Based on 2020 Census data, the population of Brookings County has increased approximately 23 percent from the Census's 2006-2008 three-year population estimate for Brookings County. Otherwise, socioeconomic and community resource impacts have not changed, nor will they be impacted as part of the Project. As such, no mitigation is proposed.

#### **3.1 Agriculture**

As no new structures are being constructed for the Project in South Dakota, no permanent impacts are anticipated. During construction, temporary impacts such as soil compaction and crop damages are likely to occur. Up to five acres of agricultural lands (row crops) are anticipated to be temporarily impacted. To mitigate those agricultural impacts, the Applicant will pay crop damages to affected landowners.

#### **3.2 Transportation**

During construction of the Project, minor detours on public roadways may be incurred due to safety concerns with hanging the second circuit via helicopter. Traffic breaks or minor detours may occur for limited amounts of time (a day or so) during construction to ensure the safety of residents and vehicles. Any traffic breaks or detours will be coordinated with the political subdivision responsible for the road. Impacts to transportation will be temporary and minimal, therefore, the Applicant is not proposing mitigative measures.

#### **3.3 Cultural Resources**

While there is no anticipated change in the type or extent of potential impacts relative to cultural resources, the Applicant has re-engaged the South Dakota State Historical Preservation Office (SHPO) to reaffirm past conclusions regarding the potential for impact and appropriate mitigation measures. Stantec on behalf of the Applicant has conducted a Level I Records Search and prepared a report suitable for SHPO submission.

Approximately seven acres of Project Area (out of ten total acres) was surveyed in 2013 as part of the Level III Archaeological Survey for segment of the Original Brookings Line between the Brookings County Substation and the South Dakota-

Minnesota border. One previously recorded archaeological site is present within the Project Area, an unevaluated Cairn, and no historic districts, cemeteries, or historic buildings/structures occur within the Project Area. The Level I Record Search was submitted to the SHPO for review in Quarter 1 of 2024. Due to the sensitive nature of this data, a copy is not attached to this report.

Stantec and the Company recommend no additional surveys for the Project, and the Applicant is not proposing additional mitigative measures.

## **4 Conclusions**

The Applicant has found no significant changes to the environmental and community impact data presented in the Facility Permit as part of this Project. Further, the Applicant has found no detrimental environmental impacts from construction or operation of the proposed transmission facility that would significantly alter the findings in the previous Order Granting Joint Motion for Approval of Settlement Stipulation and Granting Permit to Construct Facilities (Order; June 17, 2011).

## 5 References

USFWS. 2023a. Species Profile – Northern Long-eared Bat. Available at: <https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>. Accessed October 2023.

USFWS. 2023b. Species Profile – Tricolored Bat. Available at: <https://www.fws.gov/species/tricolored-bat-perimyotis-subflavus>. Accessed October 2023.

USFWS. 2023c. Species Profile – Piping Plover. Available at: <https://www.fws.gov/species/piping-plover-charadrius-melodus>. Accessed October 2023.

USFWS. 2023d. Species Profile – Rufa Red Knot. Available at: <https://www.fws.gov/species/rufa-red-knot-calidris-canutus-rufa>. Accessed October 2023.

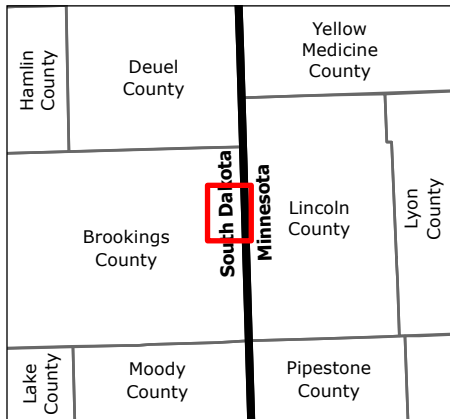
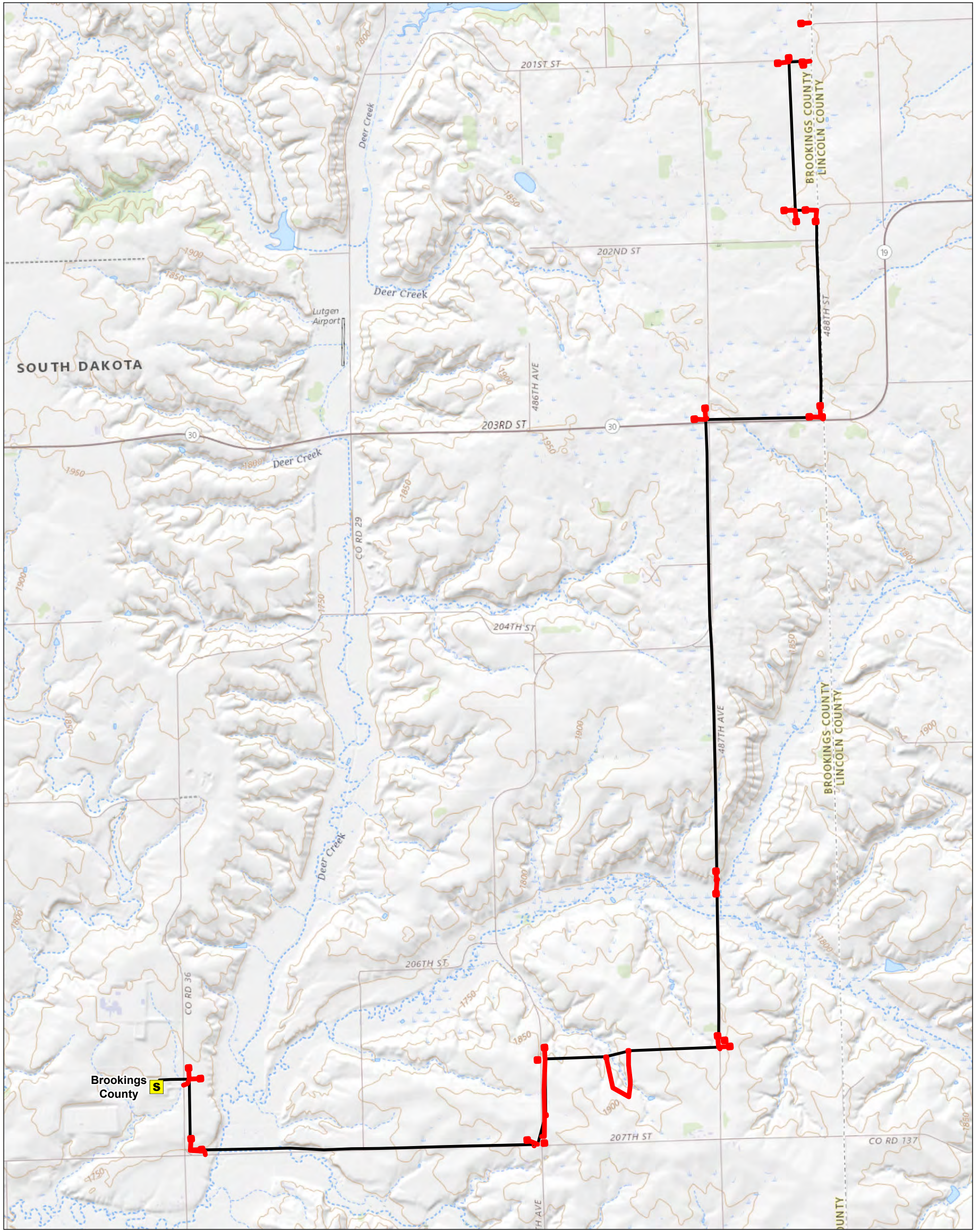
Minnesota Department of Natural Resources. 2023. Rare Species Guide - *Notropis topeka*. Available at: [https://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=AFCJB28960#:~:text=\(tail\)%20fin.-,Habitat,and%20areas%20of%20exposed%20gravel](https://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=AFCJB28960#:~:text=(tail)%20fin.-,Habitat,and%20areas%20of%20exposed%20gravel). Accessed October 2023.

USFWS. 2023e. Species Profile – Dakota Skipper. Available at: <https://www.fws.gov/species/dakota-skipper-hesperia-dacotae>. Accessed October 2023.

USFWS. 2023f. Species Profile – Western Prairie Fringed Orchid. Available at: <https://www.fws.gov/species/western-prairie-fringed-orchid-platanthera-praeclara>. Accessed October 2023.

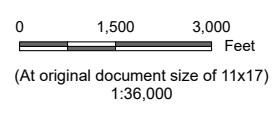
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## Figures



- Legend**
- S Existing Substations
  - Project Study Area
  - Temporary Workspace

- Notes**
1. Coordinate System: NAD 1983 UTM Zone 14N
  2. Data Sources: Stantec, Xcel, USGS
  3. Background: USGS 7.5 Minute Quadrangle



*Project Location*  
Brookings County, SD

Prepared by TAW on 2023-12-01

*Client/Project*  
Xcel Energy  
Brookings Co. Substation to MN State Line  
Minor Alteration

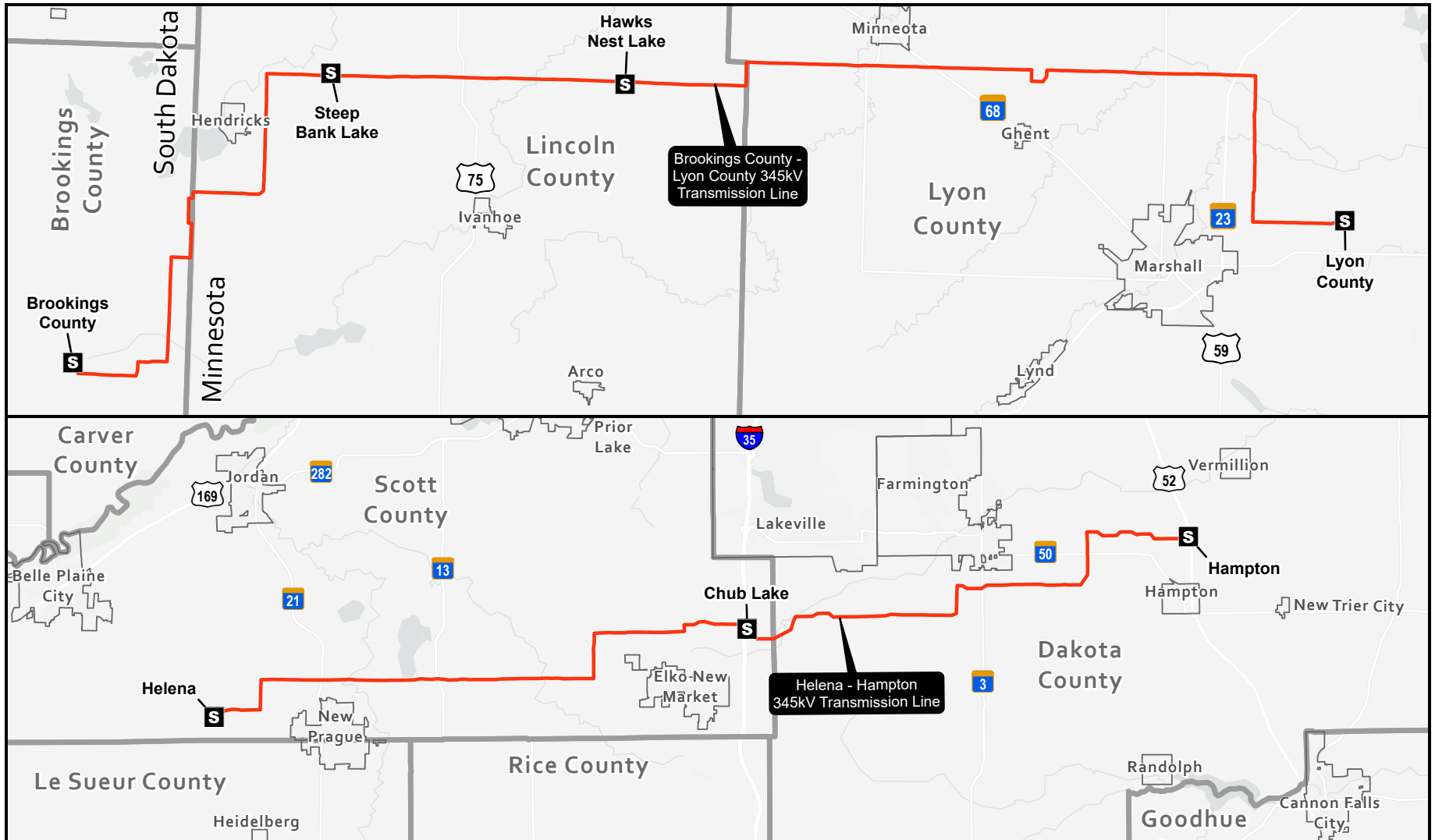
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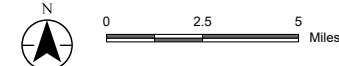
**1**

**Project Study Area**

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- S** Existing Substation
- Existing 345kV Transmission Line
- Incorporated Places
- County Boundary



**Notes**

1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
2. Data Sources: Xcel Energy, HIFLD, US Census
3. Background: ESRI

Project Location  
 Brookings Co., SD to Lyon Co., MN  
 Scott Co. to Dakota Co., MN

Prepared by KJM on 2023-12-01

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**Project**  
**Brookings Co. to Lyon Co.**  
**& Helena to Hampton**

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Figure No.  
**2**

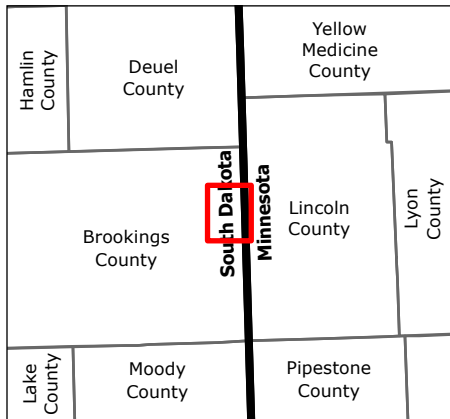
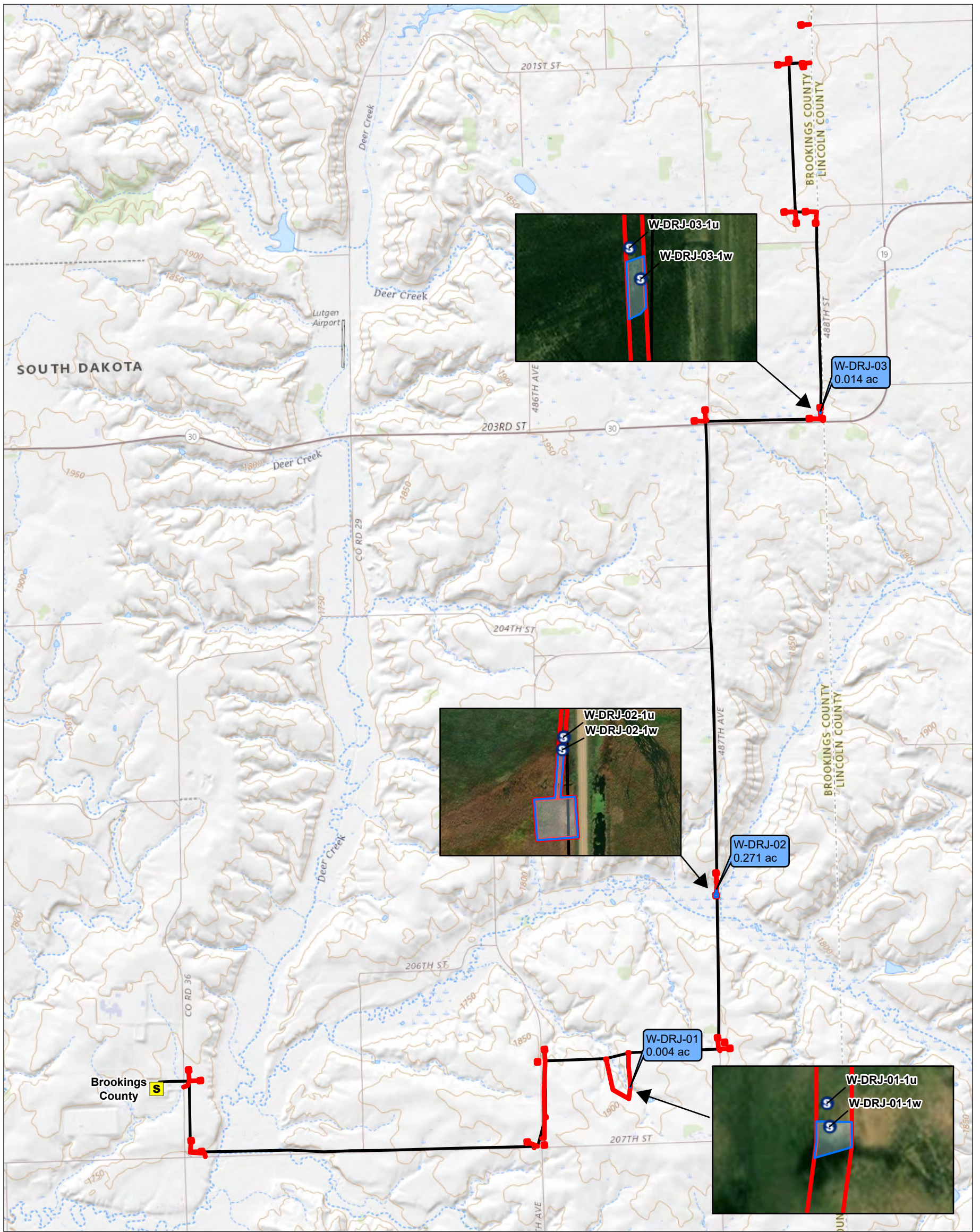
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Title  
**Project Location**



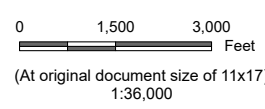
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- Legend**
- S Existing Substations
  - Project Study Area
  - Temporary Workspace
  - Field Delineated Wetland Data
  - Sample Point
  - Field Delineated Wetland Boundary

**Notes**  
 1. Coordinate System: NAD 1983 UTM Zone 14N  
 2. Data Sources: Stantec, Xcel, USGS  
 3. Background: USGS 7.5 Minute Quadrangle and ESRI World Imagery



Project Location: Brookings County, SD Prepared by TAW on 2023-12-01

Client/Project: Xcel Energy, Brookings Co. Substation to MN State Line, Minor Alteration

Figure No. 3

**Water Resources**

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## **Appendix A**

### **USFWS and SDGFP Consultations**

# IPaC Information for Planning and Consultation U.S. Fish & Wildlife Service

## IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Brookings County, South Dakota



# Local office

South Dakota Ecological Services Field Office

☎ (605) 224-8693

📅 (605) 224-1416

420 South Garfield Avenue, Suite 400  
Pierre, SD 57501-5408

NOT FOR CONSULTATION

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME	STATUS
<p><b>Northern Long-eared Bat</b> <i>Myotis septentrionalis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.  <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a></p>	Endangered
<p><b>Tricolored Bat</b> <i>Perimyotis subflavus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.  <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a></p>	Proposed Endangered

## Birds

NAME	STATUS
<p><b>Piping Plover</b> <i>Charadrius melodus</i></p> <p>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.  <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a></p>	Threatened

Rufa Red Knot *Calidris canutus rufa*

Threatened

Wherever found

There is **proposed** critical habitat for this species.<https://ecos.fws.gov/ecp/species/1864>

## Fishes

NAME

STATUS

Topeka Shiner *Notropis topeka* (=tristis)

Endangered

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/4122>

## Insects

NAME

STATUS

Dakota Skipper *Hesperia dacotae*

Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/1028>Monarch Butterfly *Danaus plexippus*

Candidate

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9743>

## Flowering Plants

NAME

STATUS

**Western Prairie Fringed Orchid** *Platanthera praeclara*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/1669>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Dakota Skipper <i>Hesperia dacotae</i> <a href="https://ecos.fws.gov/ecp/species/1028#crithab">https://ecos.fws.gov/ecp/species/1028#crithab</a>	Final
Poweshiek Skipperling <i>Oarisma poweshiek</i> For information on why this critical habitat appears for your project, even though Poweshiek Skipperling is not on the list of potentially affected species at this location, contact the local field office. <a href="https://ecos.fws.gov/ecp/species/9161#crithab">https://ecos.fws.gov/ecp/species/9161#crithab</a>	Final
Topeka Shiner <i>Notropis topeka</i> (=tristis) <a href="https://ecos.fws.gov/ecp/species/4122#crithab">https://ecos.fws.gov/ecp/species/4122#crithab</a>	Final

## Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.



Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

### There are bald and/or golden eagles in your project area.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON

#### Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds Dec 1 to Aug 31

#### Golden Eagle *Aquila chrysaetos*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Breeds Jan 1 to Aug 31

# Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

## Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

## Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

## Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

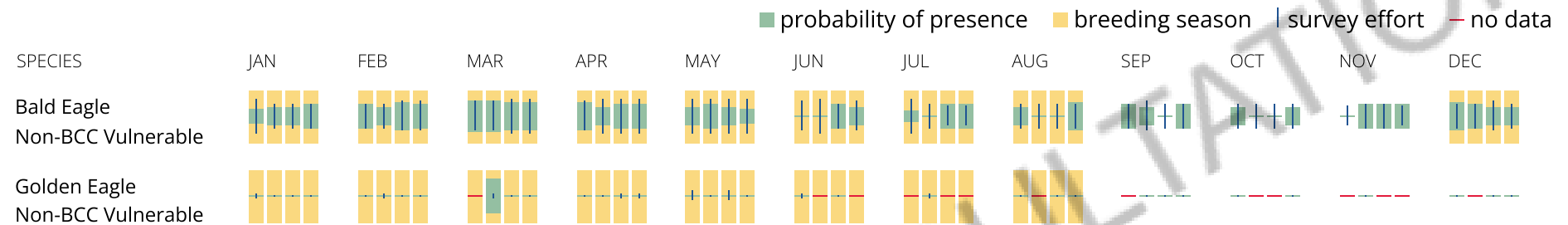
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



### What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

### What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON

American Golden-plover *Pluvialis dominica*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Baird's Sparrow *Ammodramus bairdii*

Breeds May 20 to Aug 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5113>

Bald Eagle *Haliaeetus leucocephalus*

Breeds Dec 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Black Tern** *Chlidonias niger*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3093>

Breeds May 15 to Aug 20

**Black-billed Cuckoo** *Coccyzus erythrophthalmus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

Breeds May 15 to Oct 10

**Bobolink** *Dolichonyx oryzivorus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Jul 31

**California Gull** *Larus californicus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 1 to Jul 31

**Chimney Swift** *Chaetura pelagica*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 15 to Aug 25

**Franklin's Gull** *Leucophaeus pipixcan*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Jul 31

**Golden Eagle** *Aquila chrysaetos*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Breeds Jan 1 to Aug 31

**Golden-winged Warbler** *Vermivora chrysoptera*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8745>

Breeds May 1 to Jul 20

**Henslow's Sparrow** *Ammodramus henslowii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3941>

Breeds May 1 to Aug 31

**Hudsonian Godwit** *Limosa haemastica*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

**Lesser Yellowlegs** *Tringa flavipes*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Breeds elsewhere

**Marbled Godwit** *Limosa fedoa*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9481>

Breeds May 1 to Jul 31

**Pectoral Sandpiper** *Calidris melanotos*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

**Red-headed Woodpecker** *Melanerpes erythrocephalus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Sep 10

**Ruddy Turnstone** *Arenaria interpres morinella*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds elsewhere

**Short-billed Dowitcher** *Limnodromus griseus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

Breeds elsewhere

**Sprague's Pipit** *Anthus spragueii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8964>

Breeds May 10 to Aug 31

**Western Grebe** *aechmophorus occidentalis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/6743>

Breeds Jun 1 to Aug 31

**Willet** *Tringa semipalmata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Apr 20 to Aug 5

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)



Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### **Breeding Season (■)**

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### **Survey Effort (|)**

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

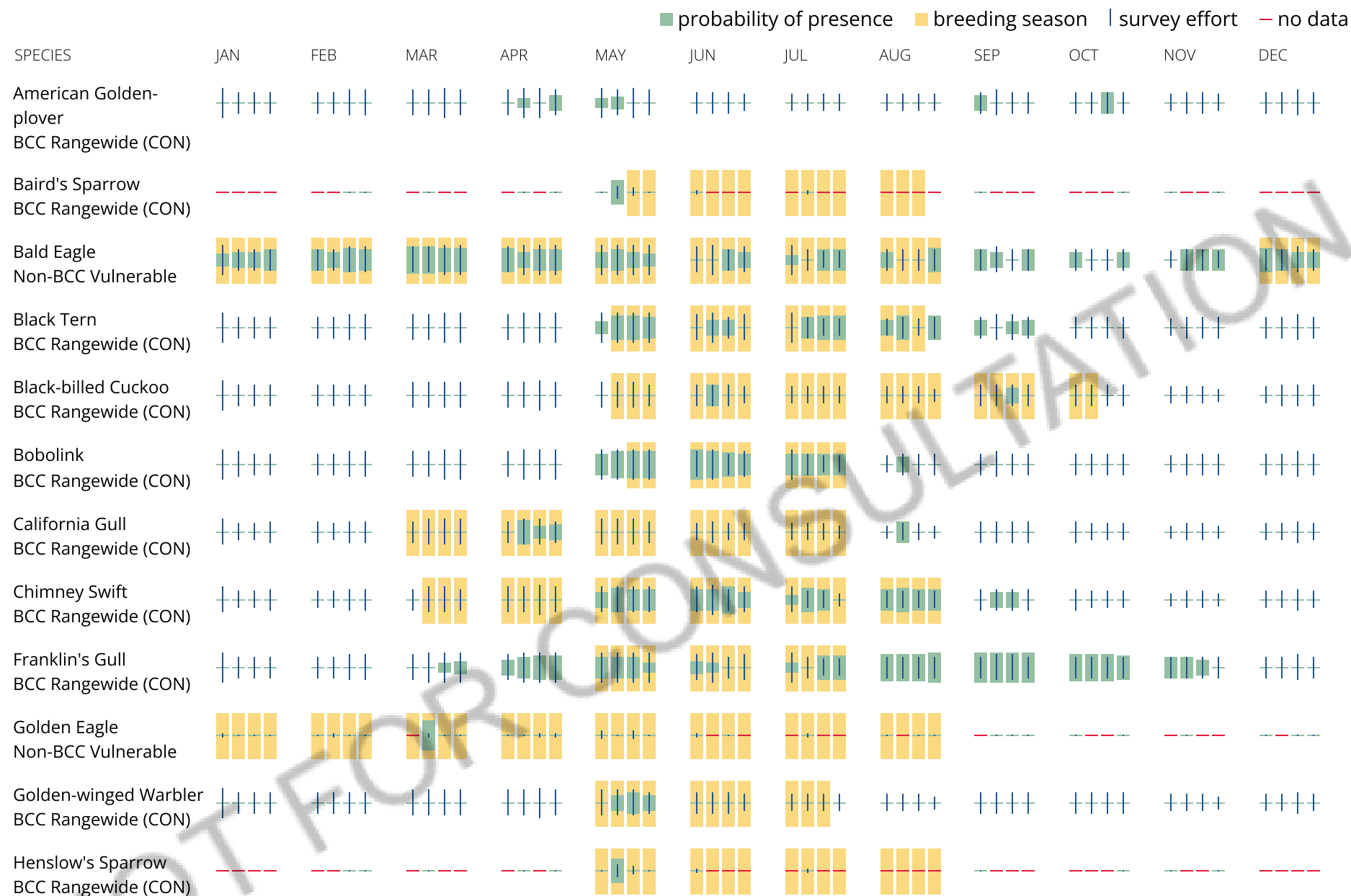
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### **No Data (—)**

A week is marked as having no data if there were no survey events for that week.

### **Survey Timeframe**

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering or migrating in my area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

# Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

This location overlaps the following National Wildlife Refuge lands:

LAND	ACRES
BROOKINGS COUNTY WATERFOWL PRODUCTION AREA	10,216.25 acres

## Fish hatcheries

There are no fish hatcheries at this location.

## Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



## Environmental Review Report

### Project Information

Report Generation Date: 10/26/2023 10:37:52 AM  
Project ID: 2023-10-26-1161  
Project Title: Xcel Energy Brookings Second Circuit  
User Project Number(s):  
Project Type: Energy Production/Storage/Transfer, Power lines  
Project Activities: None Selected  
County(s): Brookings  
Township/Range/Section(s): 111N047W15; 111N047W16; 111N047W21; 111N047W22;  
111N047W27; 111N047W28; 111N047W29; 111N047W3; 111N047W30;  
111N047W4; 111N047W9; 111N048W25; 112N047W34  
Watershed(s) HUC8: None  
Latitude/Longitude: 44.391038 / -96.471177

### Contact Information

Organization: Stantec Consulting Services Inc.  
Contact Name: Kristina DeName  
Contact Phone: 9144384681  
Contact Email: kristina.dename@stantec.com  
Contact Address: 4031 sheridan ave n Minneapolis MN 55412  
Submitted On Behalf Of:

### Project Description

Hang a new circuit via helicopter on existing transmission towers that were build double circuit capable. Minor temporary impacts are expected as only string areas, access roads, and helicopter landing pads are the only workspaces needed.





## Introduction

The vision of South Dakota Department of Game, Fish and Parks (SDGFP) is to conserve our state's outdoor heritage to enhance the quality of life for current and future generations. SDGFP has a state-wide mission to manage wildlife and the habitats upon which they depend for their ecological values and enjoyment by the citizens of South Dakota and visiting publics. SDGFP strives to prevent or minimize unnecessary damage to species and their habitats by offering possible mitigation measures or alternative project actions.

## Disclaimer

**The information provided in this report can only be used as a site clearance letter if no conflicts with sensitive wildlife resources were detected.** This information provides an indication of whether or not public or protected lands and sensitive resources are known or likely to be located near the proposed project's location. The information generated in this report does not replace Endangered Species Act consultation obligations with the U.S. Fish and Wildlife Service (USFWS) for federal listed species.

A majority of the sensitive species records in the report originate from the South Dakota Natural Heritage Database (SDNHD). The SDNHD tracks species at risk and certain unique habitats. These species may be monitored because they are rare, indicative of a vulnerable habitat type, or are legally designated as state or federal threatened or endangered species. Rare species are those that are declining and restricted to limited habitat, peripheral to a jurisdiction, isolated or disjunct due to geographic or climatic factors or classified as such due to lack of survey data. A list of monitored species can be found at <https://gfp.sd.gov/natural-heritage-program/>. Many places in South Dakota have not been surveyed for rare or protected species and habitats and the absence of a species from a proposed project area does not preclude its presence. **Accuracy of species lists, report information and project recommendations should be verified after 90 days.**

**No environmental conflicts were detected by South Dakota Game, Fish and Parks for your proposed project. This report is considered final, and can serve as documentation for environmental clearance from South Dakota Game, Fish and Parks. This report does not replace coordination with the US Fish and Wildlife Service for Endangered Species Act compliance.**



### Project Type Recommendations

Raptors such as Bald Eagles (*Haliaeetus leucocephalus*) and Red-Tailed Hawks (*Buteo jamaicensis*) can use overhead transmission line infrastructure for nesting and perching. Bald Eagles are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Red-tailed hawks and other raptors are protected by the Migratory Bird Treaty Act. A US Fish and Wildlife Service (USFWS) permit is needed to temporarily possess and relocate eagle nests, eggs, and young if they are present in the project area (permit application: <https://www.fws.gov/forms/3-200-72.pdf>). A USFWS permit is also needed to remove active nests of species protected by the Migratory Bird Treaty Act (permit application: <https://www.fws.gov/forms/3-200-81.pdf>). No permit is necessary to remove inactive (empty) non-eagle nests.

#### Migratory Bird Treaty Act

Under the Migratory Bird Treaty Act, it is unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export or transport any migratory bird, or any part, nest or egg of any such bird, unless authorized under a permit issued by the Secretary of the Interior. Take is defined in regulations as: "pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to pursue, hunt, shoot, wound, kill, trap, capture or collect." A list of species protected by the MBTA can be found here:

<https://www.fws.gov/birds/management/managed-species/migratory-bird-treaty-act-protected-species.php>.

Threats to species protected by the MBTA specific to the distribution line reconstruction include removal of nests from existing project infrastructure.

#### Bald and Golden Eagle Protection Act

Similarly, the Bald and Golden Eagle Protection Act specifically protects these two eagle species by prohibiting take, possession, sale, purchase, barter, offer to sell, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest or egg, unless allowed by permit. A US Fish and Wildlife Service permit is needed to temporarily possess and relocate eagle nests, eggs, and young. Threats to Bald and Golden Eagles specific to the distribution line reconstruction include removal of nests from existing project infrastructure.

Based on the information provided, there is no anticipated significant impact to fish and wildlife resources and would anticipate that to remain if the following suggestions are considered during the planning and construction of the project.

1. Mark overhead powerlines according to APLIC recommendations.
2. Disturbance to riparian and wetland areas should be kept to an absolute minimum.
3. If riparian vegetation is lost it should be quantified and replaced on site. Seeding of indigenous species should be accomplished immediately after construction to reduce sediment and erosion.
4. A site specific sediment and erosion control plan should be part of the project.
5. A post construction erosion control plan should be implemented in order to provide interim control prior to re-establishing permanent vegetative cover on the disturbed site.
6. If active raptor nests or any Bald Eagle nests are encountered on existing project infrastructure, contact the USFWS to obtain a permit prior to removal and relocation of the nest.

For questions related to the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act or to obtain a permit, please contact the South Dakota Ecological Services Field Office.



Ecological Services South Dakota Field Office  
U.S. Fish and Wildlife Service  
420 S. Garfield Avenue, Suite 400  
Pierre, SD 57501-5408  
Phone (605) 224-8693  
FAX 605-224-9974  
Email: [southdakotafieldoffice@fws.gov](mailto:southdakotafieldoffice@fws.gov)

## Revegetation

- Disturbance to native vegetation should be kept to a minimum.
- Any disturbed area should be revegetated using native seed sources.
  - The Natural Resources Conservation Service Plant Materials Center in Bismarck, ND may serve as a good source of information on native plantings (<http://plant-materials.nrcs.usda.gov/ndpmc/>).
- Develop a long-term plan for preventing the introduction or establishment of non-native/invasive flora (plants) within the development and identify the financial means to do so for the duration of the project.

## Legal Obligations

### South Dakota Endangered and Threatened Species Law

This state law (Chapter 34A-8) defines nongame, threatened and endangered species and wildlife and describes the relevant authorities of the Game, Fish and Parks Secretary and Commission. The SDGFP Commission may list, delist or change the status of state threatened or endangered species. The Secretary shall conduct investigations to address information needs on population, distribution, habitat needs, limiting factors and other data gaps to ensure these species are managed in perpetuity. Take of state threatened or endangered species is prohibited except for certain, authorized purposes or to protect life or property. This state law also prohibits the reintroduction of a species on the federal list of threatened or endangered species that is considered extirpated from the state, unless authorized by the South Dakota Legislature. More information about obtaining a state endangered take authorization is available here:

<https://gfp.sd.gov/forms/endangeredspecies/>

### Aquatic Invasive Species

South Dakota Administrative Rule 41:10:04:02 forbids the possession and transport of aquatic invasive species (AIS). Any construction vehicles, vessels, or equipment that will come into contact with surface waters in South Dakota that have previously been used outside of the state or in and AIS positive water within South Dakota must be thoroughly power washed with hot water (>140°F)



and completely dried for a minimum of 7 days prior to use. All attached dirt, mud debris and vegetation must be removed and all compartments and tanks capable of holding standing water shall be drained and dry. This applies, but is not limited to, all equipment, pumps, lines, hoses and holding tanks. The list of AIS positive waters is available at <http://sdleastwanted.com/maps/default.aspx> or by calling 605-223-7706.

## Federal Laws

The following federal laws contribute to the conservation and management of fish and wildlife resources in the United States: Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, Clean Water Act, and the Fish and Wildlife Coordination Act. The National Environmental Policy Act (NEPA) requires compliance with these statutes and regulations.

### Contact Information

**U.S. Fish and Wildlife Service, Ecological Services Field Office** 420 S. Garfield Ave, Suite 400  
Pierre, South Dakota 57501 605-224-8693

**U.S. Army Corp of Engineers, South Dakota Regulatory Office** 28563 Powerhouse Road  
Pierre, South Dakota 57501 605-224-8531

## Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d) provides for the protection of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). Under this federal act, “take of eagles, their parts, nests or eggs is prohibited unless a permit is issued for certain purposes and under certain circumstances as long as the authorized take is compatible with the preservation of eagles. Disturbance resulting in injury, decreased productivity, or nest abandonment by substantially interfering with normal breeding, feeding or sheltering behavior is also considered take. This report does not replace consultation with the USFWS regarding the protection of bald and golden eagles. Eagle nests are protected under this law, whether active or inactive.

## Migratory Bird Treaty Act

The Migratory Bird Treaty Act (16 U.S. C. 703-712) provides international protection to migratory bird species included in treaties among the United States, Great Britain, Mexico and Japan. This federal act prohibits the taking, killing, possession and transportation (among other actions) of migratory birds, their eggs, parts, and nests, unless specifically permitted by regulations. This act has no provisions for allowing unauthorized take. Effective steps can be taken to avoid take of migratory birds. Work closely with the USFWS to identify protective measures to avoid migratory bird take. A list of migratory bird species protected under this act can be found at 50 CFR 10.13. Introduced bird species are not protected under this Act. This report does not replace consultation with the USFWS regarding the protection of migratory bird species.



## Endangered Species Act

The Endangered Species Act (16 U.S.C. 1531–1544) provides protections for native plant and animal species that are in danger of becoming extinct. Under Section 9, it is unlawful for the “take” of a listed species. This is defined as “... to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct”. However, a permit may be issued for take that is the result of an otherwise legal activity. Please contact the USFWS to determine if a permit is needed.

The USFWS is in charge of the protection of listed species and their critical habitat. Similarly, other federal agencies are also directed to conserve listed species and ensure their actions do not jeopardize a listed species existence or destroy or adversely modify critical habitat. As such, under Section 7, federal agencies should consult with the USFWS to ensure compliance with this Act. This report does not replace consultation with the USFWS regarding listed species.

## Clean Water Act

The intent of the Clean Water Act (33 U.S.C. 1251 et seq.) is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”. SDGFP has concerns for any impacts to wetlands, streams and riparian habitats from development. We recommend that proper planning take place to first and foremost avoid impacts to wetlands, streams, and associated riparian corridors. If dredge or fill materials will be placed into waterways or wetlands, the U.S. Army Corps of Engineers Regulatory Office should be contacted to determine if a 404 permit is needed.

## Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (15 U.S.C. 661-667e) provides habitat protection by requiring a federal agency to consult with the USFWS and SDGFP (i.e. the state fish and wildlife agency) whenever an agency is proposing to control or modify a stream or other body of water. The intent of this consultation is to conserve wildlife resources by preventing habitat loss or damage. If control or modification of a water body is proposed, please begin consultation with the USFWS and SDGFP.

**Table 1. Special Status Species Documented within 800 Meters of Project Vicinity**

Scientific Name	Common Name	Taxonomic Group	Federal Status*	State Status*	Global Rank*	State Rank*	SGCN	Last Obs Date
<i>Lasionycteris noctivagans</i>	Silver-haired Bat	Vertebrate Animal			G3G4	S3	Yes	2009-08-06
<i>Lontra canadensis</i>	North American River Otter	Vertebrate Animal			G5	S3	No	2016-03-27

SGCN = Species of Greatest Conservation Need, FE = Federally Endangered, FT = Federally Threatened, SE = State Endangered, ST = State Threatened. For definitions of



# SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

523 EAST CAPITOL AVENUE | PIERRE, SD 57501

State and Global rank status, please see: <https://gfp.sd.gov/rare-animals/> or <https://gfp.sd.gov/rare-plants/>.

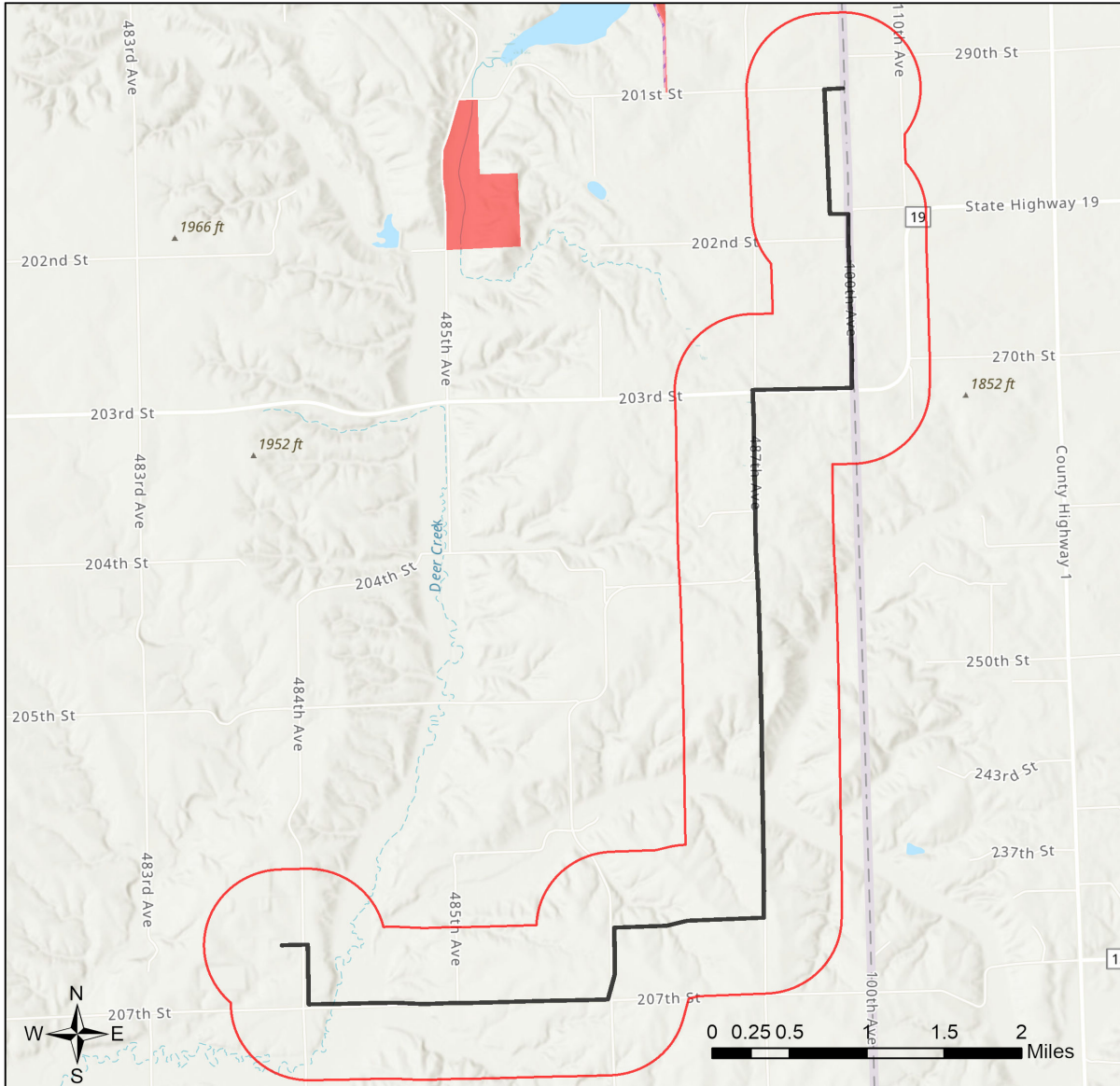


No Protected Lands were detected within the project vicinity.



## Xcel Energy Brookings Second Circuit

### Topo Basemap with Land Ownership, Tribal Lands, and Locator Map



- |                              |                           |
|------------------------------|---------------------------|
| Buffered Project Boundary    | Bureau of Land Management |
| Project Boundary             | Bureau of Reclamation     |
| Game Production Areas        | Corps of Engineers        |
| SD Parks and Rec Areas       | National Fish Hatchery    |
| School and Public Lands      | National Park Service     |
| The Nature Conservancy Lands | USFWS Wildlife Refuge     |
| National Forest              | Waterfowl Production Area |
| National Grassland           |                           |

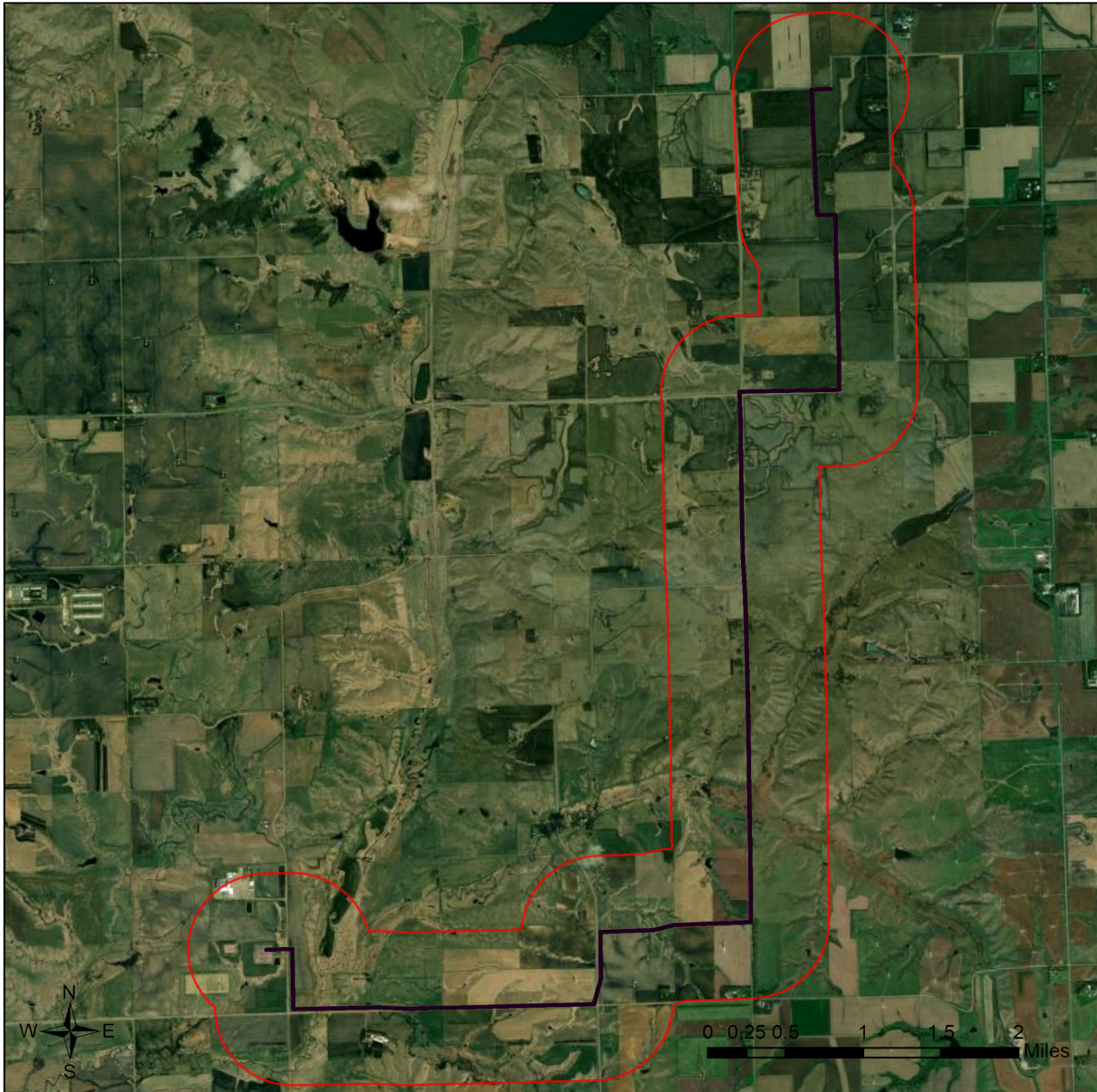




Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community  
 South Dakota Game, Fish and Parks





Xcel Energy Brookings Second Circuit  
Web Map As Submitted By User



-  Buffered Project Boundary
-  Project Boundary

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community