

**7 CFR 1970 Environmental Policies and Procedures**

**Environmental Information/Environmental Report**

**WAPA North Bend to Pratt Tie – Amendment 17  
Highmore, SD  
Hyde County, SD**

**East River Electric Power Cooperative Inc. (SD 43)**

## **PROJECT DESCRIPTION**

**Project Name:** WAPA North Bend to Pratt Tie - Amendment 17

**Applicant:** East River Electric Power Cooperative Inc. (SD 43)

**Project Loan Code:** 805-0006

**Total Estimated Project Cost:** \$766,000

**Project Description:** This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend (loan code 1005-0205) to the new East River Pratt substation (loan code 1005-0204). This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

East River will attempt to obtain private easements on this project to place the structures two feet into private property. In the event an easement is unable to be obtained, the structures will be placed two feet into public right-of-way.

This line design has been previously approved by RUS and Cooperative acknowledges 7CFR 1724.51 Design requirements.

**Project Location:** Hyde County, SD

**Project Purpose and Need:** The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Construction Contracting (Per 7CFR 1726): RUS Contract 830 Form will be used if work is performed by outside construction. Contract will not be subject to RUS approval per the dollar threshold of less than 1% of NTP not to exceed \$4,500,000.

Construction Bidding (Per 7CFR 1726): Cooperative will utilize Borrower Responsibility or Formal Competitive Bidding per the dollar threshold of greater of less than 1% of NTP not to exceed \$5,000,000.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation.

We feel the proposed project is the best alternative to improve the reliability of service to its members.

**Level of Review Determination:** 1970.54 (c)(2)

**Impact Summary:**

- **Historic Properties and Cultural Resources**-No historic properties affected. No historic properties were identified within the project area. On 1/4/2023, SHPO agreed with the findings of "No Historic Properties Affected." Finding letters were sent to

the following tribes on 1/4/2023: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. As of December 21, 2023, the Crow Creek Sioux Tribe responded with no objections to the project. (see attachment)

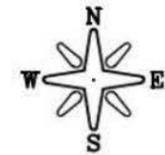
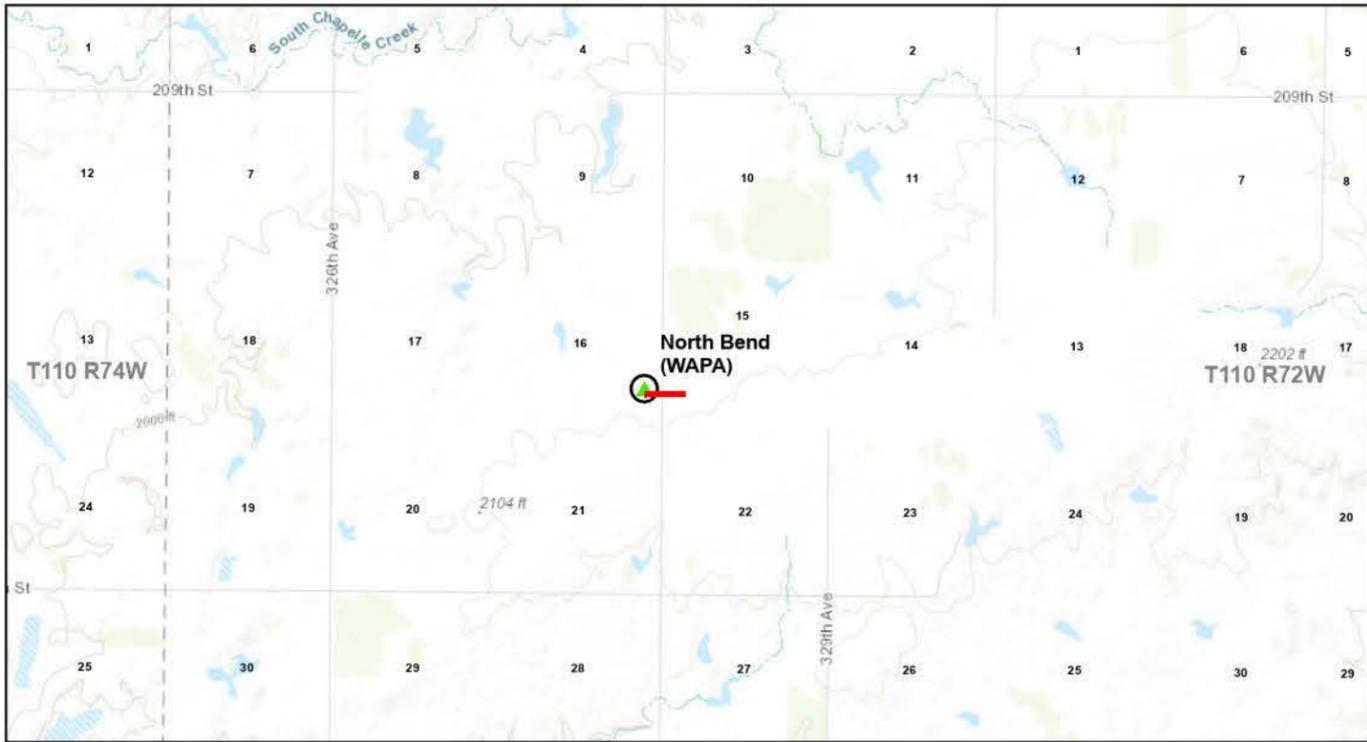
- **Threatened and Endangered Species**-An updated IPAC report/list was generated on 8/11/2023. A “May Affect, Not Likely to Adversely Affect” determination was made on the listed species and an informal consultation (Section 7) was done with the USFWS. On 3/6/2023, the USFWS concurred with the conclusion that the described project will not adversely affect the rufa red knot, pallid sturgeon, and piping plover. The USFWS conditionally concurred with the conclusion that the described project will not adversely affect the whooping crane. The Cooperative will take note of and adhere to the conditional concurrence.
- **Wetlands Protection**-No impact. Wetlands are not in the project area. (see attachment).
- **Floodplain Management**-FEMA has not completed a study to determine flood hazard for this location; therefore, a flood map has not been published at this time. (See attached)
- **Formally Classified Lands**-No impacts. (see attachment)
- **Water Resources**- No impact. Pole placement will be designed to span stream beds and avoid placing poles near streams. Excavation will be minimal at each pole location and will not create any sediment that would impair any stream or river. Spoils from excavations will not be deposited in or near waterways. (see attachment)
- **Prime Farmland**-No impact. The transmission line will not prohibit future farming practices within the right-of-way other than the location of the transmission poles.
- **Coastal Resources**-Not Applicable
- **Air Quality**-No impact. (see attachment)
- **Contamination and Toxic Substances**-No impacts. (see attachment)
- **Environmental Justice**-No impacts. (see attachment)

I have reviewed this Borrower's Environmental Report (BER) and, to the best of my knowledge, it accurately describes the proposed projects and associated environmental impacts. East River Electric Power Cooperative, Inc. intends to carry out the environmental commitments, mitigation measures and monitoring efforts presented in the BER. Our personnel and those of any involved independent contractor will be made aware of such environmental commitments before the initiation of construction. If any information relevant to the environmental effects of the proposed projects comes to our attention subsequent to the submission of this BER, such material will be provided promptly to RUS.

A handwritten signature in black ink, reading "Robert K. Sahr", with a long horizontal flourish extending to the right.

Robert K. Sahr  
CEO/General Manager

# PROJECT MAP



-  East River Substation
-  East River Transmission Line
-  Corridor of work

Design By:	Date:	Rev	Date	Description	Chkd
	11/3/2022				
Drawn By:	Draw Scale:				
MLW	NTS				
Checked By:	Plot Scale:				



**WAPA NORTH BEND TO PRATT  
HYDE COUNTY, SD  
ER PRESENTATION**

**ATTACHMENT: SECTION 106 HISTORIC PROPERTIES AND  
TRIBAL CONSULTATION**



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative 

November 14, 2022

Bobby Komardley, Chairman  
Apache Tribe of Oklahoma  
PO Box 1330  
Anadarko, OK 73005

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear Chairman Komardley:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>1</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>1</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Apache Tribe of Oklahoma in Hyde County, SD. Should Apache Tribe of Oklahoma elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jerae Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative 

November 14, 2022

Max Bear, THPO  
Cheyenne and Arapaho Tribes, Oklahoma  
700 Black Kettle Blvd  
Concho, OK 73022

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Bear:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>2</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>2</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Cheyenne and Arapaho Tribes, Oklahoma in Hyde County, SD. Should Cheyenne and Arapaho Tribes, Oklahoma elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jerae Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

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Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



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A Touchstone Energy® Cooperative 

November 14, 2022

Steven Vance, THPO  
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota  
PO Box 590  
Eagle Butte, SD 57625

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Vance:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>3</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>3</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

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East River is notifying you about the referenced project because of the possible interest of the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota in Hyde County, SD. Should Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jeræ Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by

the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

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Sincerely,

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Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



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A Touchstone Energy® Cooperative 

November 14, 2022

Merle Marks, THPO  
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota  
PO Box 50  
Fort Thompson, SD 57339

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Marks:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>4</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

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East River is notifying you about the referenced project because of the possible interest of the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota in Hyde County, SD. Should Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jeræ Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by

the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

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Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



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Fax: (605) 256-8058

A Touchstone Energy® Cooperative 

November 14, 2022

Michael Blackwolf, THPO  
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana  
656 Agency Main Street  
Harlem, MT 59526

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Blackwolf:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>5</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>5</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana in Hyde County, SD. Should Fort Belknap Indian Community of the Fort Belknap Reservation of Montana elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jeræ Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by

the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative 

November 14, 2022

Clyde Estes, Chairman  
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota  
187 Oyate Circle  
Lower Brule, SD 57548

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear Chairman Estes:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>6</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>6</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota in Hyde County, SD. Should Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jerae Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by

the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



211 South Harth Ave. | P.O. Box 227  
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A Touchstone Energy® Cooperative 

November 14, 2022

Thomas Brings, THPO  
Oglala Sioux Tribe  
PO Box 2070  
Pine Ridge, SD 57770

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Brings:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>7</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>7</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Oglala Sioux Tribe in Hyde County, SD. Should Oglala Sioux Tribe elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jeræ Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



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A Touchstone Energy® Cooperative 

November 14, 2022

Ione Quigley, THPO  
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota  
PO Box 809  
Rosebud, SD 57570

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Quigley:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>8</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>8</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota in Hyde County, SD. Should Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jerae Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by

the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



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Madison, SD 57042-0227

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A Touchstone Energy® Cooperative 

November 14, 2022

Misty Frazier, THPO  
Santee Sioux Nation, Nebraska  
425 Frazier Ave. N. Suite 2  
Niobrara, NE 68760

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Frazier:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>9</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>9</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Santee Sioux Nation, Nebraska in Hyde County, SD. Should Santee Sioux Nation, Nebraska elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jeraj Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



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Madison, SD 57042-0227

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A Touchstone Energy® Cooperative 

November 14, 2022

Jon Eagle, THPO  
Standing Rock Sioux Tribe of North & South Dakota  
PO Box D  
Fort Yates, ND 58538

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Eagle:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>10</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>10</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Standing Rock Sioux Tribe of North & South Dakota in Hyde County, SD. Should Standing Rock Sioux Tribe of North & South Dakota elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jeræ Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by

the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative 

November 14, 2022

Kip Spotted Eagle, THPO  
Yankton Sioux Tribe of South Dakota  
PO Box 1153  
Wagner, SD 57380

Subject: United States Department of Agriculture (USDA) – Rural Development (RD)  
RUS Applicant THPO Section 106 Initiation  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Spotted Eagle:

East River Electric Power Cooperative, Inc. (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>11</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This

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<sup>11</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Based on this definition, East River proposes that the APE for the referenced project consists of corridor of work as shown on the enclosed map. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Program applicants and Indian tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

East River is notifying you about the referenced project because of the possible interest of the Yankton Sioux Tribe of South Dakota in Hyde County, SD. Should Yankton Sioux Tribe of South Dakota elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following address – Jeræ Wire, [jwire@eastriver.coop](mailto:jwire@eastriver.coop), Phone: 605-256-4536.

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. East River will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Please submit your response **electronically** by 12/11/2022. RUS will proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information you may contact me at the mailing address and email provided above.

Sincerely,

A handwritten signature in black ink that reads "Jerae Wire". The signature is written in a cursive, flowing style.

Jerae Wire  
Construction & Permitting Coordinator

Enc. Map

c: Marcus Brundage; Matt Mohr; Gregory Korosec



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative 

January 5, 2023

Bobby Komardley, Chairman  
Apache Tribe of Oklahoma  
PO Box 1330  
Anadarko, OK 73005

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear Chairman Komardley:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>1</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

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<sup>1</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Apache Tribe of Oklahoma.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative   
January 5, 2023

Max Bear, THPO  
Cheyenne and Arapaho Tribes, Oklahoma  
700 Black Kettle Blvd  
Concho, OK 73022

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Bear:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>2</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

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<sup>2</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Cheyenne and Arapaho Tribes, Oklahoma.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative   
January 5, 2023

Steven Vance, THPO  
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota  
PO Box 590  
Eagle Butte, SD 57625

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Vance:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>3</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

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<sup>3</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

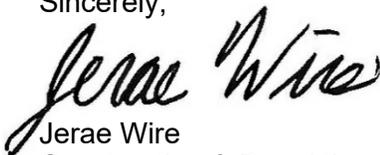
At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative   
January 5, 2023

Merle Marks, THPO  
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota  
PO Box 50  
Fort Thompson, SD 57339

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Marks:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>4</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

---

<sup>4</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

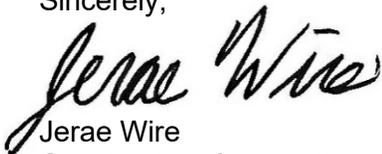
At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

Telephone: (605) 256-4536  
Fax: (605) 256-8058

A Touchstone Energy® Cooperative   
January 5, 2023

Michael Blackwolf, THPO  
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana  
656 Agency Main Street  
Harlem, MT 59526

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Blackwolf:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>5</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

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<sup>5</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

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A Touchstone Energy® Cooperative   
January 5, 2023

Clyde Estes, Chairman  
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota  
187 Oyate Circle  
Lower Brule, SD 57548

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear Chairman Estes:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>6</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

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<sup>6</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

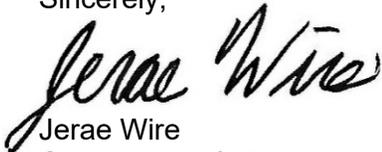
At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

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Fax: (605) 256-8058

A Touchstone Energy® Cooperative   
January 5, 2023

Thomas Brings, THPO  
Oglala Sioux Tribe  
PO Box 2070  
Pine Ridge, SD 57770

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Brings:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>7</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

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<sup>7</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Oglala Sioux Tribe.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
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A Touchstone Energy® Cooperative   
January 5, 2023

Ione Quigley, THPO  
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota  
PO Box 809  
Rosebud, SD 57570

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Quigley:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>8</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

---

<sup>8</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

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A Touchstone Energy® Cooperative   
January 5, 2023

Misty Frazier, THPO  
Santee Sioux Nation, Nebraska  
425 Frazier Ave. N. Suite 2  
Niobrara, NE 68760

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Frazier:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>9</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

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<sup>9</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Santee Sioux Nation, Nebraska.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



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Madison, SD 57042-0227

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A Touchstone Energy® Cooperative   
January 5, 2023

Jon Eagle, THPO  
Standing Rock Sioux Tribe of North & South Dakota  
PO Box D  
Fort Yates, ND 58538

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Eagle:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>10</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

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Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

---

<sup>10</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

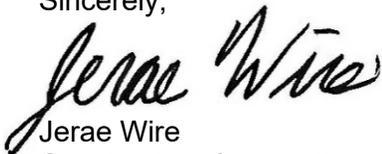
At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Standing Rock Sioux Tribe of North & South Dakota.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



211 South Harth Ave. | P.O. Box 227  
Madison, SD 57042-0227

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A Touchstone Energy® Cooperative   
January 5, 2023

Kip Spotted Eagle, THPO  
Yankton Sioux Tribe of South Dakota  
PO Box 1153  
Wagner, SD 57380

Subject: USDA RD RUS Applicant THPO Recommended Finding of No Historic Properties  
Affected  
WAPA North Bend to Pratt  
Hyde County, SD

Dear THPO Spotted Eagle:

East River Electric Power Cooperative (East River) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the WAPA North Bend to Pratt (Project). This Project will not be using the NPA.<sup>11</sup>

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend to the new East River Pratt substation. This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area.

Poles will be placed 290-340 feet apart, projecting approximately 65 feet in height above ground. Ground disturbance consists of approximately 36-66" augured holes approximately 9 feet deep. East River will attempt to obtain private easements on this project to place the structures 2 feet into private property. If easements are unable to be acquired, the poles will be placed two feet into the public road right-of-way.

The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Alternatives to this project would be to continue to operate our system as it is today without a new 230 kV source to the Pratt substation. We feel the proposed project is the best alternative to improve the reliability of service to its members.

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<sup>11</sup> *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

If RUS elects to fund the Project construction work plan, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

At the direction of RUS, on 11/14/2022 East River notified the following Indian tribes about the WAPA North Bend to Pratt: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. The Crow Creek Sioux Tribe responded with no objections to the project.

The enclosed document titled, Section 106 Project Consultation, dated January 4, 2023, describes the results of the investigation of the APE. No historic properties were identified within the APE. Based on the findings of the Section 106 Project Consultation, dated January 4, 2023, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the East River is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the Yankton Sioux Tribe of South Dakota.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Gregory Korosec at [gregory.korosec@usda.gov](mailto:gregory.korosec@usda.gov).

Sincerely,



Jerae Wire  
Construction & Permitting Coordinator

Enclosure(s)

c: Gregory Korosec; Marcus Brundage; Jon Aus



January 4, 2023

Jerae Wire  
East River Electric Power Cooperative  
211 S Harth Ave  
Madison, SD 57042

**SECTION 106 PROJECT CONSULTATION**

Project: 221208001F – WAPA North Bend to Pratt  
Location: Hyde  
RUS - Rural Utilities Service

Dear Jerae,

Thank you for the opportunity to comment on the above referenced project pursuant to 54 U.S.C. 306108, also known as Section 106 of the National Historic Preservation Act of 1966 (as amended), and the U.S. Department of Agriculture, Rural Utilities Service's authorization of applicants to initiate Section 106 consultation with SHPOs, as described in 36 C.F.R. § 800.2(c)(4) and 7 C.F.R. § 1970.5(b)(2). The South Dakota Office of the State Historic Preservation Officer (SHPO) has the following comments regarding the effect of the proposed undertaking on the non-renewable cultural resources of South Dakota.

On December 8, 2022, SHPO received your letter, query results from the Archaeological Resources Management System, records search results prepared by Anthony DeLuca of the Archaeological Research Center, and maps showing the Area of Potential Effects (APE). Based upon the information provided, the proposed undertaking is for the installation of a one-quarter mile tie-in line. No Historic Properties were identified within the APE. Therefore, SHPO agrees with your recommended finding of "No Historic Properties Effected" for the proposed undertaking.

If any activities will occur in areas not identified in your original request, additional documentation on the identification of historic properties within the Area of Potential Effects, as described in 36 C.F.R. § 800.4, and on the undertaking's effects on historic properties, as described in 36 C.F.R. § 800.11, is required.

Please note that RUS - Rural Utilities Service remains responsible for all findings and determinations pursuant to 36 C.F.R. § 800. RUS - Rural Utilities Service also remains responsible for their government to government relationships with Indian tribes. Receiving comments from SHPO does not relieve the federal agency official from consulting with other appropriate parties, as described in 36 C.F.R. § 800.2(c). Should comments be received from additional consulting parties regarding the identification of historic properties or the undertaking's effects on historic properties, these comments must be taken into account by the federal agency and could affect SHPO's response to the proposed undertaking.

If historic properties are discovered or unanticipated effects on historic properties are found after the agency official has completed the Section 106 process, the agency official shall avoid, minimize or mitigate the adverse effects to such properties and notify the SHPO and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery, pursuant to 36 C.F.R. § 800.13





Should you require any additional information, please contact Jozef Lamfers at [Jozef.Lamfers@state.sd.us](mailto:Jozef.Lamfers@state.sd.us) or at 605-773-6004. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,  
Ted M. Spencer  
State Historic Preservation Officer

A handwritten signature in black ink that reads "Jozef Lamfers". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jozef Lamfers  
Review & Compliance Archaeologist

C.C.: Marcus Brundage - USDA

Gregory Korosec - USDA





# Archaeological Research Center

## Archaeological Resources Management System

Log Off

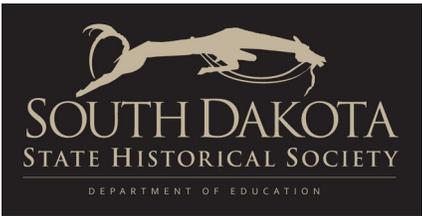
Your Subscription Expires:  
11/8/2023

### REA Personnel

Township (formatted as '001N', '023S', etc.):  Range (formatted as '004E', '089W', etc.):

Section (1-36)

No records found.



**Archaeological Research Center**  
**Archaeological Resources Management System**

Log Off

Your Subscription Expires:  
 11/8/2023

**REA Personnel**

Township (formatted as '001N', '023S', etc.):  Range (formatted as '004E', '089W', etc.):

Section (1-36)

**Submit Query** **Clear Query**

Records Found: 1

Item	Site No.	Recommended NR Status	SHPO NR Determination	Township	Range	Section
1	<a href="#">39HE0098</a>	Unevaluated		110N	073W	16

Key to *Recommended NR Status* and *SHPO NR determination* values:

- Register                      Listed on National Register
- Eligible                        Eligible for listing on the National Register
- Not eligible                    Evaluated, found not eligible for listing on National Register
- Unevaluated                  Site has not been evaluated for National Register, status unknown
- [blank]                         Site has not been evaluated for National Register, status unknown

Note: *Recommended NR Status* is the status recommended by the archaeologist in the field; the *SHPO NR determination* is the official National Register status from the State Historic Preservation Office and/or the lead federal agency.

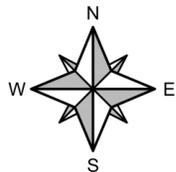
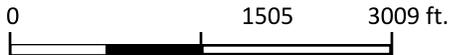
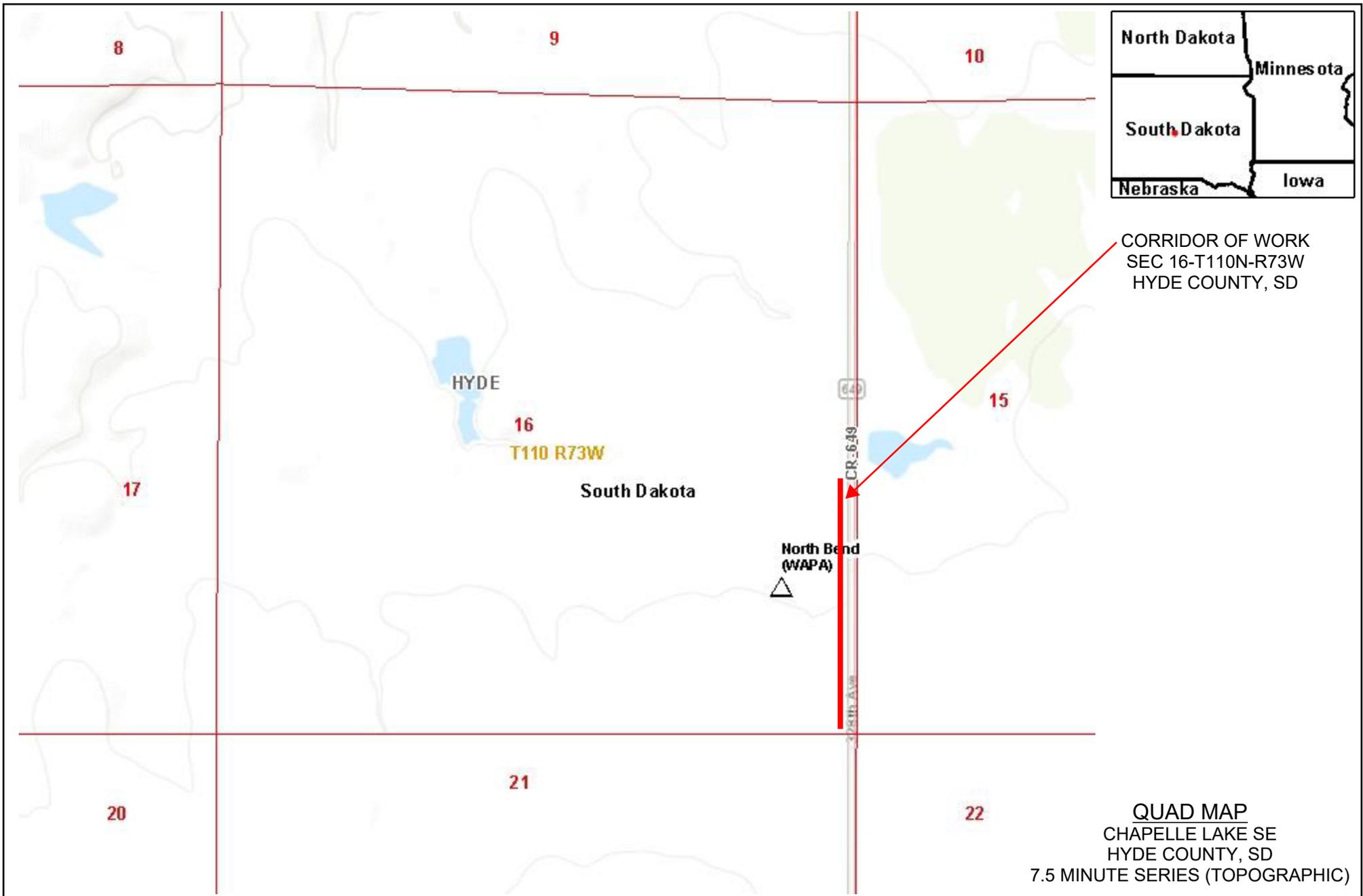


**ARCHAEOLOGICAL RESEARCH CENTER  
Site No. 39HE0098**

**Location Map**

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Restricted



The information on this map was derived from digital databases. Care was taken in the creation of this map, however, East River will not accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

DATE:
11/7/2022
SCALE:
1 in. = 1505 ft.



HYDE COUNTY, SD  
CORRIDOR OF WORK



November 8, 2022

Jennifer Buchholtz  
East River Electric Power Cooperative  
PO Box 227  
Marion SD 57042a

Dear Jennifer,

Here are the results of your record search request. I have summarized the information from the record search below (3 maps are included in this record search).

**HydeCorridor11\_08; Sections 15, 16, 21, 22, T110N, R73W; Hyde County, South Dakota**

No archaeological sites and no historic structures have been recorded within the immediate project area (100 ft or less).

No archaeological surveys have been conducted within the immediate project area (100 ft or less).

It is recommended that if evidence of any buried cultural resources is encountered during construction activities, such activities should be halted and a qualified archaeologist and/or the State Historic Preservation Office (SHPO) should be contacted in order to determine the appropriate course of action. If human remains are encountered during construction activities, such activities according to state and federal law must be halted immediately and local law enforcement officers and the Archaeological Research Center (ARC) contacted in order to determine a course of action.

Mortuary features regardless of land ownership are protected by State and Federal Statutes. Procedures for the excavation and removal of Native American human remains and funerary objects on Federal or Tribal lands are specified under Public Law 101-601, November, 1990, Native American Graves Protection and Repatriation Act (NAGPRA), should this situation arise.

Mortuary features located outside of registered cemeteries, regardless of ethnicity, are protected on state and private land in all development situations under the South Dakota statute for Cemeteries and Burial Records, SDCL34-27-21 through 30, 1990 and 34-27-31 through 32, 1991. The locations of archaeological sites are considered non-public information. Do not distribute or copy this information to unauthorized personnel. The confidentiality of the locations of archaeological sites is protected by SDCL 34-27-33, 2007.

Please do not hesitate to contact us if you have any questions or concerns regarding this record search.



Sincerely,

A handwritten signature in black ink that reads "Anthony DeLuca". The signature is written in a cursive style with a prominent initial 'A'.

Anthony DeLuca, M.A.  
GIS Technician

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**From:** [cchistory@midstatesd.net](mailto:cchistory@midstatesd.net)  
**To:** [Jennifer L. Buchholtz](mailto:Jennifer.L.Buchholtz)  
**Subject:** Re: THPO letter - WAPA North Bend to Pratt  
**Date:** Thursday, November 17, 2022 10:00:00 AM

---

**Caution:** \*\*\*This email originated from outside the organization. Do not click on links or open attachments unless you recognize or can verify the sender.\*\*\*

Hello Jennifer, The Crow Creek Sioux THPO has reviewed the proposed North Bend to Pratt project care should be taken when disturbing the surface in the project area the CCST has no other issues.

Merle Marks  
Crow Creek Sioux Tribe  
THPO - Director  
605.245.2221

---

**From:** "Jennifer L. Buchholtz" <[jbuchholtz@eastriver.coop](mailto:jbuchholtz@eastriver.coop)>  
**To:** "Merle Marks - Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota" <[cchistory@midstatesd.net](mailto:cchistory@midstatesd.net)>  
**Cc:** "Matthew P. Mohr" <[mmohr@eastriver.coop](mailto:mmohr@eastriver.coop)>, "Jerae M. Wire" <[jwire@eastriver.coop](mailto:jwire@eastriver.coop)>  
**Sent:** Monday, November 14, 2022 1:11:13 PM  
**Subject:** THPO letter - WAPA North Bend to Pratt

Please see the attached documents for a project subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

Jennifer Buchholtz  
Administrative Support Specialist



East River Electric Power Cooperative, Inc.  
P.O. Box 227, 211 S. Harth Ave., Madison, SD 57042  
Office: 605.256.8045 | Fax: 605.256.8054  
Visit us online: [www.eastriver.coop](http://www.eastriver.coop)

**ATTACHMENT: THREATENED AND ENDANGERED SPECIES**



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Ecological Services  
South Dakota Field Office  
420 South Garfield Avenue, Suite 400  
Pierre, South Dakota 57501-5408

In Reply Refer to:  
EAST RIVER ELECTRIC 43  
PROJECTS

March 6, 2023

Jarae Wire  
East River Electric Power Cooperative, Inc.  
211 South Harth Ave.  
P.O. Box 227  
Madison, South Dakota 57042-0227

Dear Jarae Wire:

We are in receipt of 43 proposed powerline and substation projects you submitted to our office for environmental review between December 29, 2022, and February 10, 2023. These projects are listed below in alphabetical order:

Ames Tap Rebuild	Hutchinson County to Freeman	Polo Tap Rebuild
Ashton to Mansfield Rebuild	Ipswich to Norbeck Tie	Pratt Substation
Big Springs to Akron	Ladelle Tap Rebuild	Pratt to Lake Sharpe
Bristol to Webster Rebuild	Lake County Substation	Rasmussen Substation Rebuild
Canton Exit Substation	Lake Preston to DeSmet Tie Rebuild	Redfield Substation Rebuild
Carpenter to Willow Lake Tie	Lyons to Minnehaha County Tie	Richland Tap Rebuild
Carpenter to Yale Rebuild	Marion to Turner County	Storla Tap Rebuild
Dempster Tap Rebuild	Miner County to Fedora Tie	Toronto Tap
Dolton Tap Rebuild	Miner County to Howard Tap	Turner County Substation
EROS to Lyons Tie	Miner County to Roswell	Union Creek Tap Rebuild
Fodness to I29 Rebuild	Minnehaha County Substation	VT Hanlon 230-115kV Addition
Garretson to EROS	Moritz Tap Rebuild	WAPA North Bend to Pratt
Harrison to Platte Tap Rebuild	Norbeck Switching Station	Willow Lake to DeSmet Rebuild
Howard to Lake County Tie Rebuild	Oldham Tap Rebuild	
Hutchinson County Switching Station	Palisades to Garretson Tap	

We appreciate you accessing our Information for Planning and Consultation (IPaC) online system and subsequently providing our office with details of the above-listed projects including maps, project descriptions and official species lists generated via the IPaC site, as well as your determination of impacts to those species. In addition to species and habitats protected per the Endangered Species Act (ESA), the IPaC-generated letters you received for each project includes important information and recommendations that apply to these projects regarding other U.S. Fish and Wildlife Service (Service) trust resources such as wetlands, migratory birds, bald and golden eagles, easements, and fee-title lands managed by our agency. That information is

intended to assist the federal action agency (in the case of these projects, the Rural Utilities Service [RUS]) in their evaluation of these project's potential environmental impacts and provides guidance on measures to reduce impacts and assist in compliance with federal laws.

Typically, we would provide individual responses to each of your project proposals; however, due to current staff shortages and high workloads, we are unable to do so for all 43 of these projects in a timely manner. Since the projects are similar in nature (i.e., overhead power line and/or substation construction activities), we herein provide information and recommendations regarding specific concerns for wildlife habitats and Service trust resources that apply to all or many of the above projects, depending on the types of habitats that may be impacted and/or species that may be encountered at each project site.

### **ESA Species**

We concur with your conclusions that the above-listed projects as described will not adversely affect the rufa red knot (*Calidris canutus rufa*), western prairie fringed orchid (*Platanthera praeclara*), pallid sturgeon (*Scaphirhynchus albus*), piping plover (*Charadrius melodus*), or scaleshell mussel (*Leptodea leptodon*). While we also do not anticipate adverse impacts to the whooping crane (*Grus americana*) and Topeka shiner (*Notropis topeka*), we provide additional information below to ensure risk to these species is reduced.

Note that the status of species that are currently identified as candidate and/or proposed species may soon change, and one threatened species' status already has. See below paragraphs regarding the monarch butterfly (*Danaus plexippus*; candidate), tricolored bat (*Perimyotis subflavus*; proposed as endangered and not identified in your letters), and northern long-eared bat (formerly listed as threatened, endangered status will be effective March 31, 2023). Should the above-listed projects not be completed before these species incur a change in status, additional consultation may be necessary.

Further, the potential exists for some projects to incur adverse impacts to the northern long-eared bat, particularly if tree removal were to occur in occupied areas. Similarly, the Dakota skipper (*Hesperia dacotae*) may be impacted by projects occurring in native grasslands. Additional information is provided below for these species to help ensure compliance with the ESA.

### Additional Whooping Crane and Topeka Shiner Information

- *Whooping crane*

South Dakota is within the documented migration corridor of the Aransas/Wood Buffalo population of whooping cranes - the only self-sustaining migratory population of whooping cranes in existence. Whooping cranes migrate through the state twice annually on their way to northern breeding grounds (April-May) and southern wintering areas (September-November), occupying numerous habitats such as cropland and pastures; wet meadows; shallow marshes; shallow portions of rivers, lakes, reservoirs, and stock ponds; and both freshwater and alkaline basins for feeding and loafing. Overnight roosting sites frequently require shallow water in which to stand and rest. Potential whooping crane habitat in South Dakota has been identified by

the Service in Niemuth et al. (2018<sup>1</sup>) which identifies probability of habitat use by migrating whooping cranes in the migration corridor. Use of this model is recommended to determine if suitable habitats exist in proximity of any of the above-listed projects. Whooping cranes are large birds with low maneuverability and line strike mortality is the greatest known threat to fledged whooping cranes. More information on this topic is provided with this letter in the “Avian Electrocution and Line Strikes” section below, as well as our *Region 6 Guidance for Minimizing Effects from Power Line Projects within the Whooping Crane Migration Corridor* (copy provided via email). Projects near suitable habitat identified by the Niemuth et al. (2018) model should be prioritized for line-marking. Additionally, should construction occur during spring or fall migration, the potential for whooping crane disturbances (flushing the birds) exists. Disturbance stresses them at critical times of the year and should be avoided. If whooping cranes are sighted during construction, activities should cease until the birds leave the area on their own. Sightings of whooping cranes at any time should be reported to this office and the South Dakota Department of Game, Fish and Parks.

Our recommendation to identify suitable whooping crane habitat and mark lines line near those habitats applies to the following of the above-listed projects:

Ames Tap Rebuild	Ipswich to Norbeck Tie	Pratt Substation
Ashton to Mansfield Rebuild	Ladelle Tap Rebuild	Pratt to Lake Sharpe
Carpenter to Willow Lake Tie	Miner County to Fedora Tie	Redfield Substation Rebuild
Carpenter to Yale Rebuild	Norbeck Switching Station	Storla Tap Rebuild
Harrison to Platte Tap Rebuild	Polo Tap Rebuild	WAPA North Bend to Pratt

- *Topeka shiner*

The Topeka shiner is known to occur in numerous rivers and streams of eastern South Dakota, within the James, Vermillion, and Big Sioux watersheds. Your determination that the proposed projects are unlikely to adversely affect this species included a justification that the projects “will not include activities that will contaminate, degrade, or have significant impact on aquatic habitats.” Given the nature of overhead power lines and substations, we do not anticipate work occurring within Topeka shiner occupied streams, but to clarify, impacts not identified as part of the projects, such as driving through waterways or working in riparian zones that could lead to erosion and sedimentation within the streams should be avoided. Comprehensive and effective measures to ensure disturbed sites are stabilized and revegetated post-construction are important to ensuring the integrity of instream habitat. We have provided (via email with this letter) a map of known occupied Topeka shiner streams for your convenience.

Proposed projects that identify the Topeka shiner as a species that may be impacted include the following:

Carpenter to Willow Lake Tie	EROS to Lyons Tie	Miner County to Roswell
Carpenter to Yale Rebuild	Garretson to EROS	Moritz Tap Rebuild

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<sup>1</sup> Niemuth, N. D., A. J. Ryba, A. T. Pearse, S. M. Kvas, D. A. Brandt, B. Wangler. 2018. Opportunistically collected data reveal habitat selection by migrating whooping cranes in the U.S. Northern Plains. *Condor* 120:343-356.

Miner County to Fedora Tie	Howard to Lake County Tie Rebuild	Palisades to Garretson Tap
Storla Tap Rebuild	Hutchinson County Switching Station	Toronto Tap
Canton Exit Substation	Lake Preston to DeSmet Tie Rebuild	Turner County Substation
Dempster Tap Rebuild	Marion to Turner County	Willow Lake to DeSmet Rebuild
Dolton Tap Rebuild	Miner County to Howard Tap	

Species with an upcoming status change:

- *Monarch Butterfly*

The monarch butterfly is a widespread species that may occur across South Dakota from May through October, wherever required plant resources exist. As a candidate species, consultation is not currently required for the monarch (the species’ status is pending review in 2024), but we encourage proactive consideration for this species during project planning. Monarch eggs are laid on milkweed plants (*Asclepias* spp.) which is the sole source of food for developing larvae. These plants may occur in many areas ranging from native grasslands to degraded sites such as road rights-of-way. Adult monarch butterflies require diverse floral resources that provide nectar, including milkweed. “Limited ground disturbance” is submitted with your determinations of impacts for this species in your project letters; however, a limited area of impact is not necessarily protective of this species, particularly if eggs/larvae exist on milkweed plants within the project footprint. We recommend evaluating the above project sites for the presence of milkweed plants and nectar sources prior to construction activities and avoiding impacts to those plants while the monarch may be present in South Dakota. Further, we encourage post-construction revegetation efforts that include native seed mixes with these plants incorporated to promote future conservation of this candidate species.

All 43 of the proposed projects you provided could potentially impact this species.

- *Tricolored Bat*

The tricolored bat has recently been proposed for listing as endangered under the ESA (see: <https://www.fws.gov/press-release/2022-09/proposal-list-tricolored-bat-endangered>). Due to its proposed status, conferencing with our office for this species is not required unless the project may jeopardize the continued existence of the bat, but like candidate species such as the monarch butterfly, we encourage proactive consideration of proposed species in project planning. Because tricolored bats use similar habitats to northern long-eared bats, and some of your project letters include potential tree removal, we recommend avoidance of actions impacting trees during the April-October timeframe - the primary active season for bats in South Dakota. Efforts to map tricolored bat habitat are currently underway for inclusion in our IPaC system. As a surrogate, we currently recommend using IPaCs northern long-eared bat suitable habitat map until the tricolored bat habitat map is completed. We anticipate a final determination regarding the status of the tricolored bat in the fall of 2023. If the above-listed power line and substation projects will not be completed before that time, reinitiation of consultation may be necessary to address potential impacts to this species.

For a list of your proposed projects that could impact this species, see the list below for the northern long-eared bat.

- *Northern Long-eared Bat*

On November 30, 2022, the Service published a final rule to reclassify the northern long-eared bat as endangered under the Endangered Species Act. On January 26, 2023, the Service published a 60-day extension for the final reclassification rule in the Federal Register, moving the effective listing date from January 30, 2023, to March 31, 2023. This extension was intended to provide stakeholders and the public time to preview interim guidance and consultation tools before the rule becomes effective. Once completed, the tools will be available on the Service’s northern long-eared bat website (<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>). Once the final rule goes into effect on March 31, 2023, the 4(d) determination key (4(d) Dkey) will no longer be available because the 4(d) rule on which it is based will be vacated under the NLEB’s new status as endangered. The 4(d) DKey will be replaced with a new Range-wide NLEB Dkey (range-wide Dkey). For projects not completed by March 31, 2023, that were previously reviewed under the 4(d) Dkey, reinitiation of consultation may be needed. For ongoing projects previously reviewed under the 4(d) Dkey that are likely to result in incidental take of the northern long-eared bat, we recommend you review your projects using the new range-wide Dkey once available. If your projects qualify for pre-determined ‘no effect’ or ‘may affect not likely to adversely affect’ outcomes via the range-wide Dkey, no further review or consultation would be needed. If your projects do not qualify, they may be eligible to use the Interim (formal) Consultation framework (framework). The framework is intended to facilitate the transition from the streamlined consultation process provided under the 4(d) rule to typical Section 7 consultation procedures for federally endangered species and will be available only until spring 2024. Again, when available, these tools (new range-wide Dkey and framework) will be available on the Service’s northern long-eared bat website.

Proposed projects that identify the northern long-eared bat that may require reconsultation in the IPaC system include the following:

Carpenter to Yale Rebuild	Moritz Tap Rebuild	Pratt to Lake Sharpe
Storla Tap Rebuild	Palisades to Garretson Tap	Redfield Substation Rebuild
Dempster Tap Rebuild	Turner County Substation	Big Springs to Akron
EROS to Lyons Tie	Ames Tap Rebuild	Lyons to Minnehaha County Tie
Howard to Lake County Tie Rebuild	Ashton to Mansfield Rebuild	Richland Tap Rebuild
Marion to Turner County	Ladelle Tap Rebuild	
Miner County to Howard Tap	Polo Tap Rebuild	

Species Requiring Additional Evaluation

- *Northern long-eared bat*

See above paragraph and access the tools to determine impacts via the northern long-eared bat website for projects that will not be completed by March 31

(<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>).

- *Dakota skipper*

As with the monarch butterfly, “limited ground disturbance” is provided in your letters as justification that the projects will not incur adverse impacts to Dakota skippers. While it is true that impacts are less likely with relatively small project footprints, that factor alone does not

preclude the risk of take to the species if disturbance occurs in suitable habitat and the species is present. Dakota skippers are obligate residents of high-quality prairie ranging from wet-mesic tallgrass prairie to dry-mesic mixed grass prairie. In northeastern South Dakota, they inhabit dry-mesic hill prairies with abundant purple coneflower (*Echinacea angustifolia*), but also use mesic to wet-mesic tallgrass prairie habitats characterized by wood lily (*Lilium philadelphicum*) and mountain deathcamas (smooth camas; *Zigadenus elegans*). The brief (approximate 2-week) adult stage is the only time these small butterflies are not restricted to the ground (in the relatively sedentary stages of eggs, larvae, or pupae), but even during this timeframe, the females are laying eggs on the landscape. Our primary recommendation is to avoid work within suitable habitats to ensure impacts to this species are not incurred. The likely location of intact native grasslands in eastern South Dakota has been identified by Bauman et al. (2016)<sup>2</sup>, available online at [https://openprairie.sdstate.edu/data\\_land-easternSD/1/](https://openprairie.sdstate.edu/data_land-easternSD/1/). Additionally, critical habitat has been designated for this species in South Dakota; for details and locations see the following website: <http://www.fws.gov/Midwest/endangered/insects/dask/index.html>. We recommend you access this data to assist you in determining if any of your proposed projects may impact native grasslands. Projects occurring outside these habitat types are not likely to adversely affect Dakota skippers; however, if project areas include suitable habitat, and these habitats cannot be completely avoided, additional consultation may be necessary to ensure adverse impacts will not occur.

Proposed projects that identify the Dakota skipper, for which the presence of native grasslands should be evaluated include:

Dempster Tap Rebuild	Redfield Substation Rebuild
Howard to Lake County Tie Rebuild	Lake Preston to DeSmet Tie Rebuild
Moritz Tap Rebuild	Toronto Tap
Ashton to Mansfield Rebuild	Willow Lake to DeSmet Rebuild
Ladelle Tap Rebuild	Bristol to Webster Rebuild

### **Additional Information Pertinent to All Projects**

#### Grasslands and Grassland Birds

Dakota skippers are not the only concern related to grassland impacts. Intact native prairie and prairie that was tilled but then left to return to grass (“go-back prairie”) are important habitats in South Dakota. In addition to the intrinsic value of diverse native prairie plant communities, these areas represent a fraction of the prairie acres that once existed in the state. These habitats harbor numerous native wildlife species, some of which cannot survive outside the native plant community. Grassland nesting migratory birds often depend on these areas. Migratory birds are a trust resource for our agency and population declines among grassland-nesting species are known to be greater than for all other avian groups reliant on other biomes in North America (Rosenberg et al. 2019<sup>3</sup>). Population level impacts begin with, and are exacerbated by, local

<sup>2</sup> Bauman, P., B. L. Carlson, and T. Butler. 2016. Quantifying undisturbed (native) lands in eastern South Dakota:2013. South Dakota State University.

<sup>3</sup> Rosenberg, K. V., A. M. Dokter, P. J. Blancher, J. R. Sauer, A. C. Smith, P. A. Smith, J. C. Stanton, A. Panjabi, L. Helft, M. Parr, P. P. Marra. 2019. Decline of the North American avifauna. *Science* 366:120–124.

impacts to individuals. Our foremost recommendation is complete avoidance of impacts to native grassland habitats. Avoidance of work during the nesting season (generally mid-April - August) is a secondary mitigative measure. We again recommend you access the likely locations of intact native grasslands in eastern South Dakota as identified by Bauman et al. (2016), available online at [https://openprairie.sdstate.edu/data\\_land-easternSD/1/](https://openprairie.sdstate.edu/data_land-easternSD/1/). Note that while native prairie is considered a conservation priority in the state, lesser-quality grasslands (e.g., grasslands with a high non-native plant component, overgrazed grasslands) can still provide habitat for wildlife and we recommend avoidance of these plant communities whenever possible. For any disturbances in native grasslands, we recommend revegetation with native grass and forb species.

#### Avian Electrocutation and Line Strikes

A primary concern of the Service regarding electrical infrastructure is the threat of avian electrocution, particularly for raptors (hawks, owls, eagles, and falcons). Thousands of raptors are killed annually as they attempt to utilize overhead power lines and substations as nesting, hunting, resting, feeding, and sunning sites. The Service recommends the installation of underground, rather than overhead, power lines whenever possible/appropriate to minimize environmental disturbances. For all new overhead facilities or modernization of existing facilities, we recommend incorporating measures to prevent avian electrocutions. The publication, "*Suggested Practices for Avian Protection on Power Lines - The State of the Art in 2006*" has many good suggestions including pole extensions, modified positioning of live phase conductors and ground wires, placement of perch guards and elevated perches, elimination of cross arms, use of wood (not metal) braces, and installation of various insulating covers. Many of the practices/principles in these guidelines may be applicable to substation facilities. You may obtain this publication online at: <https://www.aplic.org/>.

Please note that utilizing just one of the "*Suggested Practices...*" methods may not entirely remove the threat of electrocution to raptors. In fact, improper use of some methods may increase electrocution mortality. Perch guards, for example, may be only partially effective as some birds may still attempt to perch on structures with misplaced or small-sized guards and suffer electrocution as they approach too close to conducting materials. Among the most dangerous structures to raptors are poles that are located at a crossing of two or more lines, exposed above-ground transformers, or dead-end poles. Numerous hot and neutral lines at these sites, combined with inadequate spacing between conductors, increase the threat of raptor electrocutions. Perch guards placed on other poles has, in some cases, served to actually shift birds to these more dangerous sites, increasing the number of mortalities. Thus, it may be necessary to utilize other methods or combine methods to achieve the best results.

Further, the spacing recommendation within the "*Suggested Practices...*" publication of at least 60 inches between conductors or features that cause grounding may not be protective of larger raptors such as eagles. This measure was based on the fact that the skin-to-skin contact distance on these birds (i.e., talon to beak, wrist to wrist, etc.) is less than 60 inches. However, an adult eagle's wingspan (distance between feather tips) may vary from 66 to 96 inches depending on the species (golden or bald) and gender of the bird, and unfortunately, wet feathers in contact with conductors and/or grounding connections can result in a lethal electrical surge. Thus, the focus of the above precautionary measures should be to a) provide more than 96 inches of

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spacing between conductors or grounding features, b) insulate exposed conducting features so that contact will not cause raptor electrocution, and/or c) prevent raptors from perching on the structures in the first place. Again, many of the principles above may be applied to substation facilities as well.

Additional information regarding simple, effective ways to prevent raptor electrocutions on is available in video form. *Raptors at Risk* may be obtained by contacting EDM International, Inc. at 4001 Automation Way, Fort Collins, Colorado 80525-3479, Telephone No. (970) 204-4001, or by visiting their website at: <https://www.edmlink.com/images/documents-marketing-guides/guides/Raptors-at-Risk-Video-Order-Form-1.pdf>. EDM has also developed an online video, *Raptors on the Line 4K* (see: <https://www.youtube.com/watch?v=tJE6ILa9LRw>), which provides a good overview of the issue, including potential liability for utility companies.

In addition to electrocution at the proposed substation, overhead lines associated with it (particularly those located adjacent to wetlands or crossing streams) may pose the threat of line strike mortality to migratory birds. In situations where these lines are adjacent to large wetlands or where waters exist on opposite sides of the lines, we recommend marking them in order to make them more visible to birds. For more information on bird strikes, please see *Reducing Avian Collisions with Power Lines, the State of the Art in 2012* which may be obtained via the Edison Electric Institute at:

<http://www.eei.org/resourcesandmedia/products/Pages/reducingaviancollisions.aspx>.

Please be apprised of the potential application of the Migratory Bird Treaty Act of 1918 (MBTA), as amended, 16 U.S.C. 703 et seq., and the Bald and Golden Eagle Protection Act of 1940 (BGEPA), as amended, 16 U.S.C. 668 et seq., to your project. The MBTA does not require intent to be proven and does not allow for "take," except as permitted by regulations. Section 703 of the MBTA provides: "Unless and except as permitted by regulations...it shall be unlawful at any time, by any means, or in any manner, to...take, capture, kill, attempt to take, capture, or kill, possess...any migratory bird, any part, nest, or eggs of any such bird...". The BGEPA prohibits knowingly taking or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing activities.

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. We appreciate the opportunity to provide comments. If you have any questions on these comments, please contact Natalie Gates of this office at (605) 220-3881 or [Natalie\\_Gates@fws.gov](mailto:Natalie_Gates@fws.gov).

Sincerely,

Digitally signed by Amity  
Bass  
Date: 2023.03.08 12:33:41  
-06'00'

**Amity Bass**

Amity Bass  
Field Supervisor  
North and South Dakota Field Offices



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
South Dakota Ecological Services Field Office  
420 South Garfield Avenue, Suite 400  
Pierre, SD 57501-5408  
Phone: (605) 224-8693 Fax: (605) 224-1416

In Reply Refer To:  
Project Code: 2023-0036990  
Project Name: WAPA North Bend to Pratt Tie

August 11, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/media/endangered-species-consultation-handbook>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/law/bald-and-golden-eagle-protection-act>, <https://www.fws.gov/media/endangered-species-act-1>, and/or <https://www.fws.gov/law/migratory-bird-treaty-act-1918>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/law/migratory-birds>

Please be aware that bald and golden eagles are protected under the Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, as amended), as well as the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may benefit from the development of an Eagle Conservation Plan (ECP), see guidance at this website (<https://www.fws.gov/node/266177>). An ECP can assist developers in achieving compliance with regulatory requirements, help avoid "take" of eagles at project sites, and provide biological support for eagle permit applications. Additionally, we recommend wind energy

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developments adhere to our Land-based Wind Energy Guidelines for minimizing impacts to migratory birds and bats.

We have recently updated our guidelines for minimizing impacts to migratory birds at projects that have communication towers (including meteorological, cellular, digital television, radio, and emergency broadcast towers). These guidelines can be found at:

<https://www.fws.gov/story/incidental-take-beneficial-practices-communication-towers>  
<http://www.towerkill.com>

According to National Wetlands Inventory maps, (available online at <https://www.fws.gov/library/collections/national-wetland-inventory>) wetlands exist adjacent to the proposed construction corridor. If a project may impact wetlands or other important fish and wildlife habitats, the U.S. Fish and Wildlife Service (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, measures should be undertaken to replace the impacted areas. Alternatives should be examined and the least damaging practical alternative selected. If wetland impacts are unavoidable, a mitigation plan addressing the number and types of wetland acres to be impacted, and the methods of replacement should be prepared and submitted to the resource agencies for review.

Please check with your local wetland management district to determine whether Service interest lands exist at the proposed project site, the exact locations of these properties, and any additional restrictions that may apply regarding these sites. The Offices are listed below. If you are not sure which office to contact, we can help you make that decision.

U.S. Fish and Wildlife Service, Huron Wetland Management District, Federal Building, Room 309, 200 4th Street SW, Huron, SD 57350; telephone (605) 352-5894. Counties in the Huron WMD: Beadle, Buffalo, Hand, Hughes, Hyde, Jerauld, Sanborn, Sully.

U.S. Fish and Wildlife Service, Lake Andes Wetland Management District, P O Box 18, Pickstown, South Dakota, 57367; telephone (605) 487-7603. Counties in the Lake Andes WMD: Aurora, Brule, Charles Mix, Davison, Douglas.

U.S. Fish and Wildlife Service, Madison Wetland Management District, P.O. Box 48, Madison, South Dakota, 57042, telephone (605) 256-2974. Counties in the Madison WMD: Bon Homme, Brookings, Clay, Deuel, Hamlin, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Turner, Union, Yankton.

U.S. Fish and Wildlife Service, Sand Lake Wetland Management District, 39650 Sand Lake Drive, Columbia, South Dakota, 57433; telephone (605) 885-6320. Counties in the Sand Lake WMD: Brown, Campbell, Edmunds, Faulk, McPherson, Potter, Spink, Walworth.

U.S. Fish and Wildlife Service, Waubay Wetland Management District, 44401 134A Street, Waubay, South Dakota, 57273; telephone (605) 947-4521. Counties in the Waubay WMD: Clark, Codington, Day,

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Grant, Marshall, Roberts.

You are welcome to visit our website (<https://www.fws.gov/office/southdakota-ecological-services>) or to contact our office/staff at the address or phone number above for more information.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**South Dakota Ecological Services Field Office**

420 South Garfield Avenue, Suite 400

Pierre, SD 57501-5408

(605) 224-8693

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## PROJECT SUMMARY

Project Code: 2023-0036990

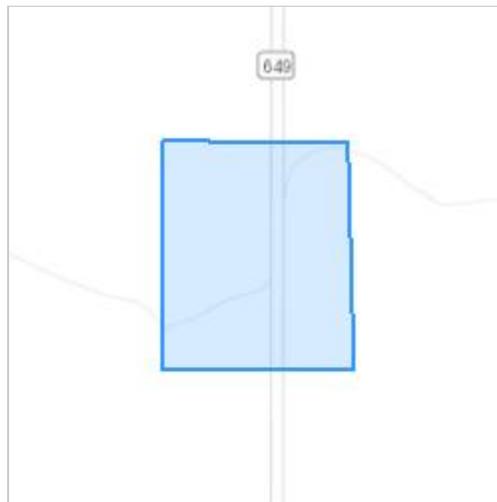
Project Name: WAPA North Bend to Pratt Tie

Project Type: Transmission Line - New Constr - Above Ground

Project Description: This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend (loan code 1005-0205) to the new East River Pratt substation (loan code 1005-0204). This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area. The line design has been previously approved by RUS and Cooperative acknowledges 7CFR 1724.51 Design requirements. East River will attempt to obtain private easements on this project to place the structures 2' into private property. In the event an easement is unable to be obtained, the structures will be placed 2' into public ROW. The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.3269579,-99.6036188180332,14z>



Counties: Hyde County, South Dakota

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [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.

## MAMMALS

NAME	STATUS
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## BIRDS

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	Endangered

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## FISHES

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7162">https://ecos.fws.gov/ecp/species/7162</a>	Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## 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 should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

**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

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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
Golden Eagle <i>Aquila chrysaetos</i> 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. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	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  $0.05/0.25 = 0.2$ .

- 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.

### 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 (|)

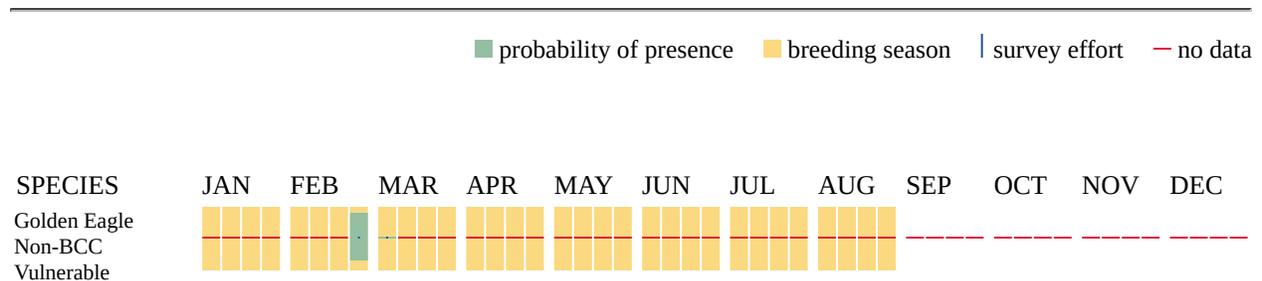
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### 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.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- 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>

## MIGRATORY BIRDS FAQ

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

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[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?**

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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

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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.

## WETLANDS

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](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

### FRESHWATER EMERGENT WETLAND

- [PEM1A](#)
  - [PEM1Cx](#)
-

## **IPAC USER CONTACT INFORMATION**

Agency: Private Entity  
Name: Jennifer Buchholtz  
Address: PO Box 227  
City: Madison  
State: SD  
Zip: 57042  
Email: jbuchholtz@eastriver.coop  
Phone: 6052564536

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Rural Utilities Service

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
South Dakota Ecological Services Field Office  
420 South Garfield Avenue, Suite 400  
Pierre, SD 57501-5408

Phone: (605) 224-8693 Fax: (605) 224-1416

<https://www.fws.gov/office/south-dakota-ecological-services>

In Reply Refer To:  
Project Code: 2023-0036990  
Project Name: WAPA North Bend to Pratt Tie

January 23, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))



## Environmental Review Report

### Project Information

Report Generation Date: 12/23/2022 12:05:19 PM  
Project ID: 2022-12-23-648  
Project Title: WAPA to North Bend to Pratt  
User Project Number(s):  
Project Type: Energy Production/Storage/Transfer, Power lines  
Project Activities: New power Line  
County(s): Hyde  
Township/Range/Section(s): 110N073W15; 110N073W16  
Watershed(s) HUC8: None  
Latitude/Longitude: 44.326964 / -99.603628

### Contact Information

Organization: East River Electric  
Contact Name: Jerae Wire  
Contact Phone: 605-256-8269  
Contact Email: jwire@eastriver.coop  
Contact Address: 211 South Harth Ave Madison SD 57042  
Submitted On Behalf Of:

### Project Description

This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend (loan code 1005-0205) to the new East River Pratt substation (loan code 1005-0204). This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area. The line design has been previously approved by RUS and Cooperative acknowledges 7CFR 1724.51 Design requirements. East River will attempt to obtain private easements on this project to place the structures 2' into private property. In the event an easement is unable to be obtained, the structures will be placed 2' into public ROW. The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.



## 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.

No Special Status Species were documented within the project vicinity.

**Table 2. Protected Areas within 800 Meters of Project Vicinity**

Area Name	Owner	Contact
SPL	School and Public Lands	Commissioner of School and Public Lands



### WAPA to North Bend to Pratt

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



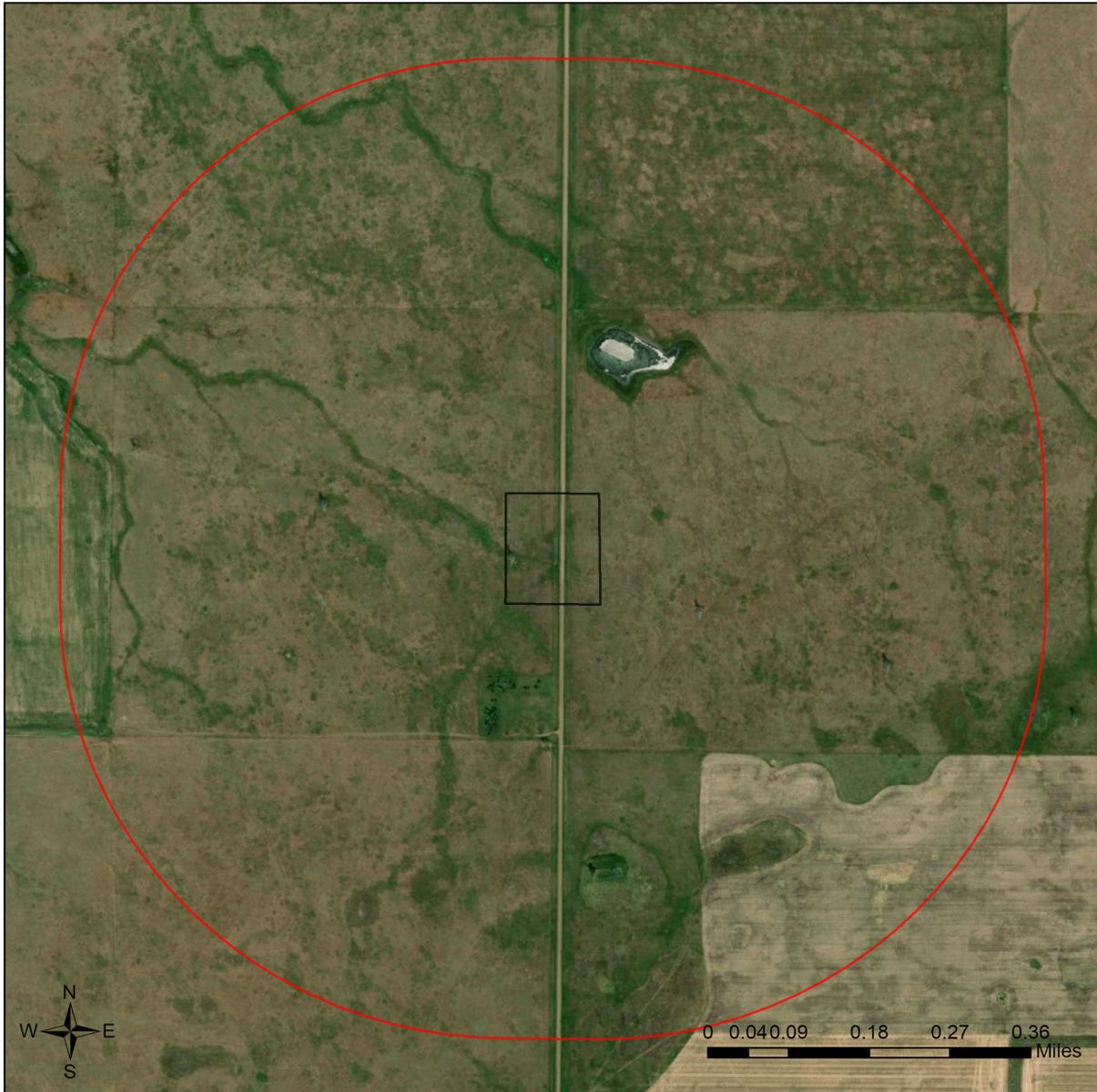
- |                              |                           |
|------------------------------|---------------------------|
| Buffered Project Boundary    | Bureau of Land Management |
| Project Boundary             | Bureau of Reclamation     |
| Game Production Areas        | Corps of Engineers        |
| 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, Geodastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community  
 South Dakota Game, Fish and Parks



WAPA to North Bend to Pratt  
Web Map As Submitted By User



-  Buffered Project Boundary
-  Project Boundary

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

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/media/endangered-species-consultation-handbook>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/law/bald-and-golden-eagle-protection-act>, <https://www.fws.gov/media/endangered-species-act-1>, and/or <https://www.fws.gov/law/migratory-bird-treaty-act-1918>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/law/migratory-birds>

Please be aware that bald and golden eagles are protected under the Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, as amended), as well as the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may benefit from the development of an Eagle Conservation Plan (ECP), see guidance at this website (<https://www.fws.gov/node/266177>). An ECP can assist developers in achieving compliance with regulatory requirements, help avoid "take" of eagles at project sites, and

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provide biological support for eagle permit applications. Additionally, we recommend wind energy developments adhere to our Land-based Wind Energy Guidelines for minimizing impacts to migratory birds and bats.

We have recently updated our guidelines for minimizing impacts to migratory birds at projects that have communication towers (including meteorological, cellular, digital television, radio, and emergency broadcast towers). These guidelines can be found at:

<https://www.fws.gov/story/incidental-take-beneficial-practices-communication-towers>  
<http://www.towerkill.com>

According to National Wetlands Inventory maps, (available online at <https://www.fws.gov/library/collections/national-wetland-inventory>) wetlands exist adjacent to the proposed construction corridor. If a project may impact wetlands or other important fish and wildlife habitats, the U.S. Fish and Wildlife Service (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, measures should be undertaken to replace the impacted areas. Alternatives should be examined and the least damaging practical alternative selected. If wetland impacts are unavoidable, a mitigation plan addressing the number and types of wetland acres to be impacted, and the methods of replacement should be prepared and submitted to the resource agencies for review.

Please check with your local wetland management district to determine whether Service interest lands exist at the proposed project site, the exact locations of these properties, and any additional restrictions that may apply regarding these sites. The Offices are listed below. If you are not sure which office to contact, we can help you make that decision.

U.S. Fish and Wildlife Service, Huron Wetland Management District, Federal Building, Room 309, 200 4th Street SW, Huron, SD 57350; telephone (605) 352-5894. Counties in the Huron WMD: Beadle, Buffalo, Hand, Hughes, Hyde, Jerauld, Sanborn, Sully.

U.S. Fish and Wildlife Service, Lake Andes Wetland Management District, P O Box 18, Pickstown, South Dakota, 57367; telephone (605) 487-7603. Counties in the Lake Andes WMD: Aurora, Brule, Charles Mix, Davison, Douglas.

U.S. Fish and Wildlife Service, Madison Wetland Management District, P.O. Box 48, Madison, South Dakota, 57042, telephone (605) 256-2974. Counties in the Madison WMD: Bon Homme, Brookings, Clay, Deuel, Hamlin, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Turner, Union, Yankton.

U.S. Fish and Wildlife Service, Sand Lake Wetland Management District, 39650 Sand Lake Drive, Columbia, South Dakota, 57433; telephone (605) 885-6320. Counties in the Sand Lake WMD: Brown, Campbell, Edmunds, Faulk, McPherson, Potter, Spink, Walworth.

U.S. Fish and Wildlife Service, Waubay Wetland Management District, 44401 134A Street, Waubay,

South Dakota, 57273; telephone (605) 947-4521. Counties in the Waubay WMD: Clark, Codington, Day, Grant, Marshall, Roberts.

You are welcome to visit our website (<https://www.fws.gov/office/southdakota-ecological-services>) or to contact our office/staff at the address or phone number above for more information.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
  - Migratory Birds
  - Wetlands
-

## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

### **South Dakota Ecological Services Field Office**

420 South Garfield Avenue, Suite 400

Pierre, SD 57501-5408

(605) 224-8693

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## Project Summary

Project Code: 2023-0036990

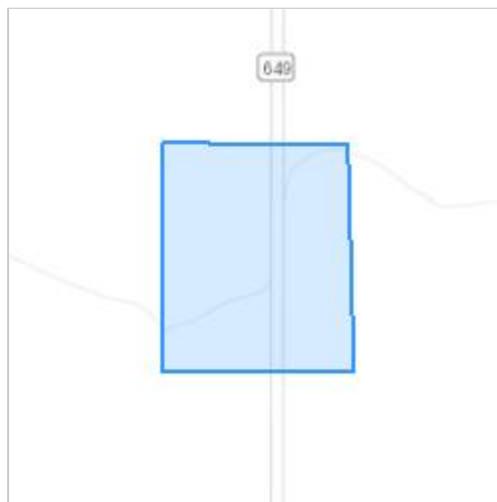
Project Name: WAPA North Bend to Pratt Tie

Project Type: Transmission Line - New Constr - Above Ground

Project Description: This new 0.25-mile long 230 kV line will provide a tie line from a new interconnection with WAPA North Bend (loan code 1005-0205) to the new East River Pratt substation (loan code 1005-0204). This project will be built with 795 ACSR to handle proposed and future area loads. The line will be constructed above ground. The line will be constructed with OPGW for the shield wire to improve communications to the area. The line design has been previously approved by RUS and Cooperative acknowledges 7CFR 1724.51 Design requirements. East River will attempt to obtain private easements on this project to place the structures 2' into private property. In the event an easement is unable to be obtained, the structures will be placed 2' into public ROW. The purpose of the new tie line is to strengthen East River's transmission system in the Hughes and Hyde County areas within Oahe Electric Cooperative and Dakota Energy Cooperative's service territories. This tie would provide for a 230 kV source into the 230-69 kV Pratt substation where the 69 kV will be built for an ultimate ring bus layout. This substation configuration will provide for the ability to tie the Oahe system to the rest of East River's transmission system and an additional source to the area.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.3269579,-99.6036188180332,14z>



Counties: Hyde County, South Dakota

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## Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [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.

### Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	Endangered

### Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7162">https://ecos.fws.gov/ecp/species/7162</a>	Endangered

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

# USFWS National Wildlife Refuge Lands And Fish Hatcheries

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.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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## 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 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.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

**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
Golden Eagle <i>Aquila chrysaetos</i> 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. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	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.

### 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 (|)

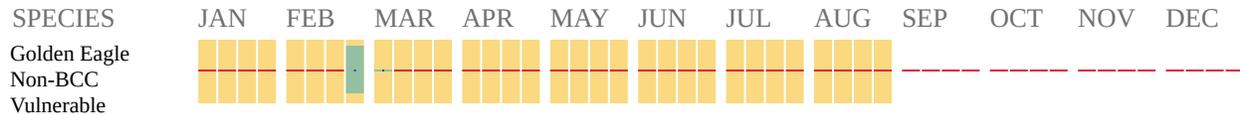
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### 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.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- 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>

## Migratory Birds FAQ

**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.

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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.

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## Wetlands

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](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

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## **IPaC User Contact Information**

Agency: East River Electric Power Cooperative, Inc

Name: Jerae Wire

Address: 211 S. Harth Ave.

City: Madison

State: SD

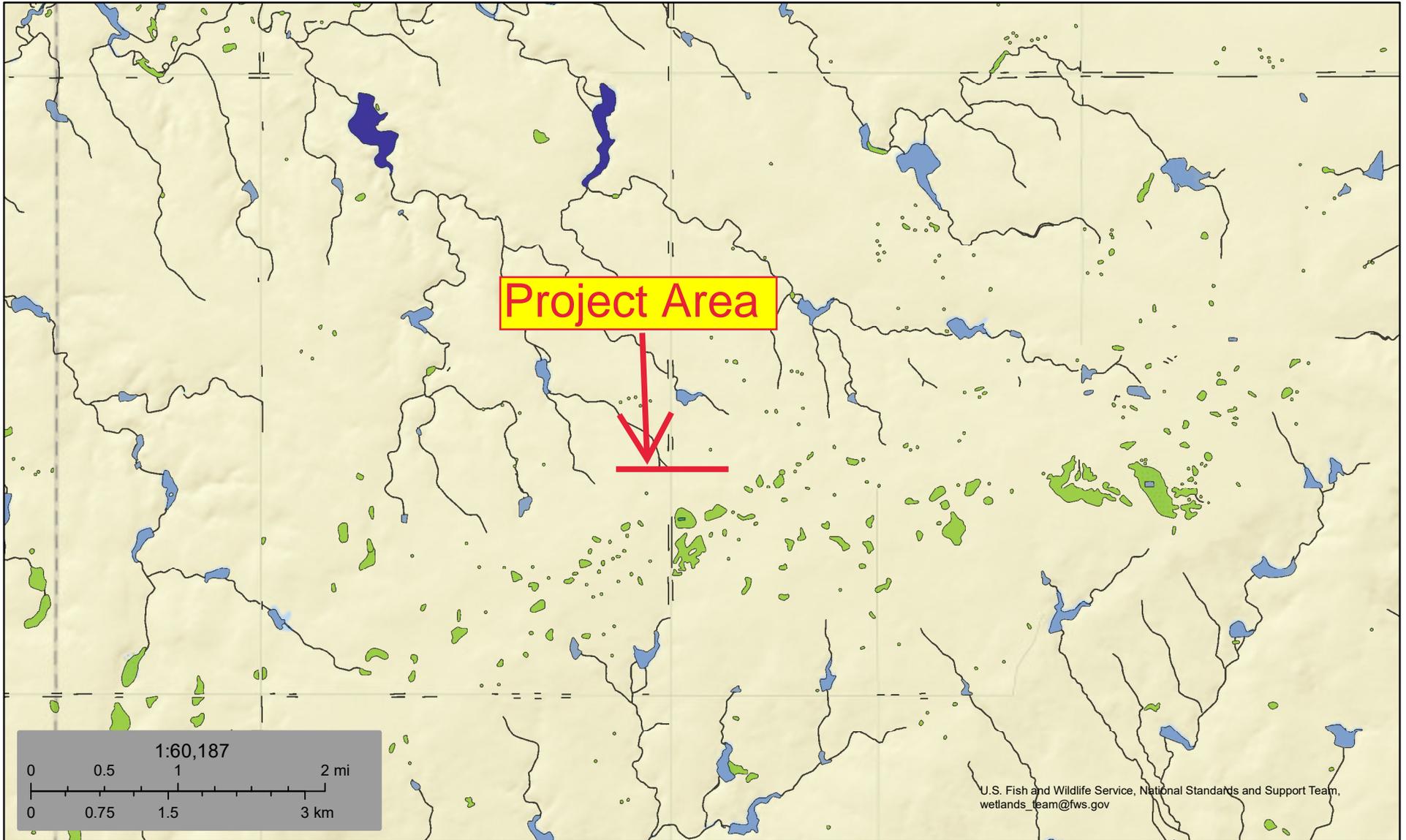
Zip: 57042

Email: [jwire@eastriver.coop](mailto:jwire@eastriver.coop)

Phone: 6052568269

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# **ATTACHMENT: WETLANDS PROTECTION**



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands\_team@fws.gov

July 25, 2023

**Wetlands**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

# **ATTACHMENT: FLOODPLAIN MANAGEMENT**

fort thompson

Show search results for fort thompson

Proposed Route



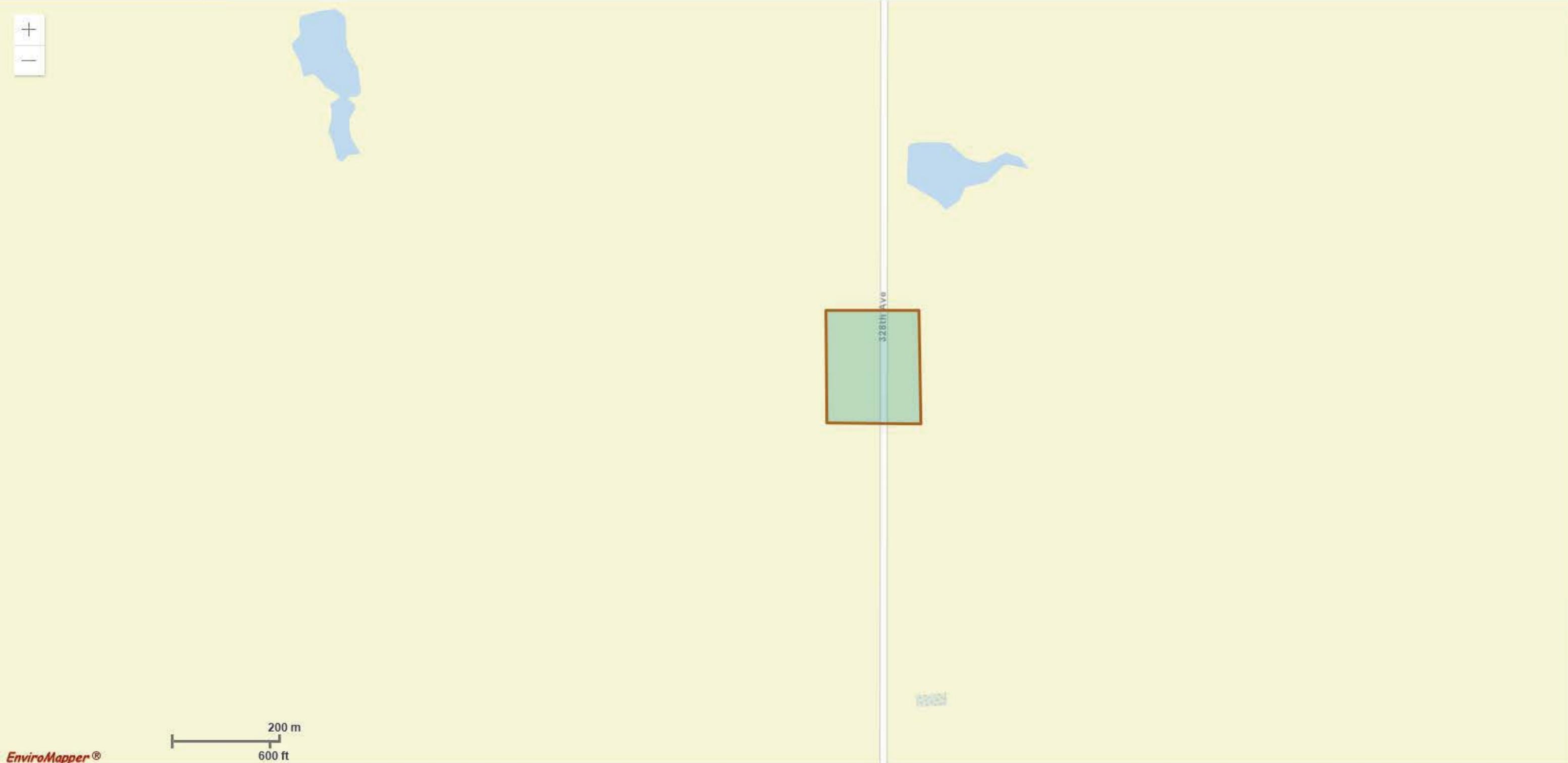
### Layer List

- Effective FIRM Panels
- GeoIndex
  - No Digital Data Available
  - Digital Data Available
  - Unmapped
- Communities
- NFHL
  - NFHL Availability
    - NFHL Data Available
  - FIRM Panels
  - LOMRs
    - Effective
  - LOMAs
- Political Jurisdictions
- Profile Baselines
- Water Lines
- Cross-Sections

**ATTACHMENT: FORMALLY CLASSIFIED LANDS**

Find address or place

- Basemap
- Imagery
- Draw
- Erase
- Save Session
- Tools
- More Data

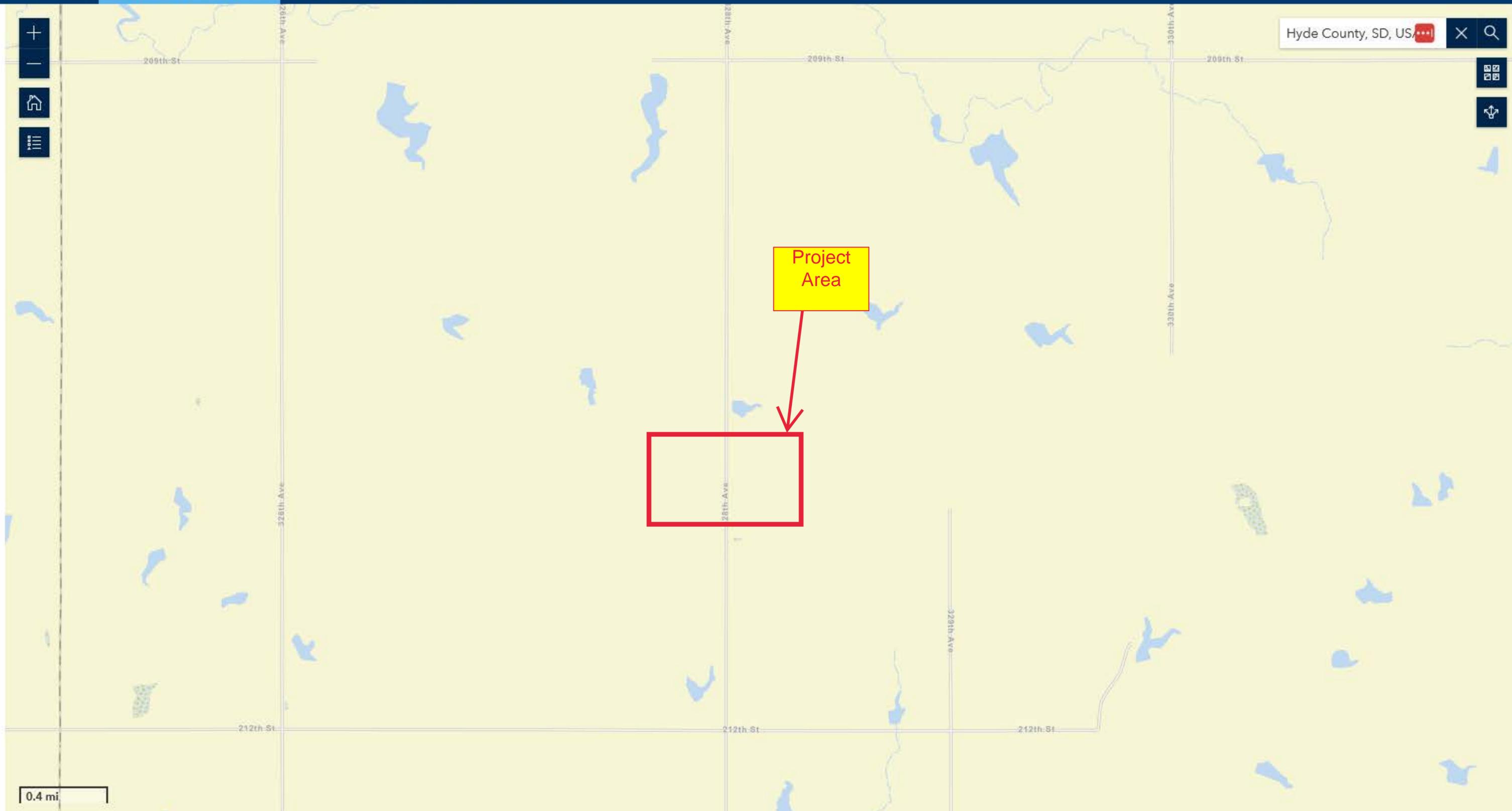


### Select Map Contents

- Water Monitoring Stations
- Boundaries
  - ZIP Codes
  - Congressional Districts
  - City Boundary
  - Urbanized Areas
  - Federal Lands
    - VA
    - USDA
    - TVA
    - NPS
    - NASA
    - MWAA
    - HHS
    - GSA
    - FWS
    - FS
    - DOT
    - DOL
    - DOJ
    - DOE
    - DOD
    - DOC
    - BOR
    - BLM
    - BIA
  - Townships Boundary
  - Counties
  - States
  - EPA Regions
- EJScreen Indexes (2021)
- Water
- Transportation
- Places
- Non-attainment Areas
- Critical Habitat
- NWI Wetlands
- FEMA Flood
- Land Cover
- US Federal Wilderness Areas

Manage Layers

- National Lakeshore or Seashore  
Fee: 0.9 M ac.  
Easement: 0 ac.
- National Park  
Fee: 189.5 M ac.  
Easement: 0 ac.
- National Wildlife Refuge  
Fee: 525.0 M ac.  
Easement: 0 ac.
- State Wilderness  
Fee: 5.7 M ac.  
Easement: 0 ac.
- Wild and Scenic River  
Fee: 0.6 M ac.  
Easement: 0 ac.
- National Monument  
Fee: 805.2 M ac.  
Easement: 0 ac.
- National Recreation Area  
Fee: 5.0 M ac.  
Easement: 0 ac.
- National Scenic or Historic Trail  
Fee: 0.2 M ac.  
Easement: 0 ac.
- State Park  
Fee: 21.9 M ac.  
Easement: 0 ac.
- State Recreation Area  
Fee: 16.4 M ac.  
Easement: 0 ac.
- National Forest  
Fee: 381.1 M ac.  
Easement: 0 ac.



Project Area

0.4 mi

# **ATTACHMENT: WATER RESOURCES**



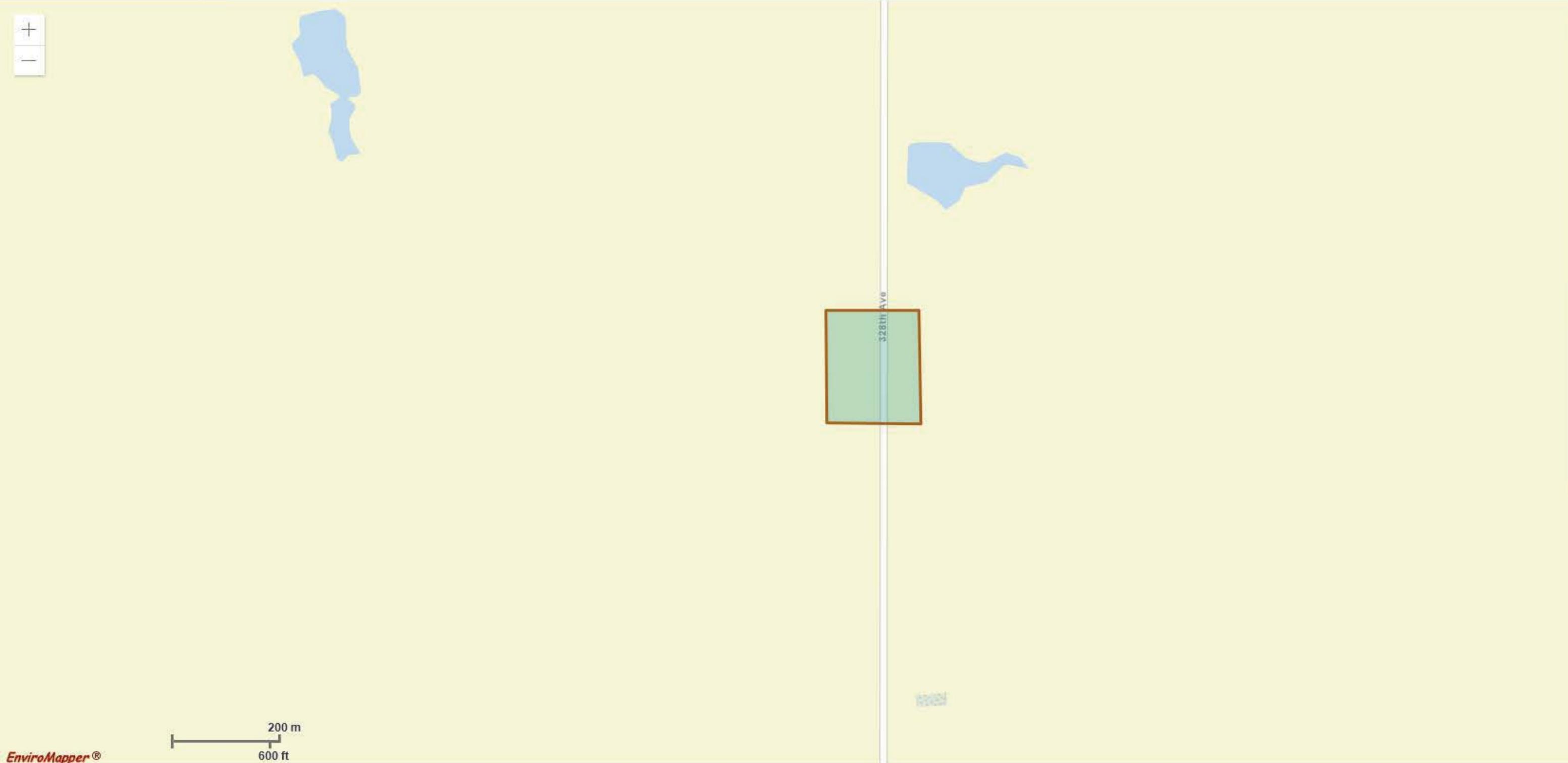
# **ATTACHMENT: AIR QUALITY**



**ATTACHMENT: SITE CONTAMINATION AND HAZARDOUS  
WASTE**

Find address or place

- Basemap
- Imagery
- Draw
- Erase
- Save Session
- Tools
- More Data



- ### Select Map Contents
- EPA Facilities
    - Hazardous Waste (RCRAInfo)
    - Air Pollution (ICIS-AIR)
    - Water Dischargers (NPDES)
    - Toxic Releases (TRI)
    - Superfund (NPL)
    - Brownfields (ACRES)
    - Toxic Substances Control Act (TSCA)
  - Water Monitoring Stations
  - Boundaries
  - EJScreen Indexes (2021)
  - Water
  - Transportation
  - Places
  - Non-attainment Areas
  - Critical Habitat
  - NWI Wetlands
  - FEMA Flood
  - Land Cover
  - US Federal Wilderness Areas

# **ATTACHMENT: ENVIRONMENTAL JUSTICE**

Please note: Territory data (except Puerto Rico) is not available as comparable to the US. It is only comparable to the territory itself by using the 'Compare to State' functionality. Likewise, some of the indicators may not be available for territories.



Compare to US  Compare to State

- Environmental Justice Indexes
- Supplemental Indexes
- Pollution and Sources
- Socioeconomic Indicators

Demographic Index

Supplemental Demographic Index

People of Color

Low Income

Unemployment Rate

Limited English Speaking

Less Than High School Education

Under Age 5

Over Age 64

Health Disparities

Climate Change Data

Critical Service Gaps

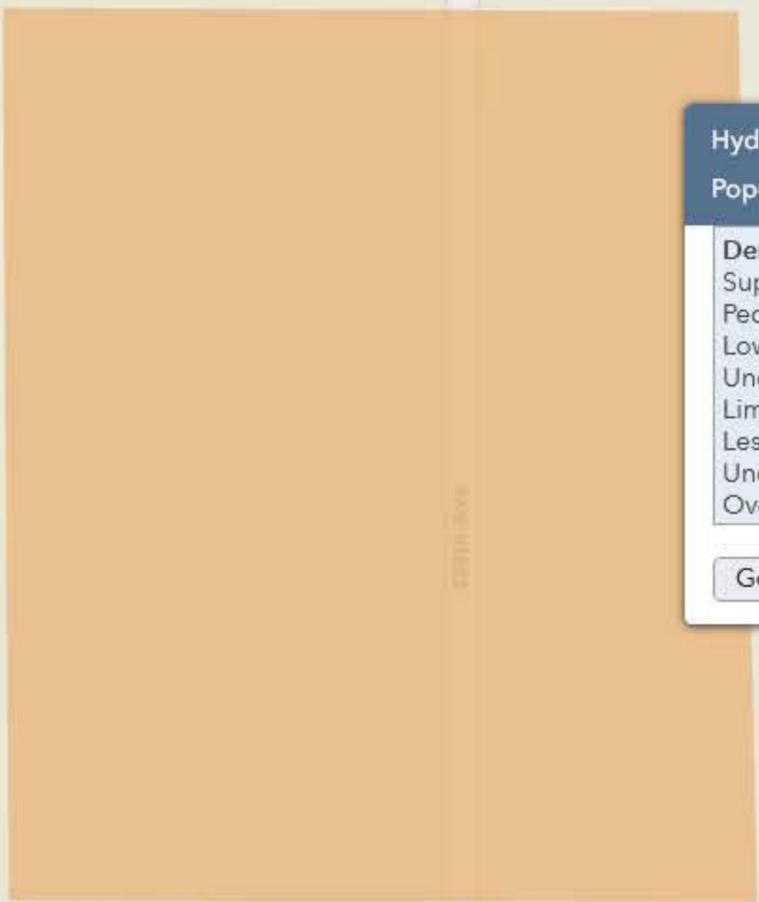
Additional Demographics

Threshold Map

Find address or place

Map Contents

- project\_shapefile\_wapa\_...
- Socioeconomic Indicators
  - Demographic Index (National Percentiles)
    - 95 - 100 percentile
    - 90 - 95 percentile
    - 80 - 90 percentile
    - 70 - 80 percentile
    - 60 - 70 percentile
    - 50 - 60 percentile
    - Less than 50 percentile
    - Data not available



Hyde County, SD US Percentile X

Population: 522

Demographic Index :	33 %ile
Supplemental Demographic Index:	33 %ile
People of color:	40 %ile
Low Income:	37 %ile
Unemployment Rate:	22 %ile
Limited English Speaking:	0 %ile
Less Than High School Education:	61 %ile
Under Age 5:	46 %ile
Over Age 64:	46 %ile

Generate Report



Please note: Territory data (except Puerto Rico) is not available as comparable to the US. It is only comparable to the territory itself by using the 'Compare to State' functionality. Likewise, some of the indicators may not be available for territories.



Compare to US  Compare to State

- Environmental Justice Indexes
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- Socioeconomic Indicators
  - Demographic Index
  - Supplemental Demographic Index
  - People of Color**
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  - Over Age 64
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- Climate Change Data
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- Additional Demographics
- Threshold Map

Find address or place



**Map Contents**

- project\_shapefile\_wapa\_...
- Socioeconomic Indicators**
  - People of Color (National Percentiles)
    - 95 - 100 percentile
    - 90 - 95 percentile
    - 80 - 90 percentile
    - 70 - 80 percentile
    - 60 - 70 percentile
    - 50 - 60 percentile
    - Less than 50 percentile
    - Data not available



**Hyde County, SD** US Percentile

Population: 522

People of color:	40 %ile
Demographic Index :	33 %ile
Supplemental Demographic Index:	33 %ile
Low Income:	37 %ile
Unemployment Rate:	22 %ile
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Generate Report



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- Threshold Map

Find address or place

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    - 90 - 95 percentile
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Hyde County, SD US Percentile

Population: 522

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Generate Report



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Hyde County, SD US Percentile

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Generate Report

