

Appendix D

Threatened and Endangered Species Report



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December 13, 2024, **Revised April 2, 2025**

Western Minnesota Municipal Power Agency
3724 West Avera Drive
PO Box 88920
Sioux Falls, SD 57109-8920

Attn: Mr. Tyler Fogelson
P: (605) 338-4042
E: tyler.fogelson@mrenergy.com

Re: Threatened and Endangered Species Review
192nd Street and 479th Avenue
Toronto, Deuel County, SD 57268
Terracon Project No. 05247286

Dear Mr. Fogelson:

Terracon is pleased to submit the enclosed Threatened and Endangered Species Review report for the above referenced project. The work scope was performed in general accordance with the Terracon proposal (P05247286) dated August 5, 2024. The attached report details our findings and presents an opinion regarding potential impacts to protected species/habitat from site development. However, further consultation may be required with the U.S. Fish and Wildlife Service and/or South Dakota Game, Fish, and Parks (GF&P) to ensure regulatory compliance.

We appreciate the opportunity to assist you with this project. If you have any questions regarding the content of this report, please contact us at (402) 330-2202, or email jean.ramer@terracon.com.

Sincerely,

Terracon Consultants, Inc.

A handwritten signature in blue ink, appearing to read "Noah Oswald".

Noah Oswald
Staff Scientist

A handwritten signature in black ink, appearing to read "Scott West".

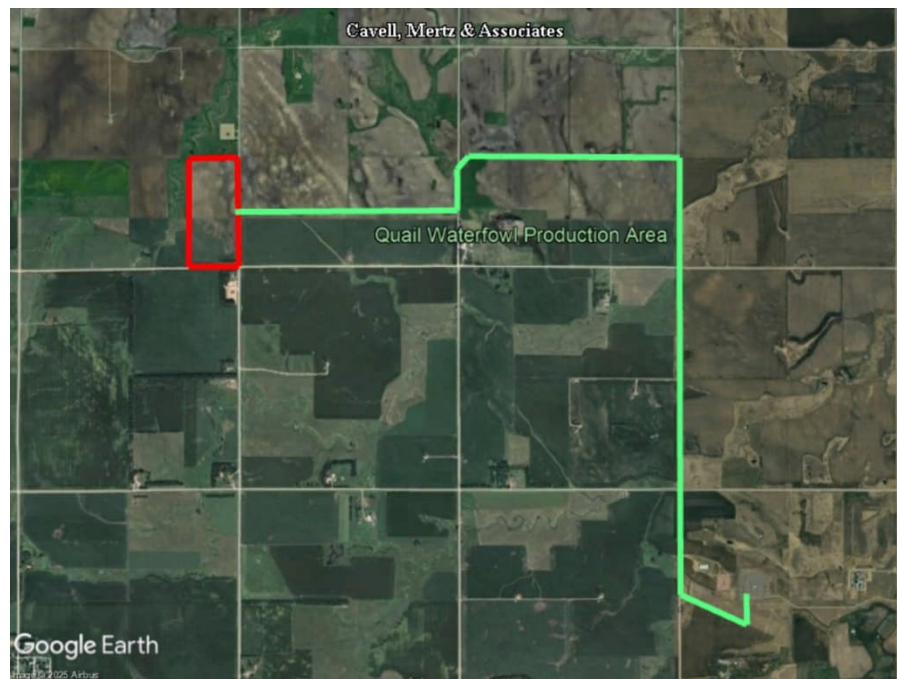
Scott West
Group Manager

Threatened and Endangered Species Review

192nd Street and 479th Avenue
Toronto, Deuel County, South Dakota

December 13, 2024, Revised April 2, 2025

Terracon Project No. 05247286



Prepared for:
Western Minnesota Municipal Power Agency
Sioux Falls, South Dakota

Prepared by:
Terracon Consultants, Inc.
Omaha, Nebraska

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THREATENED AND ENDANGERED SPECIES REVIEW

WMMPA Toronto, SD
192nd Street and 479th Avenue
Toronto, Deuel County, South Dakota

Terracon Project No. 05247286
December 13, 2024 (**Revised April 2, 2025**)

1.0 INTRODUCTION

Terracon Consultants, Inc. ("Terracon") was retained by Western Minnesota Municipal Power Agency (the client) to conduct a Threatened and Endangered (T&E) Species Review for the property associated with a proposed power plant site and the approximate 500-foot-wide route flexibility area. Portions of the United States Geological Survey (USGS) topographic map depicting the approximate site location is provided in Exhibit 1 of Appendix A.

The purpose of this review is to assess potential occurrences of T&E Species and associated habitat that may utilize the site area. This review, conclusions and determinations of effect will be included in the Public Utilities Commission (PUC) Application and in accordance with Section 9 of the Endangered Species Act of 1973 (ESA), as amended, 16 U.S.C. §1538(a)(1)(B) and/or Section 10 of the ESA, as amended, 16 U.S.C. §1539(a)(1)(B).

2.0 SCOPE OF SERVICES

In preparing the T&E species and associated habitat review, Terracon conducted the following work scope:

- Reviewed information on federally protected species from U.S Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) online database.
- Reviewed various available sources (topographic maps, aerials, etc.) for information to determine preliminary habitat conditions.
- Limited on-site observations of general habitat types and approximate location and extent of these habitats.
- Reviewed South Dakota Game, Fish, and Parks state-listed threatened and endangered species in Deuel County, Iowa.

3.0 PRELIMINARY DATA GATHERING AND ANALYSIS

3.1 T&E Species Documentation

Terracon reviewed readily available resources from the USFWS to assist with identifying potential protected species in the site area. A copy of the USFWS IPaC report is included in Appendix B. Site specific sources and information gathered from the sources are described below.

3.1.1 Federally and State Protected Species Lists

Terracon collected information pertaining to federally listed species protected under the Endangered Species Act potentially occurring in the site area. Table 1 below is a list of species identified on the USFWS IPaC report and a brief summary of the habitat these species may utilize. Following the table are expanded summaries for selected species that the project may affect. Based on the USFWS IPaC report, there were no federal critical habitats or Natural Communities of Conservation Concern areas mapped/identified within the project boundaries.

Table 1 Federal/State Listed T&E Species Potentially Occurring within Project Area					
Species	USFWS Status	GF&P Status	Habitat Description	Apparent Habitat Present	Findings
Northern long-eared bat (<i>Myotis septentrionalis</i>)	E	NL	The Northern long-eared bat roosts in trees (live or dead) or built structures during the summer. They typically select roosting trees with available cavities, crevices, or bark. In the winter they hibernate in caves and mines (hibernacula).	None	May affect, not likely to adversely affect
Rufa Red Knot (<i>Calidris canutus rufa</i>)	T	NL	The Rufa Red Knot in migration and wintering areas are similar in character: coastal marine and estuarine habitats with large areas of exposed intertidal sediments. Use inland saline lakes as stopover habitat in the Northern Great Plains.	Potential stopover areas	May affect, not likely to adversely affect.
Monarch Butterfly (<i>Danaus plexippus</i>)	PT	NL	Habitat is a complex issue for this species. In general, breeding areas are virtually all patches of milkweed in North America and some other regions. The critical conservation feature for North	Milkweed patches in grassed areas and roadsides.	Will not jeopardize

Table 1 Federal/State Listed T&E Species Potentially Occurring within Project Area					
Species	USFWS Status	GF&P Status	Habitat Description	Apparent Habitat Present	Findings
			American populations is the overwintering habitats, which are certain high-altitude Mexican conifer forests or coastal California conifer, or Eucalyptus groves as identified in literature. It appears virtually all North American monarchs overwinter in one of these two areas.		
Suckley's Cuckoo Bumble Bee (<i>Bombus suckleyi</i>)	PE	NL	The habitat of the Suckley's Cuckoo Bumble Bee is included in the habitat of the host species, <i>Bombus occidentalis</i> which is open grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows. According to the USFWS, the Suckley's Cuckoo Bumble Bee has not been observed in South Dakota since 1969 and therefore, the USFWS considers the species to be extirpated from South Dakota and projects will have "no effect" on the species.	Open grassy areas	No Effect
Western Regal Fritillary (<i>Argynnis idalia occidentalis</i>)	PT	NL	The Western Regal Fritillary is virtually restricted to remnant native prairies, including disturbed or somewhat degraded examples and native pastures. These prairies range from xeric to wet, and ideal habitat may be places with abundant violets in both dry and wet microhabitats.	Potential prairie habitats	Will not jeopardize

E = Endangered

T = Threatened

PE = Proposed Endangered

PT = Proposed Threatened

NL = Not Listed

Northern long-eared bat

During summer, the northern long-eared bat (NLEB) roosts in live or dead tree snags, cavities, and crevices, or underneath bark. Occasionally, they can be found roosting in built structures (e.g., barns). In the winter, the NLEB hibernates in caves or mines ("hibernacula"). The species breeds in the late summer to early fall. Pregnant bats migrate to small colonies at the beginning of summer and generally give birth between May and July. The NLEB primarily feeds on insects in the forested understory after dusk. NLEB communities can be found throughout the east and north-central United States.

NLEB populations have experienced large declines in recent years due to White-nose Syndrome (WNS). WNS is a fungal disease that infects skin on the ears, wings, and muzzle, resulting in physiological deformities and mortality. NLEB communities have declined by up to 99% in the northeast United States, where WNS is particularly prevalent.

According to the attached Determination Key (DKey), a finding of 'not likely to adversely affect' was determined. Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.

Rufa Red Knot

Rufa Red Knot nesting range centers in Canada north of the Arctic Circle. The range during the boreal winter is primarily in southern South America. Populations migrate in large flocks northward through the contiguous United States mainly in March to early June, and southward mainly in July to August. Breeding takes place in the Arctic, with breeding habitats of elevated and sparsely vegetated ridges or slopes.

Increased commercial harvest of horseshoe crabs, and a reduction in horseshoe crab populations (the eggs of horseshoe crabs are a critical food resource) are the probable major reason for the Red Knot decline.

It is unlikely that the Rufa Red Knot use the potential habitat provided by the Quail Waterfowl Production Area near the proposed power plant site and the route flexibility area as stopover habitat during migration, however, use of the area could occur. Therefore, a finding of 'may affect, not likely to adversely affect' is determined for the Rufa Red Knot. The USFWS requests bird flight diverters on overhead powerlines, especially near the Quail Waterfowl Production Area or any other areas with the potential for standing water during the spring or fall migration to mitigate affects to the Rufa Red Knot and migratory birds in general.

Monarch Butterfly

The largest driver of monarch habitat selection is the availability of milkweed plants (*Asclepias spp.*). Monarchs are attracted to grassland, agricultural fields, roadside rights-of-way (ROW), wet meadows, or urban gardens which have the potential to support milkweed and nectar-producing plants utilized in foraging and reproduction. The overall range of this

species extends through Central America to northern South America; however, North America represents the largest portion of the monarch butterfly range. In North America, populations of this species are divided into two groups, the western (populations west of the Rocky Mountains) and the eastern (populations east of the Rocky Mountains).

The monarch butterfly was proposed for listing as a threatened species on December 10, 2024. There is some potential habitat for monarch butterflies along the road rights-of-way and in areas where milkweed is interspersed in the grassland areas. The planned overhead transmission line and its supporting structures in road rights-of-way, and the presence of limited uncultivated grasslands in the route flexibility area may support milkweed. According to the attached USFWS technical assistance, because of the proposed threatened status, conferencing with the USFWS office on this species is not required, unless the project may jeopardize the continued existence of the butterfly. The USFWS recommends the project area be surveyed for potential monarch habitat so that impacts to milkweed plants and nectar sources may be avoided or minimized during construction activities. Further, post-construction revegetation efforts that include native seed mixes with milkweed and nectar sources used by monarchs are recommended to promote future conservation of this candidate species.

Suckley's Cuckoo Bumble Bee

The habitat of the Suckley's Cuckoo Bumble Bee is included in the habitat of the host species, The Western Bumble Bee (*Bombus occidentalis*) which is open grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows. This specialized line of bumble bees has lost the ability to collect pollen and to rear their own brood. These bees enter the nests of other bumble bee species, kills or subdues the queen of the colony, and forces the worker bees to breed their offspring.

The species is primarily threatened by the decline of their host species, The Western Bumble Bee (*Bombus occidentalis*) and the Yellow Banded Bumble Bee (*Bombus terricola*). Additional threats include pesticide use, habitat loss, pathogens from pollinators, climate change, and competition from non-native bee species.

According to the USFWS technical assistance, the Suckley's Cuckoo Bumble Bee has not been observed in South Dakota since 1969 despite recent all taxa bumble bee surveys across the entire state and therefore, the USFWS considers the species to be extirpated from South Dakota and this project will not jeopardize the continued existence of the species.

Western Regal Fritillary

The Western Regal Fritillary is virtually restricted to remnant native prairies, including disturbed or somewhat degraded examples and native pastures. These prairies range from xeric to wet, and ideal habitat may be places with abundant violets in both dry and wet microhabitats. Larvae mostly feed on prairie violet, where adults require nectar and utilize a

variety of native and non-native flowers: Thistles, various late summer composites, and milkweeds are among those reported.

The species is primarily threatened by small population sizes, natural and unnatural fluctuations, conversion of prairie remnants to agriculture, pesticides and herbicides, isolation and ill-conceived prescribed burning.

A majority of the proposed power plant site and the route flexibility area is located on previous agricultural cropland. There are three parcels along the route flexibility area consisting of prairie land. The planned overhead transmission line does have limited uncultivated grasslands within the route flexibility area. According to the attached USFWS technical assistance, because of the proposed status, conferencing with the USFWS office on this species is not required, unless the project may jeopardize the continued existence of the butterfly. The USFWS encourages proactive consideration for this species during project planning. Whenever possible, the USWS recommends work occur in previously disturbed areas (e.g. cropland) to avoid potential impacts to regal fritillary habitat and individuals. The USFWS recommends evaluating project sites for the presence of native violet plants and nectar sources prior to construction activities and avoiding impacts to those plants while the regal fritillary may be present in South Dakota. Further, the USFWS recommends post-construction revegetation efforts that include native seed mixes with violets and forbs incorporated to promote future conservation for this proposed threatened species.

Topeka Shiner

The Topeka Shiner (*Notropis topeka*) is a species of concern in South Dakota. It is listed as an endangered species in South Dakota and was requested to be reviewed by the client, however, this species of fish was not listed in the IPaC or SDGF&P report. The project area does not exhibit habitat that would be suitable for the Topeka shiner.

3.1.2 Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act

Federal regulations including the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) are also in place to protect avian species. The IPaC review did identify fourteen species in the site area that are protected under the MBTA or the BGEPA which are listed as follows:

- Baird's Sparrow (*Centronyx bairdii*)
 - Breeds May 20th to August 15th.
- Bald eagle (*Haliaeetus leucocephalus*)
 - Breeds October 15th to August 31st.
- Black Tern (*Chlidonias niger surinamensis*)
 - Breeds May 15th to August 20th.

- Black-billed Cuckoo (*Coccyzus erythrophthalmus*)
 - Breeds May 15th to October 10th.
- Bobolink (*Dolichonyx oryzivorus*)
 - Breeds May 20th to July 31st.
- Chimney Swift (*Chaetura pelagica*)
 - Breeds March 15th to August 25th.
- Franklin's Gull (*Leucophaeus pipixcan*)
 - Breeds May 1st to July 31st.
- Grasshopper Sparrow (*Ammodramus savannarum perpallidus*)
 - Breeds June 1st to August 20th.
- Henslow's Sparrow (*Centronyx henslowii*)
 - Breeds May 1st to August 31st.
- Northern Harrier (*Circus hudsonius*)
 - Breeds April 1st to September 15th.
- Pectoral Sandpiper (*Calidris melanotos*)
 - Breeds elsewhere.
- Red-headed Woodpecker (*Melanerpes erythrocephalus*)
 - Breeds May 10th to September 10th.
- Ruddy Turnstone (*Arenaria interpres morinella*)
 - Breeds elsewhere.
- Western Grebe (*aechmophorus occidentalis*)
 - Breeds June 1st to August 31st.

There are over 1,000 species of migratory birds protected under the Acts. The site may have habitat that is utilized by migratory bird species that travel through or nest in the site area. If the trees on the site that have potential to be used by migratory birds are cleared after October 31st and before April 1st, there is not expected to be adverse impacts to migratory birds. Addition of marking on transmission lines to increase visibility should significantly reduce the likelihood of avian collisions. The loss of potential habitat is not significant due to the presence of superior and abundant habitat in the Quail WPA approximately 800 feet southeast of the closest portion of the proposed route flexibility area.

3.2 Habitat Review

Terracon reviewed readily available resources to assess habitat conditions and availability in the site area through desktop review and visual habitat assessment on parcels of land with right-of-entry and from public roads where entry was not approved. Site specific sources and information gathered from the sources are described below.

3.2.1 Aerial Photographs and Topographic Maps

Terracon reviewed US Geological Survey (USGS) topographic map quadrangles: Council Astoria, SD (2021), to identify site features (surface waters, topography, etc.). Exhibit 1.0 in Appendix A illustrates the approximate site boundary overlaid on a portion of the topographic map. In addition, Terracon reviewed select Google Earth aerial imagery from 2006 to 2022 to identify general site habitat conditions. Evaluation of these aeriels may be limited by the image's quality and scale. Site characteristics are labeled on a portion of recent aerial imagery in Exhibit 2.0 in Appendix A.

Based on review of topographic map and imagery, the site appears to consist primarily of agricultural cropland, in addition to three parcels of native prairie along the route flexibility area. Multiple intermittent streams are identified traversing the proposed power plant site and the route flexibility area. The surrounding properties are agricultural crop fields, pastureland, and roads.

3.2.2 On-Site Visual Habitat Assessment

This assessment includes a limited on-site visual assessment for possible rare, threatened and endangered (RTE) species habitat conducted September 30th and October 1st, 2024. A Terracon biologist examined the proposed power plant site and the route flexibility area in the parcels of land with right-of-entry, and from public roads where entry was not approved. The majority of the proposed power plant site and the route flexibility area was observed to be agricultural cropland. Multiple treed areas were observed but were determined not to be suitable habitat for endangered bat species due to the groves not being greater than 10 acres and not within 1000 feet of other forested/wooded areas, however, these treed areas could have the potential to be used by migratory birds. Three native prairie areas were also observed along the route flexibility area that could provide habitat for the Western Regal Fritillary. The Quail Waterfowl Production Area was located near the proposed route flexibility area but is located outside of the construction corridor.

4.0 SUMMARY AND CONCLUSIONS

Terracon reviewed USFWS information regarding species protected under the Endangered Species Act (USFWS). Terracon also reviewed topographic maps and aerial photographs to determine what general habitat is present on the site.

Based on the habitat types present on the site, Terracon identified wooded areas at the proposed site that could be utilized by migratory birds during the breeding season. Terracon also identified grassland areas along the proposed route flexibility area that could provide habitat for the Western Regal Fritillary. The development of the transmission line on or near these parcels will have no effect on the Western Regal Fritillary as the proposed construction is not going to convert the existing vegetation community. The development of the site is not likely to adversely impact protected species or cause population level impacts; however, impacts to the site from construction activities during the nesting season for avian species may temporarily impact individuals (due to equipment noise and human presence), but is not likely to adversely affect the species.

5.0 RECOMMENDATIONS

Based on the findings of this review, Terracon generally recommends seasonal timing of construction activities and tree clearing to be scheduled in late fall and winter months where possible. The exception to this would be the Bald eagle, which typically nests during the late winter or early spring (December – March). A survey for eagle nests should be conducted no more than one week prior to tree removal to avoid disruptions to nesting eagles should they be present. Terracon also recommends avoiding construction impacts to wetlands and surface waters as the preliminary design is developed. Should impacts to wetlands and surface waters be unavoidable, consultation with the U.S. Army Corps of Engineers will be required, which may include additional T&E species surveys. This coordination and consultation with the USFWS can take between 60 and 120 days to complete. Terracon further recommends including the conservation measures provided in the USFWS's technical assistance letter dated February 20, 2025, included in Appendix B (Exhibit 6).

6.0 GENERAL COMMENTS

Terracon has performed this work scope in general accordance with Terracon proposal (P05247286) dated August 5, 2024. The limitations of this review should be recognized; therefore, Terracon cannot guarantee the conclusions, opinions and recommendations made in this report to be consistent with those that might result from a more detailed review of the site or data collected at a different time. This work scope did not include species-specific presence/absence surveys, detailed habitat surveys, or formal consultations with the regulatory agencies.

This report has been prepared in accordance with generally accepted scientific and engineering evaluation practices. This report is for the exclusive use of WMMPA for the project being discussed. Use or reliance by any other party is prohibited without the written authorization from WMMPA and Terracon Consultants. Other entities drawing from the results of this assessment should recognize the limitations of the assessment methods used. No warranties, either express or implied, are intended or made.

This work scope included a desktop review of readily available information. The information obtained from various sources for this review is considered current and reliable. However, confirmation of the accuracy of this information is beyond the scope of this review and we do not warrant database or third-party information, or regulatory agency information used in the compilation of reports.

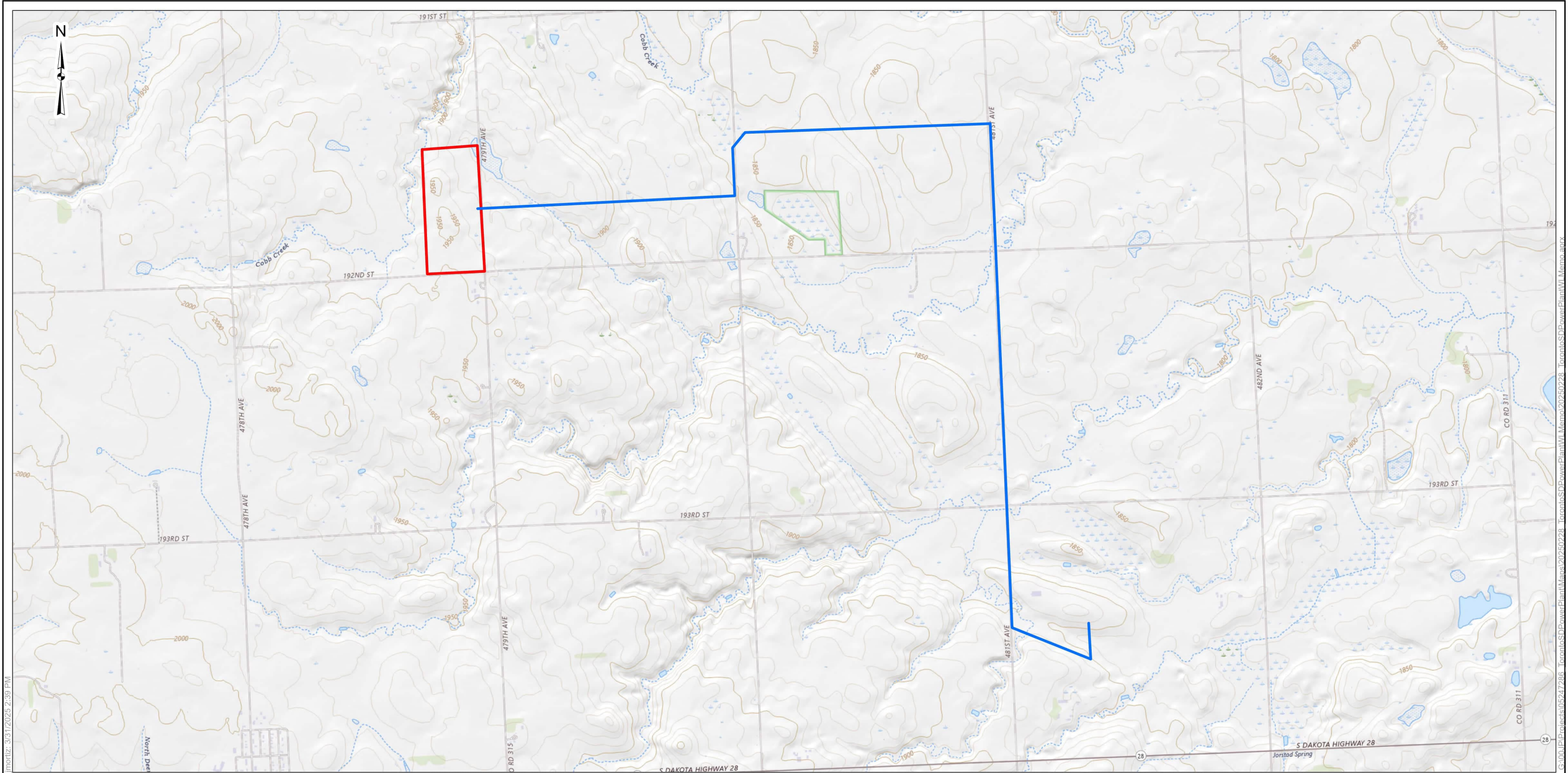
Terracon's opinions expressed in this report are based on the information reviewed and are intended to provide preliminary information regarding constraints to the project and background information on potentially regulated resources in the site area. This report does not represent or replace consultation that may be required with agencies responsible for enforcement of the regulations.

APPENDIX A

EXHIBITS

Exhibit 1: Topographic Map

Exhibit 2: Delineation Map



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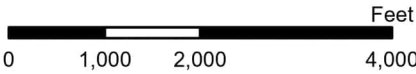
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Legend

- Toronto Power Plant Site
- Primary Transmission Route

DATA SOURCE(S):
ESRI 2025a - OpenStreetMap
USGS 2021 - Astoria, SD Topographic Quadrangle



Project No.:
05247286
Date:
March 2025
Drawn By:
NDB
Reviewed By:
JR



15080 A Cir
PH. (402) 330-2202

Omaha, NE
terracon.com

Topographic Map
Wetland Delineation Toronto, SD

Exhibit
1



APPENDIX B

PROTECTED SPECIES DATA

Exhibit 1: IPaC Report

Exhibit 2: South Dakota Game, Fish, and Parks
Environmental Review Report

Exhibit 3: Maps of Possible Habitat

Exhibit 4: Topeka Shiner Maps

Exhibit 5: Natural Heritage Program Correspondence

Exhibit 6: USFWS Technical Assistance and NLEB DKey



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: 2025-0016269
Project Name: MRES Toronto, SD

01/21/2025 19:48:06 UTC

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 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 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

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
- Bald & Golden Eagles
- 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

PROJECT SUMMARY

Project Code: 2025-0016269

Project Name: MRES Toronto, SD

Project Type: New Constr - Above Ground

Project Description: Proposed plant site and possible overhead transmission routes.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.5951294,-96.58197773226537,14z>



Counties: Deuel County, South Dakota

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 Fisheries¹, 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
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

BIRDS

NAME	STATUS
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee <i>Bombus suckleyi</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered
Western Regal Fritillary <i>Argynnis idalia occidentalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/12017	Proposed Threatened

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.

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
DEUEL COUNTY WATERFOWL PRODUCTION AREA	0
<a %5c%22deuel+county+waterfowl+production+area%5c%22\""="" href="https://www.fws.gov/our-facilities?keywords=\">https://www.fws.gov/our-facilities?keywords=\"%5C%22DEUEL+COUNTY+WATERFOWL+PRODUCTION+AREA%5C%22\"	

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</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. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 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 ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

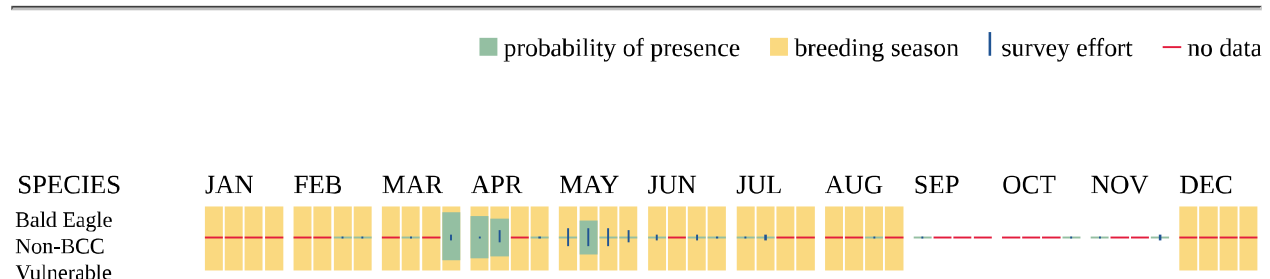
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

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



Additional information can be found using the following links:

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

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

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)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Baird's Sparrow <i>Centronyx bairdii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5113	Breeds May 20 to Aug 15
Bald Eagle <i>Haliaeetus leucocephalus</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. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Black Tern <i>Chlidonias niger surinamensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3093	Breeds May 15 to Aug 20

NAME	BREEDING SEASON
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Franklin's Gull <i>Leucophaeus pipixcan</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10567	Breeds May 1 to Jul 31
Grasshopper Sparrow <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329	Breeds Jun 1 to Aug 20
Henslow's Sparrow <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Northern Harrier <i>Circus hudsonius</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15
Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/10633	Breeds elsewhere

NAME	BREEDING SEASON
Western Grebe <i>aechmophorus occidentalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31

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 ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

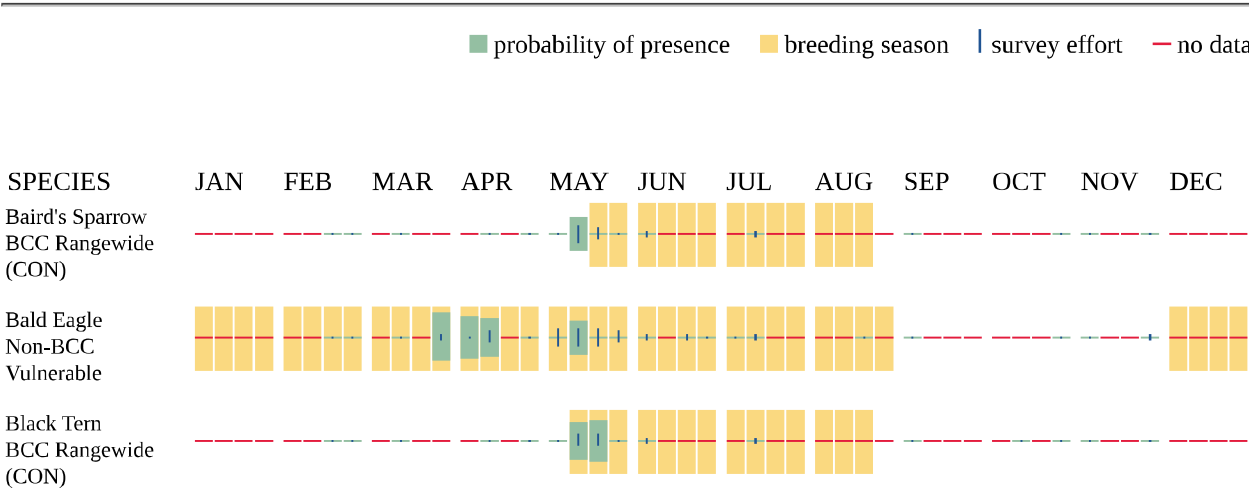
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

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





Additional information can be found using the following links:

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

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

- PEM1Ad
- PEM1C
- PEM1A
- PEM1Cx
- PEM1/ABF
- PEM1Cd

RIVERINE

- R4SBC

IPAC USER CONTACT INFORMATION

Agency: Terracon
Name: Noah Oswald
Address: 15080 A Circle
City: Omaha
State: NE
Zip: 68144
Email: noah.oswald@terracon.com
Phone: 4023847035



Environmental Review Report

Project Information

Report Generation Date: 11/7/2024 09:31:38 AM
Project ID: 2024-11-07-1790
Project Title: MRES Toronto, SD
User Project Number(s): 05247286
Project Type: Development (urban and suburban), New construction outside municipality - previously undisturbed habitat
Project Activities: None Selected
County(s): Deuel
Township/Range/Section(s): 113N048W10; 113N048W15; 113N048W16; 113N048W21; 113N048W22; 113N048W7; 113N048W8; 113N048W9
Watershed(s) HUC8: None
Latitude/Longitude: 44.609071 / -96.585131

Contact Information

Organization: Terracon Consultants
Contact Name: Noah Oswald
Contact Phone: 4022203303
Contact Email: noah.oswald@terracon.com
Contact Address: 15080 A Circle Omaha NE 68144
Submitted On Behalf Of:

Project Description

Proposed power plant site and overhead transmission route.



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 serve and connect people and families to the outdoors through effective management of our state's parks, fisheries and wildlife resources. SDGFP strives to prevent or minimize unnecessary damage to species and their habitats by offering possible mitigation measures.

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

South Dakota Game, Fish and Parks provides the following suggestions for incorporation into project planning and construction:

1. A site specific sediment and erosion control plan should be part of the project.
2. A post construction erosion control plan should be implemented in order to provide interim erosion control prior to re-establishing permanent vegetative cover on the disturbed site.

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 which native plantings may be best suited to specific needs: <https://www.nrcs.usda.gov/plant-materials/cp/releases>
- Develop a long-term plan for preventing the introduction or establishment of non-native/invasive plants within the project area

Wetland and Riparian Area Disturbance

1. Disturbance to riparian and wetland areas should be kept to an absolute minimum.
2. 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.
3. A site specific sediment and erosion control plan should be part of the project.
4. 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.

If wetland areas are encountered by the project we first recommend avoidance, followed by minimization of impacts followed by mitigation (replacement of lost acres).



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. 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 <https://sdleastwanted.sd.gov/> 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. Eagle nests are protected under this law, whether active or inactive. **This report does not replace consultation with the USFWS regarding the protection of bald and golden eagles.**

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. 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”. 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.

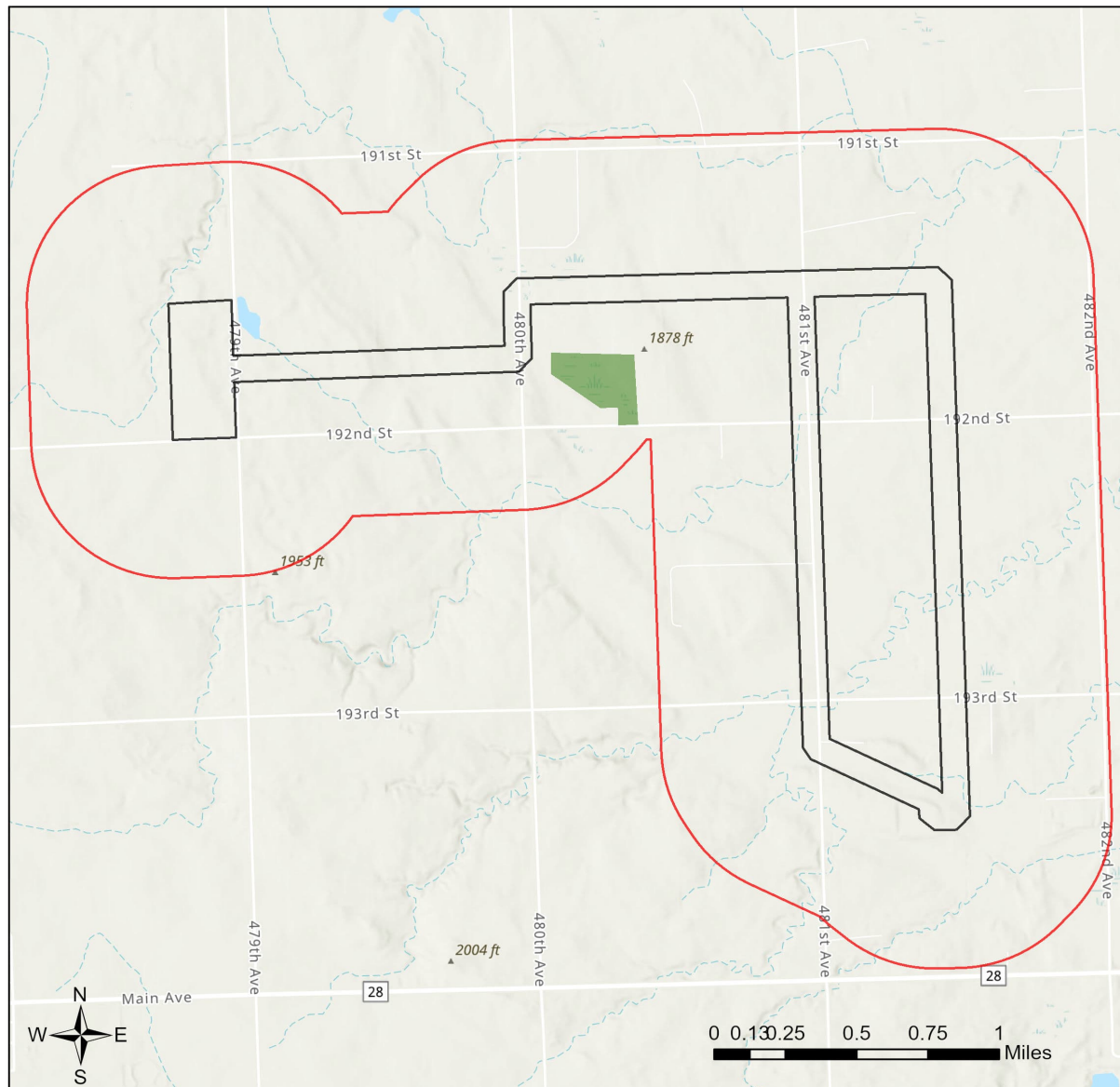
No Special Status Species were documented within the project vicinity.

No Protected Lands were detected within the project vicinity.



MRES Toronto, SD

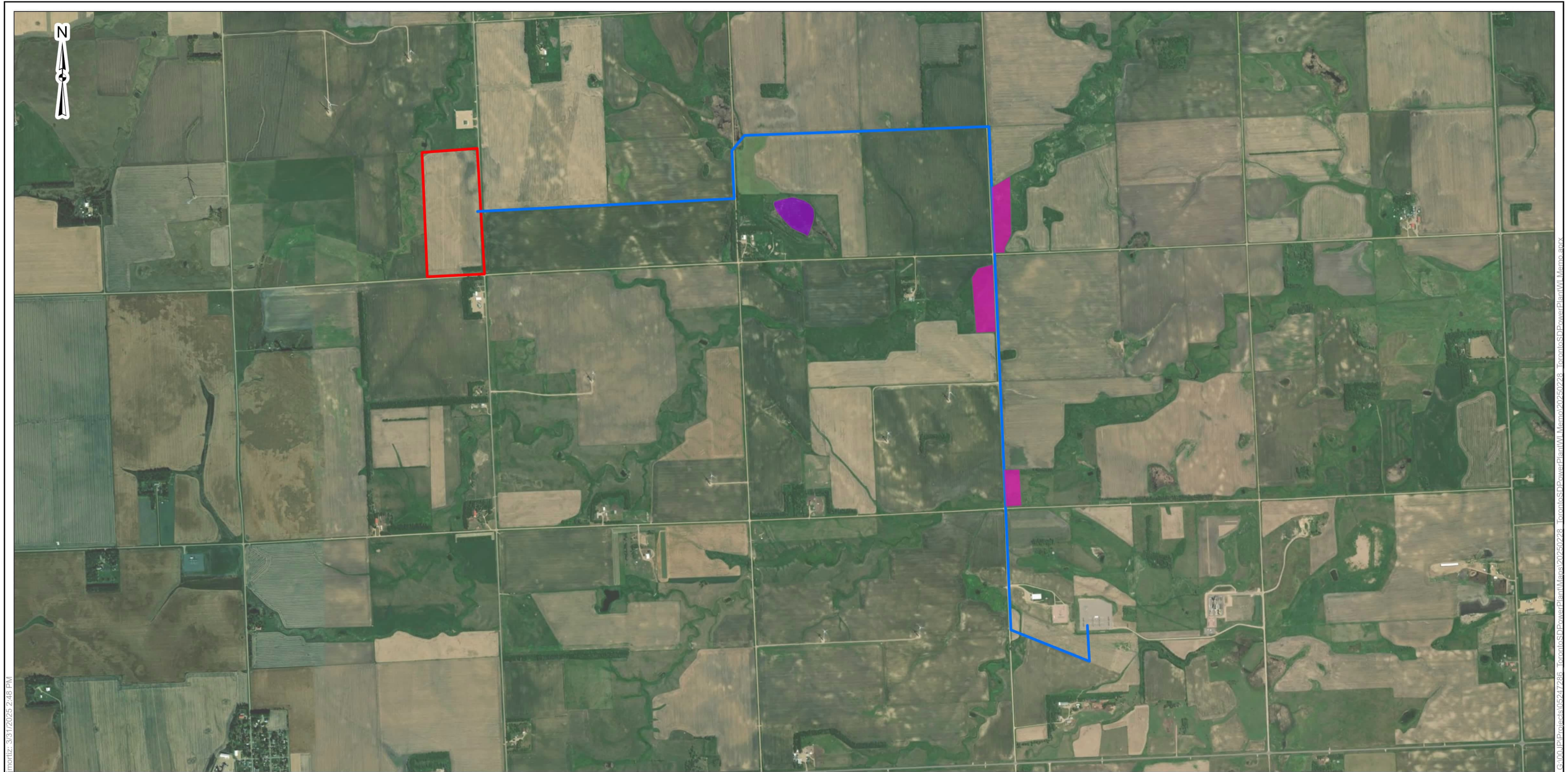
Topo Basemap with Land Ownership, Tribal Lands, and Locator Map



- | | |
|------------------------------|---------------------------|
| 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 | |

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Esri, NASA, NGA, USGS, FEMA
South Dakota Game, Fish and Parks





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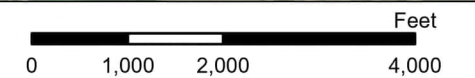
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Legend

-  Toronto Power Plant Site
-  Primary Transmission Route
-  Rufa Red Knot Habitat
-  Western Regal Fritillary Habitat

DATA SOURCE(S):
ESRI 2025a - OpenStreetMap
ESRI 2025b - World Hillshade
ESRI 2025c - World Imagery



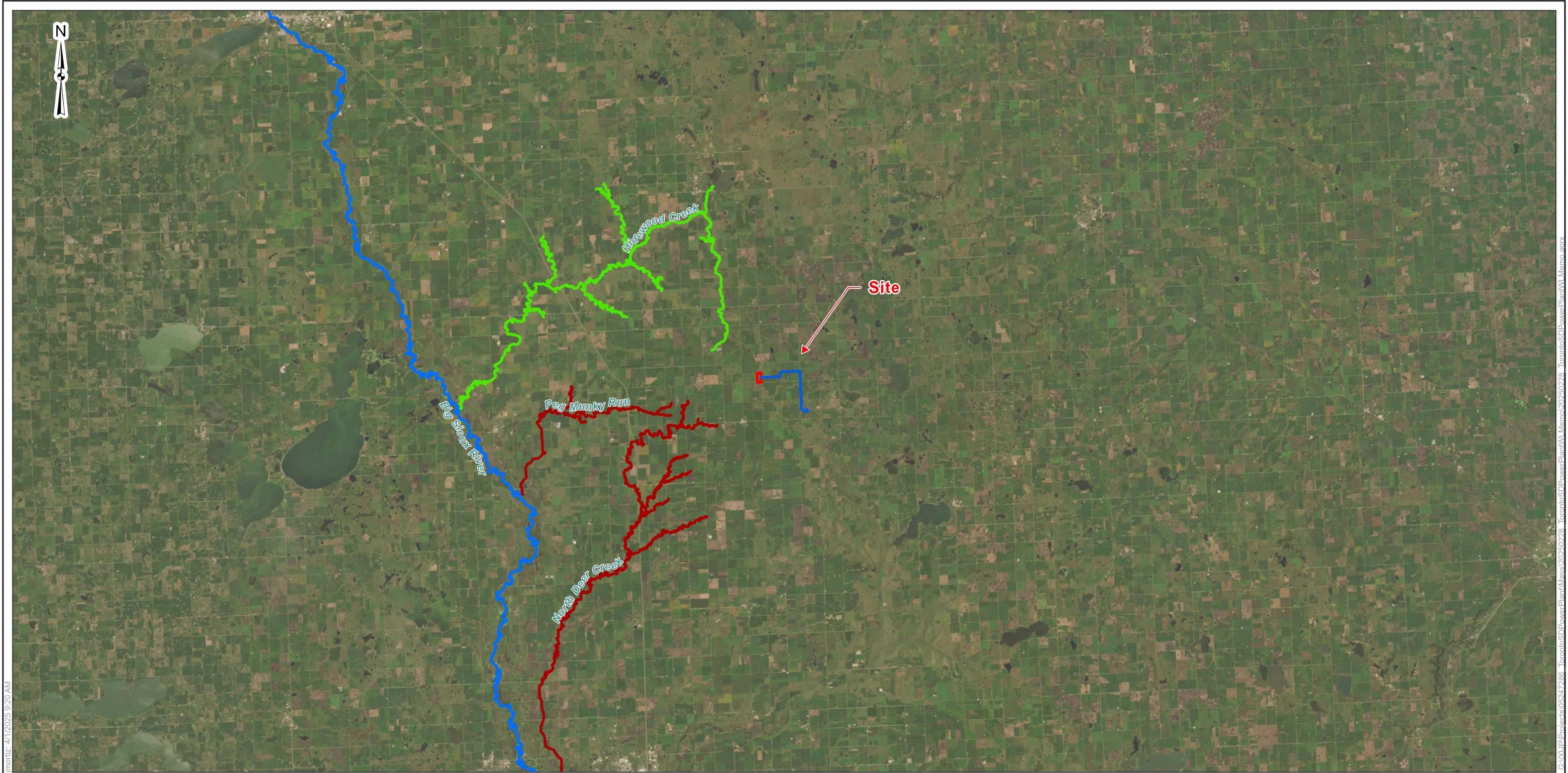
Project No.:
05247286
Date:
March 2025
Drawn By:
NDB
Reviewed By:
JR



15080 A Cir
PH. (402) 330-2202

Omaha, NE
terracon.com

Possible Habitat Map	Exhibit
Wetland Delineation Toronto, SD	1



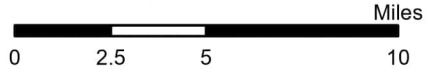
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- Legend**
- Toronto Power Plant Site
 - Primary Transmission Route
 - └─┐ Observations between 2000 and Present
 - └─┐ Observations between 1990 and 1999
 - └─┐ River Connections

DATA SOURCE(S):
ESRI 2025a - OpenStreetMap
ESRI 2025b - World Hillshade
ESRI 2025c - World Imagery



Project No.:
05247286
Date:
April 2025
Drawn By:
NDB
Reviewed By:
JR



15080 A Cir
PH. (402) 330-2202

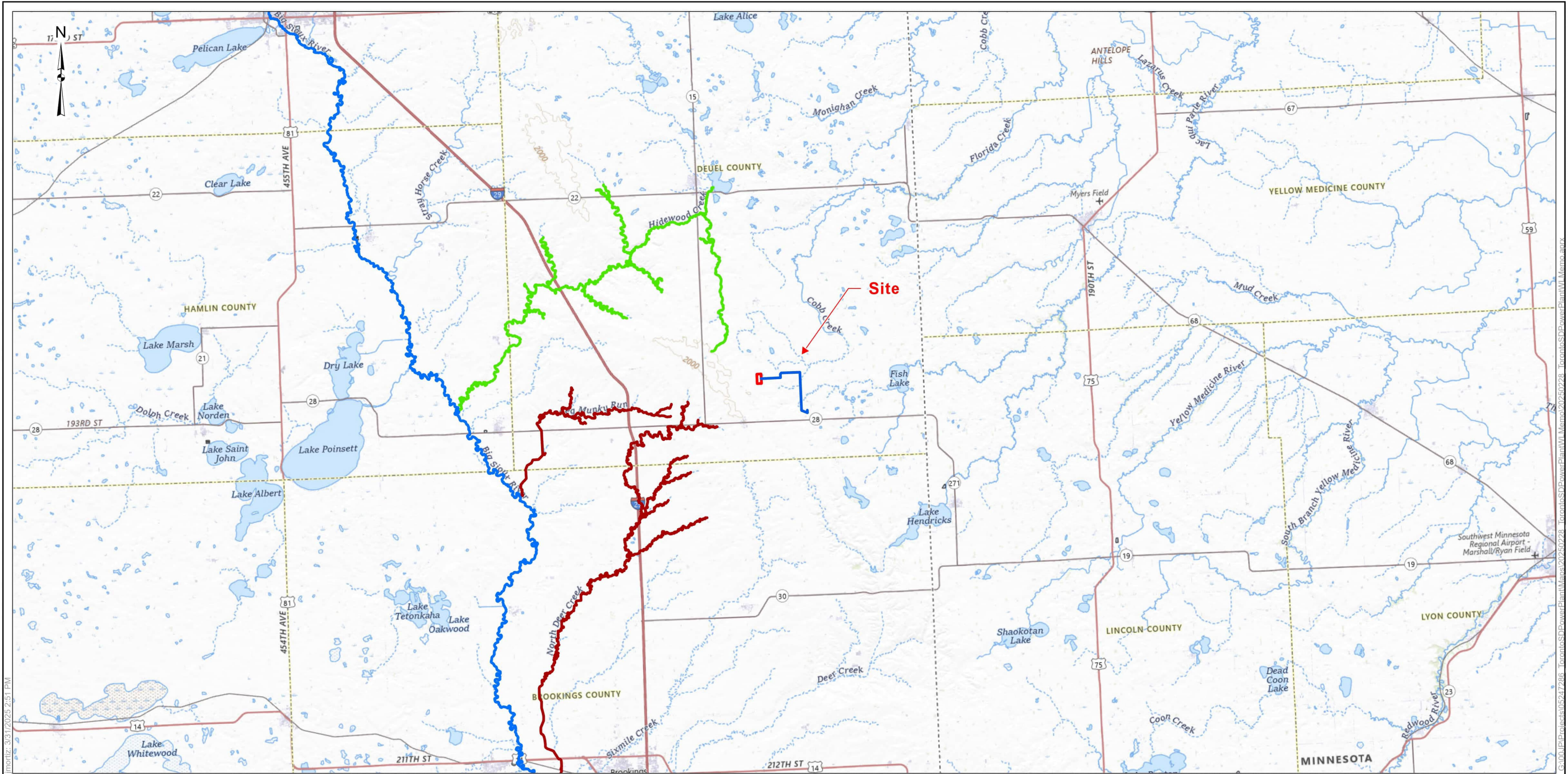
Omaha, NE
terracon.com

Topeka Shiner Aerial

MRES Wetland Delin
192nd St and 479th Ave Toronto, SD

Exhibit

1



- Legend**
- Toronto Power Plant Site
 - Primary Transmission Route
 - Observations between 2000 and Present
 - Observations between 1990 and 1999
 - River Connections

DATA SOURCE(S):
ESRI 2025a - OpenStreetMap
USGS 2021 - Astoria, SD Topographic Quadrangle



Project No.: 05247286
Date: March 2025
Drawn By: NDB
Reviewed By: JR



15080 A Cir
PH. (402) 330-2202

Omaha, NE
terracon.com

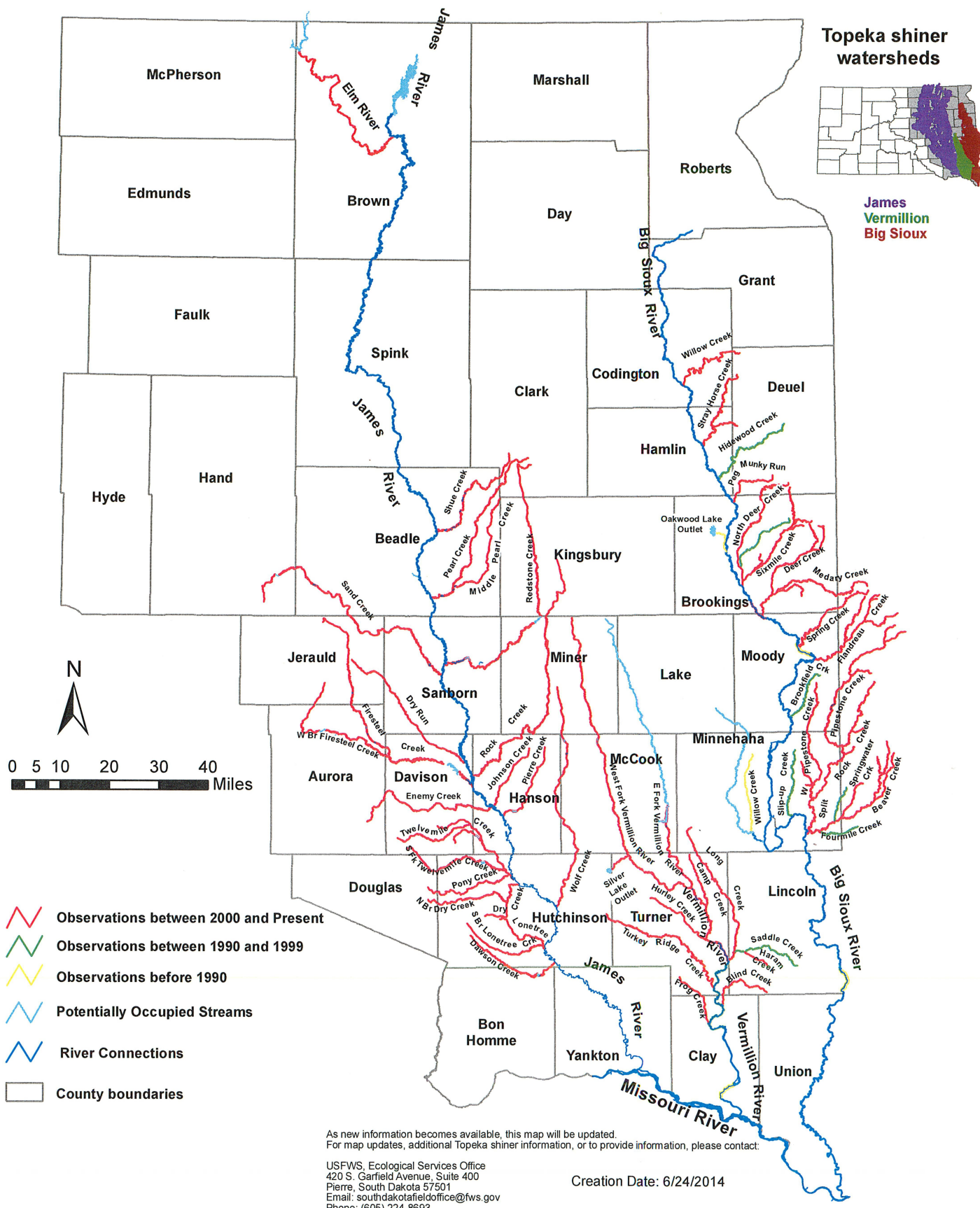
Topeka Shiner Topographic

MRES Wetland Delin
192nd St and 479th Ave Toronto, SD

Exhibit

1

South Dakota Topeka shiner Range Map



Oswald, Noah P

From: Weidler, John <John.Weidler@state.sd.us>
Sent: Tuesday, January 28, 2025 9:17 AM
To: Oswald, Noah P
Cc: Pearson, Mandy
Subject: Re: Natural Heritage Program Data Request
Attachments: Outlook-dudrmkl3

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Noah,

Our Environmental Review Tool looks at our Natural Heritage data, so in your report when it says no environmental conflicts were detected it means we do not have any Natural Heritage data for that area. I would think that should satisfy what your client is looking for.

Thanks,

J.M. Weidler | *Regional Wildlife Diversity Biologist*
South Dakota Game, Fish and Parks
4500 S Oxbow Ave | Sioux Falls, SD 57106
O: 605.362.2719 | C: 605.305.6511 | john.weidler@state.sd.us



From: Oswald, Noah P <Noah.Oswald@terracon.com>
Sent: Tuesday, January 28, 2025 9:07 AM
To: Weidler, John <John.Weidler@state.sd.us>
Cc: Pearson, Mandy <Mandy.Pearson@state.sd.us>
Subject: RE: Natural Heritage Program Data Request

Good Morning,

I've used the Environmental Review Tool on multiple projects and for this specific project (attached), however, the client we are working for has requested a Natural Heritage Program review (which I haven't done before) so I submitted the request online. Is there anything that is specifically different from the two? Is there anything needed from me for a NHP review?

Thank you.

Noah Oswald
Staff Scientist | Environmental Group



15050 A Circle | Omaha, NE 68144
D (402) 384-7035 | F (402) 330-7606
noah.oswald@terracon.com | Terracon.com



🌱 Please consider the environment before printing this email 🌱

From: Weidler, John <John.Weidler@state.sd.us>
Sent: Tuesday, January 28, 2025 9:01 AM
To: Oswald, Noah P <Noah.Oswald@terracon.com>
Cc: Pearson, Mandy <Mandy.Pearson@state.sd.us>
Subject: Re: Natural Heritage Program Data Request

Hi Noah,

Why don't you first try out our online Environmental Review Tool (<https://ert.gfp.sd.gov/>). It is free to set up an account. You simply upload a shapefile of your project area and it will auto-generate a report of any sensitive species in that area. Let us know if you need anything else.

Thanks,

J.M. Weidler | *Regional Wildlife Diversity Biologist*
South Dakota Game, Fish and Parks
4500 S Oxbow Ave | Sioux Falls, SD 57106
O: 605.362.2719 | C: 605.305.6511 | john.weidler@state.sd.us



From: info@gfp.sd.us <info@gfp.sd.us>
Sent: Tuesday, January 21, 2025 3:03 PM
To: noah.oswald@terracon.com <noah.oswald@terracon.com>
Cc: Pearson, Mandy <Mandy.Pearson@state.sd.us>; Weidler, John <John.Weidler@state.sd.us>
Subject: Natural Heritage Program Data Request

South Dakota - Game, Fish, and Parks

Natural Heritage Program Data Request

A new form was just submitted from the <http://gfp.sd.gov/> website with the following information:

ID: 247
Agency/Org/Business: Terracon Consultants
Name: Noah Oswald

Address: 15080 A Circle
Omaha, NE 68144

Email: noah.oswald@terracon.com

Phone: 402-384-7035

Fax: 402-330-7606

URL:

Element or Subject: Threatened and Endangered species potentially occurring on or near the proposed construction.

Type of Data: Potential T&E species occurring on or near the proposed construction and potential habitat for the species.

Purpose of Request: Pre-environmental review and T&E species review for Public Utilities Commission Application.

Terracon provides environmental, facilities, geotechnical, and materials consulting engineering services delivered with responsiveness, resourcefulness, and reliability.

Private and confidential as detailed here (www.terracon.com/disclaimer). If you cannot access the hyperlink, please e-mail sender.

U.S. Fish and Wildlife Service

- Initial Agency Coordination Letter- June 3, 2024
- Proposed Species Effects and Survey Plan Coordination- February 5, 2025
- Agency Coordination Letter Response- February 20, 2025
- Agency General Habitat Assessment Coordination- February 20, 2025
- IPaC Official Species List- February 20, 2025
- IPaC Northern Long-eared Bat Determination Key- February 20, 2025



Agency Coordination

Energy Conversion Facility Public Utilities
Commission Application

TORONTO
POWER PLANT

June 3, 2024

Chris Swanson
ND/SD Project Leader
US Fish and Wildlife Service, SD Ecological Services Field Office
420 S. Garfield Ave. Suite 400
Pierre, SD 57501-5408

Re: Request for Input for the Proposed Toronto Power Plant

Dear Mr. Swanson:

Missouri River Energy Services (MRES), on behalf of Western Minnesota Municipal Power Agency (WMMPA), is evaluating whether to develop, construct, and operate a natural gas-fired power plant near Toronto, South Dakota (referred to as the Project). The Project includes seven or eight reciprocating internal combustion engines (RICE) producing about 145 MW of electricity, approximately 4 miles of 345-kV transmission line, on-site gas pipeline connection and substation connection in the regional energy market. See attached figure. The Project is needed to ensure MRES can continue to provide reliable, cost-effective, and long-term energy supply to meet the demands of electric consumers. As coal-fired power plants are retired and replaced with non-dispatchable generation, the Project will provide a fast power ramp up to maintain local grid reliability and improve system resiliency during extreme weather events.

MRES has completed initial environmental due diligence on the Project site and proposed transmission corridor and expects to file an Energy Conversion Facility Permit application with the South Dakota Public Utilities Commission in December 2024. Depending on a variety of factors, the Project is anticipated to start construction in 2027 and be operational by 2029.

MRES is holding a community meeting, and you are invited to attend and learn more about the Project. The following are the details of the meeting:

Date: June 11, 2024
Time: 4:00-6:00 pm CT
Location: Deubrook Elementary School Gym
695 Palisades Ave
Toronto, SD 57268

At present, MRES is conducting further agency outreach and would appreciate your review and comment of the Project as it relates to aquatic, biological, and natural resources in the area. We are looking forward to hearing from you! If you require further information or have questions about the Project, please contact me at 605.330.6969 or brent.moeller@mrenergy.com or our lead environmental consultant, Dan Schmidt of HDR, Inc. at 763.278.5928 or dan.schmidt@hdrinc.com.

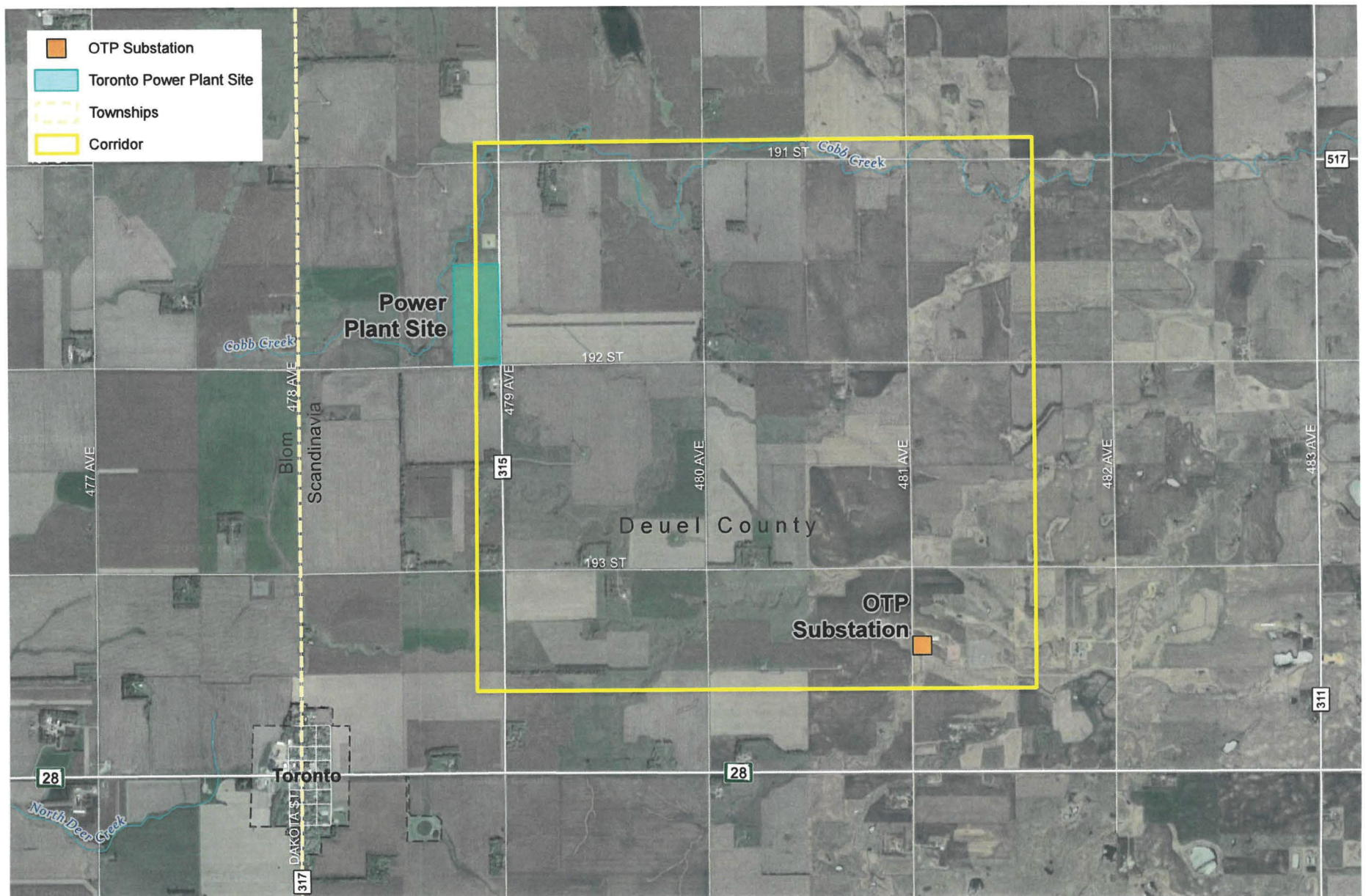
Sincerely,



Brent Moeller, P.E.
MRES, Director of Generation Resources

Enclosure: Project Map





0 0.5 mi ↑

PROJECT LOCATION

Memo

Date: Wednesday, February 05, 2025

Project: MRES Toronto Power Plant

To: U.S. Fish and Wildlife Service – SD Ecological Services Office

From: Missouri River Energy Services agent for Western Minnesota Municipal Power Agency

Subject: Proposed Species Effects and Survey Plan

1. Purpose of this Memo

The purpose of this memo is to identify the threatened and endangered species that could be present within the Power Plant Site and Transmission Line Study Area, identify the potential effect to the species, and propose mitigation measures to be incorporated into the Project for US Fish and Wildlife Service review. Refer to Figure 1 for the Power Plant Site and Transmission Line Study Area.

2. Project Background

The Project would consist of the construction and operation of an energy conversion facility near Toronto, South Dakota. The Project would also include the installation of transmission line that would connect with a 345-kV substation near Astoria, SD, owned by the Otter Tail Power Company.

Project components would include:

- Conversion facility to generate approximately 145 megawatts (MW) using six or seven reciprocating internal combustion engines (RICE), concrete engine hall building, natural gas pipeline, diesel truck facilities, and any additional facilities as needed;
- Installation of approximately 4 miles of 345-kilovolt (kV) generation-tie transmission lines; and
- Temporary laydown/staging area, pulling/tension sites, and access roads.

Project Schedule:

- SDPUC Notice of Intent: Q2 2024 to Q2 2024
- SDPUC Facility Permit Process: Q2/3 2025 to Q2/3 2026
- Acquisition of Land Rights: Q3 2024 to Q4 2026
- Contract for RICE Engines: Q2 2025 to Q1 2028
- Plant and Transmission Design: Q1 2024 to Q2 2027
- Other Federal, State and Local Permits: Q3 2025 to Q4 2026

- Construction: Q2 2027 to Q2 2029
- RICE Engines Delivery to Site: Q1 2028
- Project Commercial Operation Date: Q2 2029

3. Proposed Survey Plan

Terracon conducted a limited on-site visual assessment for possible Rare, Threatened, or Endangered (RTE) species habitat on September 30th and October 1st, 2024. Attached is the Threatened and Endangered Species Review document. The route shown has shifted slightly, this coordination focuses on the Transmission Line Study Area shown on Figure 1. Additionally, a desktop review of topographic maps and aerial imagery to assess habitat conditions and availability.

Migratory Birds and Birds of Conservation Concern – Wooded areas identified during a limited on-site visual assessment determined these areas could be utilized by migratory birds during breeding season. Trees within the power plant site and transmission route that have the potential to be used by migratory birds are cleared after October 31st and before April 1st, there is not expected to be adverse impacts to migratory birds. Additionally, marking the transmission lines to increase visibility should significantly reduce the likelihood of avian collisions.

Bald Eagle, Golden Eagle and other Raptors – No raptor nests were observed during the 2024 wetland delineation or the T&E desktop review. A survey for eagle/raptor nests would be conducted no more than one week prior to tree removal, recording nest locations using a GPS.

Northern Long-eared Bat – Limited tree cover is present within or in the vicinity of the identified construction limits. Trees within or near the project area occur in small clusters less than 10 acres and are greater than 1,000 feet from any forested/wooded areas, resulting in no effect due to lack of habitat. No surveys are proposed.

Rufa Red Knot - Potential habitat in the area is limited to the Quail Waterfowl Production Area, which is outside of the identified construction limits. The project may affect, but likely won't adversely affect the species due to the low potential for this area to be used for breeding or stopover habitat. No surveys are proposed.

Monarch Butterfly – The project area largely includes cultivated lands as well as utility and disturbed roadway corridors. The project may affect, but likely won't adversely affect the species due to limited suitable habitat and planned overhead transmission lines. No surveys are proposed.

Western Regal Fritillary – The project area largely includes agricultural cropland with a limited amount of uncultivated grass land. The project may affect, but likely won't adversely affect the species due to lack of habitat and planned overhead transmission lines. No surveys are proposed.

4. Avian Power Line Interaction Committee (APLIC)

The Project would be designed in accordance with APLIC's *Suggested Practices for Avian Protection On Power Lines: State of the Art in 2006*. The following would be incorporated into the new construction of the transmission line:

- Conductor separation of 60 inches between energized conductors and grounded hardware, or much cover energized parts and hardware if such spacing is not possible.
- In areas that are identified higher potential for bird collisions, add visibility enhancement devices (marker balls, bird diverters, or other line visibility devices) in varying configurations, depending on the line design and location.

5. Revegetation Methods

Applicants propose a seed mix recommended by NRCS or USFWS unless otherwise agreed to with landowner. Use of milkweed in the seed mix in non-agricultural areas with landowner agreement.



Figure 1. Project Location



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:

HDR: Toronto Power Plant

February 20, 2025

Rebecca Baker
HDR Inc
101 S. Phillips Ave. Suite 401
Sioux Falls, SD 57104

Dear Ms. Baker:

Thank you for your email dated Feb 12, 2025 concerning a consultation for the construction of a proposed power plant and 500-foot-wide transmission line corridor in Duel County, SD. Terracon consultants conducted a threatened and endangered species for this project, including entering the data into the Information for Planning and Consultation (IPaC) portal, which generated a list of threatened and endangered species associated with the project area.

We appreciate you accessing our Information for Planning and Consultation (IPaC) online system and subsequently providing our office with details of the project including a map, project description and an official species list generated via the IPaC site, as well as your letter providing your determination of impacts to those species. However, as this project has no federal nexus, this letter represents technical assistance, and not an informal section 7 review for the federally listed species associated with this project: in this case, the endangered northern long-eared bat (*Myotis septentrionalis*) as well as the threatened rufa red knot (*Calidris canutus*), Western Prairie Fringed Orchid (*Platanthera praeclara*), the proposed endangered species Suckley's Cuckoo Bumble Bee (*Bombus suckleyi*) and the proposed threatened species, Monarch Butterfly (*Danaus plexippus*) and Western Regal Fritillary (*Argynnis idalia occidentalis*).

The Service has no concerns for threatened or endangered species posed by the project as described in your email and from the Terracon report. For species listed as proposed threatened or endangered, conferencing with our office on these species is not required unless the project may jeopardize the continued existence of any of these species.

Monarch

The monarch is a large migratory butterfly that lives in a variety of habitats throughout North America and various additional locations across the globe. On December 12, 2024, the Service proposed the listing of the monarch butterfly as threatened with extinction under the Endangered Species Act (1973), (89 FR 100662). Due to its proposed status, conferencing with our office on this species is not required unless the project may jeopardize the continued existence of the butterfly.

While proposed threatened species are not afforded protection under the ESA, the U.S. Fish and Wildlife Service (Service) encourages their consideration in environmental planning. If unnecessary impacts to proposed species can be avoided, the likelihood that they will require the protection of the ESA in the future is reduced. Monarch eggs are laid on milkweed plants (*Asclepias* spp.) which are the sole source of food for developing larvae. Mature larvae may pupate on milkweeds but will also use nearby vegetation for this purpose. Adult monarchs use a wide variety of flowering plants throughout migration and breeding. Important nectar sources during the spring migration typically include *Coreopsis* spp., *Viburnum* spp., *Phlox* spp., and early blooming milkweeds. Important nectar sources during fall migration include goldenrods (*Solidago* spp.), asters (*Symphyotrichum* spp. and *Eurybia* spp.), gayfeathers (*Liatris* spp.), and coneflowers (*Helianthus* spp.), thistle (*Cirsium* spp.) and sage (*Salvia* spp.). Lists of preferred nectar plants by region specific to monarchs can be found at <http://www.xerces.org/monarch-nectar-plants/>. We recommend the project area be surveyed for potential monarch habitat so that impacts to milkweed plants and nectar sources may be avoided or minimized during construction activities. Further, post-construction revegetation efforts that include native seed mixes with milkweed and nectar sources used by monarchs are recommended to promote future conservation of this candidate species.

Suckley's Cuckoo Bumble Bee

On December 17, 2024, Suckley's cuckoo bumble bee (*Bombus suckleyi*) was proposed for listing as an endangered species (89 FR 102074). Suckley's Bumble Bee is an obligate social parasite of social bumble bees in the genus *Bombus*. Suckley's Bumble Bee cannot successfully reproduce without the availability of suitable host colonies. It is a semi-specialist parasite and confirmed to usurp nests of Western bumble bee (*Bombus occidentalis*) and Nevada bumble bees (*Bombus nevadensis*).

Based on the best available information, no Suckley's cuckoo bumble bee have been observed in South Dakota since 1969 (Mertens et al 2022) despite recent all taxa bumble bee surveys across the entire state. Based on this information, we now consider Suckley's cuckoo bumble bee to be extirpated from South Dakota. Because the species is not currently known to occur in South Dakota, projects will have "no effect" on the species, and we recommend Federal agencies document this determination and rationale in their files for consultation purposes under section 7(a)(2) of the ESA.

Western Regal Fritillary: Regal Fritillary is a large resident butterfly that relies on intact grasslands with abundant nectar resources. On August 8, 2024, the Service proposed the listing of the Western Fritillary butterfly as threatened with extinction under the Endangered Species Act (1973), (89 FR 63889). Due to its proposed status, conferencing with our office on this species is not required unless the project may jeopardize the continued existence of the butterfly.

While proposed threatened species are not afforded protection under the ESA, the Service encourages their consideration in environmental planning. If unnecessary impacts to proposed species can be avoided, the likelihood that they will require the protection of the ESA in the future is reduced. The host plant for Regal Fritillary includes several species of violets, and these plants are the sole source of food for developing larvae. Native violets occur in a variety of

grassland setting, but most likely occur in unbroken prairie patches. Adult regal fritillaries range across South Dakota from late June through October, potentially occurring in or near grasslands wherever nectar resources exist. Due to its proposed status, consultation is not currently required for this butterfly, but we encourage proactive consideration for this species during project planning. Whenever possible, we recommend work occur in previously disturbed areas (e.g., cropland) to avoid potential impacts to regal fritillary habitat and individuals. We recommend evaluating project sites for the presence of native violet plants and nectar sources prior to construction activities and avoiding impacts to those plants while the regal fritillary may be present in South Dakota. Further, we encourage post-construction revegetation efforts that include native seed mixes with violets and forbs incorporated to promote future conservation of this proposed threatened species.

Avian Electrocution and Line Strikes

The Service appreciates your willingness to follow the APLIC guidelines to avoid avian electrocutions and recommends lines near the WPA and any other permanent and seasonal wetlands should be marked avian diverters to minimize bird collisions with transmission lines.

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 the project plan changes to include a federal nexus, the Service must be informed to conduct an informal consultation.

The Service appreciates the opportunity to provide comments. If you have any questions on these comments, please contact Daniel Kim of this office at (605) 280- 6090 or Daniel_kim@fws.gov.

Sincerely,

Daniel Kim, PhD
Grassland Bird and Prairie Pollinator Biologist
USFWS South Dakota Field Office

From: Kim, Daniel H <daniel_kim@fws.gov>
Sent: Thursday, February 20, 2025 9:11 AM
To: Baker, Becky <Rebecca.Baker@hdrinc.com>
Subject: Re: [EXTERNAL] MRES- Toronto Power Plant

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Becky,

Thanks for the update. As you mentioned, this project has no federal nexus, therefore there is no need for a section 7 consultation. The Service does not concur on projects without a federal nexus, however we do provide technical assistance.

Before completing the technical assistance, please use the Northern Long-Eared Bat determination Key in IPaC

As the Monarch, Regal Fritillary, and Suckley's Cuckoo Bumble Bee are all candidate species, there are no requirements for species determinations as the project will not jeopardize any of the these species.

For transmission lines, as long as the lines are designed to minimize or prevent eagle electrocutions based the suggested guidelines for raptor protections on powerlines, you should fine under the Bald and Golden Eagle Protection Act. Here is a website with more information on individual eagle take permits, if you were curious. <https://www.fws.gov/program/eagle-management/eagle-incidental-disturbance-and-nest-take-permits>

For the rufa red knot, and migratory birds in general, the Service requests bird diverters on lines, especially near the WPA or any other areas with the potential for standing water during the spring or fall migration.

Let me know once the bat D-key is done, and I will complete the project.

Dan

Daniel H. Kim Ph.D.
Grassland Bird and Prairie Pollinator Biologist
Ecological Services
U.S. Fish and Wildlife Service
420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501
Cell Phone: (605)-280-6090
Fax: (605)-224-1416
Email: daniel_kim@fws.gov



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:

02/20/2025 16:30:06 UTC

Project Code: 2025-0059005

Project Name: Toronto Power Plant and Transmission Line, Missouri River Energy

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 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 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 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
- Bald & Golden Eagles
- 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

PROJECT SUMMARY

Project Code: 2025-0059005
Project Name: Toronto Power Plant and Transmission Line, Missouri River Energy
Project Type: Transmission Line - New Constr - Above Ground
Project Description: Western Minnesota Municipal Power Agency (WMMPA) and Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services (MRES) (Applicants) submit this application for a Facility Permit (Application) to the South Dakota Public Utilities Commission (Commission) for the construction and operation of an energy conversion facility and associated facilities (the Project). The Project will include approximately 4.65 miles of power transmission line as well as the previously mentioned energy conversion facility. This project is located in Deuel County, SD to the northeast of Toronto, SD. The project is located within Sections 7, 8, 9, 10, 15, 16, 17, 20, 21, and 22 of Township 113N, Range 48W.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.59007235,-96.59191605108735,14z>



Counties: Deuel County, South Dakota

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 Fisheries¹, 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
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

BIRDS

NAME	STATUS
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee <i>Bombus suckleyi</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered
Western Regal Fritillary <i>Argynnis idalia occidentalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/12017	Proposed Threatened

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.

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
DEUEL COUNTY WATERFOWL PRODUCTION AREA <a %5c%22deuel+county+waterfowl+production+area%5c%22\""="" href="https://www.fws.gov/our-facilities?keywords=\">https://www.fws.gov/our-facilities? \$keywords=\"%5C%22DEUEL+COUNTY+WATERFOWL+PRODUCTION+AREA%5C%22\"	33.125

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information](#)

[on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</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. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 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 ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

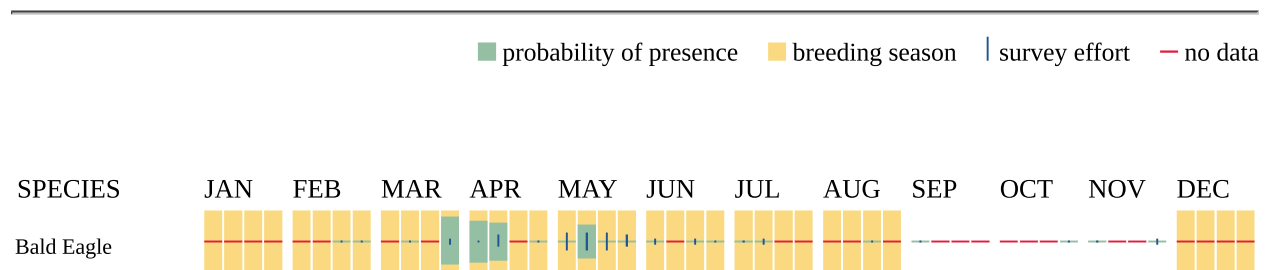
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

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



Non-BCC
Vulnerable

Additional information can be found using the following links:

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

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

-
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)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Baird's Sparrow <i>Centronyx bairdii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5113	Breeds May 20 to Aug 15
Bald Eagle <i>Haliaeetus leucocephalus</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. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31

NAME	BREEDING SEASON
Black Tern <i>Chlidonias niger surinamenis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3093	Breeds May 15 to Aug 20
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Franklin's Gull <i>Leucophaeus pipixcan</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10567	Breeds May 1 to Jul 31
Grasshopper Sparrow <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329	Breeds Jun 1 to Aug 20
Henslow's Sparrow <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Northern Harrier <i>Circus hudsonius</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15
Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10

NAME	BREEDING SEASON
<div>Ruddy Turnstone <i>Arenaria interpres morinella</i></div> <div>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/10633</div>	Breeds elsewhere
<div>Western Grebe <i>aechmophorus occidentalis</i></div> <div>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743</div>	Breeds Jun 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 "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

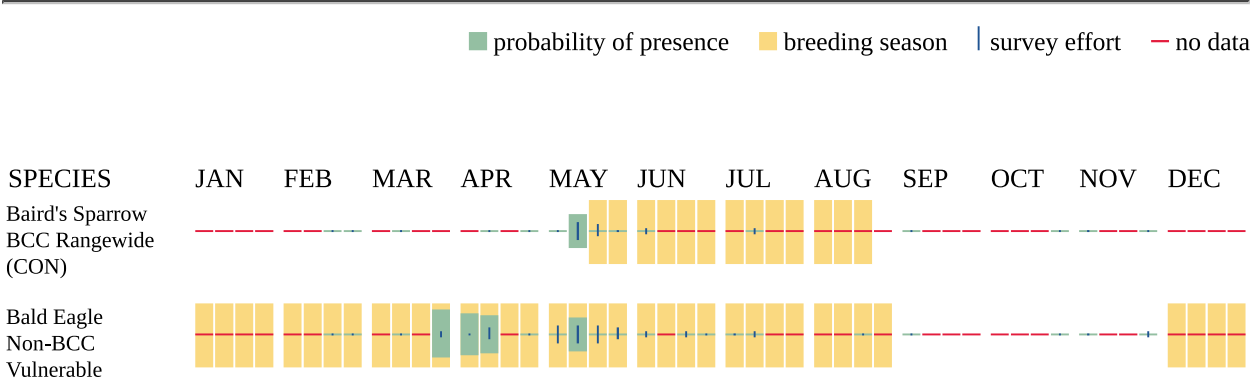
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

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





Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

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

- PEM1C
- PEM1/ABF
- PEM1/ABFd
- PEM1A
- PEM1Cd
- PEM1Cx
- PEM1Ad

FRESHWATER POND

- PABFx
- PABFh

FRESHWATER FORESTED/SHRUB WETLAND

- PFOA
- PFOCd
- PFOC
- PSSA
- PSSC
- PSSCd

RIVERINE

- R4SBC
- R5UBH

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Michaela Carlson
Address: 101 S. Phillips Ave.
Address Line 2: Suite 401
City: Sioux Falls
State: SD
Zip: 57104
Email: michaela.carlson@hdrinc.com
Phone: 6057828131



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:

02/20/2025 17:24:50 UTC

Project code: 2025-0059005

Project Name: Toronto Power Plant and Transmission Line, Missouri River Energy

Federal Nexus: no

Federal Action Agency (if applicable):

Subject: Technical assistance for 'Toronto Power Plant and Transmission Line, Missouri River Energy'

Dear Michaela Carlson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on February 20, 2025, for 'Toronto Power Plant and Transmission Line, Missouri River Energy' (here forward, Project). This project has been assigned Project Code 2025-0059005 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid. Note that conservation measures for northern long-eared bat and tricolored bat may differ. If both bat species are present in the action area and the key suggests more conservative measures for one of the species for your project, the Project may need to apply the most conservative measures in order to avoid adverse effects. If unsure which conservation measures should be applied, please contact the appropriate Ecological Services Field Office***

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the following effect determination(s):

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	NLAA

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Rufa Red Knot *Calidris canutus rufa* Threatened
- Suckley's Cuckoo Bumble Bee *Bombus suckleyi* Proposed Endangered
- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species and/or critical habitat listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Steps

Coordination with the Service is complete. This letter serves as technical assistance. All conservation measures should be implemented as proposed. Thank you for considering federally listed species during your project planning.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the South Dakota Ecological Services Field Office and reference Project Code 2025-0059005 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Toronto Power Plant and Transmission Line, Missouri River Energy

2. Description

The following description was provided for the project 'Toronto Power Plant and Transmission Line, Missouri River Energy':

Western Minnesota Municipal Power Agency (WMMPA) and Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services (MRES) (Applicants) submit this application for a Facility Permit (Application) to the South Dakota Public Utilities Commission (Commission) for the construction and operation of an energy conversion facility and associated facilities (the Project). The Project will include approximately 4.65 miles of power transmission line as well as the previously mentioned energy conversion facility. This project is located in Deuel County, SD to the northeast of Toronto, SD. The project is located within Sections 7, 8, 9, 10, 15, 16, 17, 20, 21, and 22 of Township 113N, Range 48W.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.59007235,-96.59191605108735,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for a least one species covered by this determination key.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

No

6. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

7. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

8. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

9. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

10. Will the action result in effects to a culvert or tunnel at any time of year?

No

11. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

12. Does the action include the intentional exclusion of bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

13. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

14. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

15. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

Yes

16. Will the increased vehicle traffic occur on any road that lies between any two areas of contiguous forest that are each greater than or equal to 10 acres in extent and are separated by less than 1,000 feet? Bats may cross a road by flying between forest patches that are up to 1,000 feet apart.

Note: "Contiguous forest" of 10 acres or more may include areas where multiple forest patches are separated by less than 1,000 feet of non-forested area if the forested patches, added together, comprise at least 10 acres.

No

17. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

18. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

19. Will the action include drilling or blasting?

No

20. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

21. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

22. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

23. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

24. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

25. Will the proposed action occur exclusively in an already established and currently maintained utility right-of-way?

No

26. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property.

No

27. Does the project intersect with the 0- 9.9% forest density category?

Automatically answered

Yes

28. Does the project intersect with the 10.0- 19.9% forest density category map?

Automatically answered

No

29. Does the project intersect with the 20.0- 29.9% forest density category map?

Automatically answered

No

30. Does the project intersect with the 30.0- 100% forest density category map?

Automatically answered

No

31. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 0.5 acre in total extent?

No

32. Will the proposed action result in the use of prescribed fire?

Note: If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

No

33. Does the action area intersect the northern long-eared bat species list area?

Automatically answered

Yes

34. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Automatically answered

No

35. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

36. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

If unsure, answer "Yes."

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

37. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

38. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

39. Will any tree cutting/trimming or other knocking or bringing down of trees occur during the **Summer Occupancy season** for northern long-eared bats in the action area?

Note: Bat activity periods for your state can be found in Appendix L of the Service's Range-wide Indiana Bat and Northern long-eared Bat Survey [Guidelines](#).

No

40. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.2

IPAC USER CONTACT INFORMATION

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