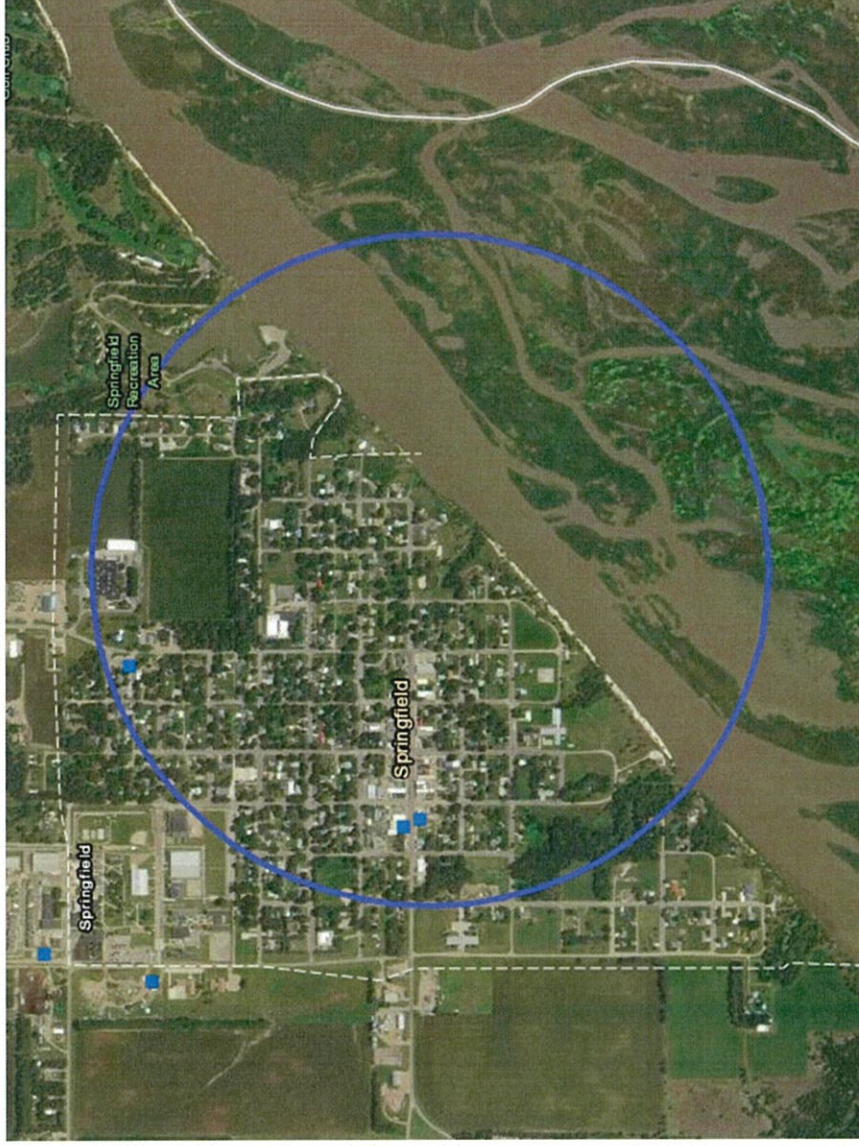


# **EXHIBIT 12**



## TANK FACILITIES

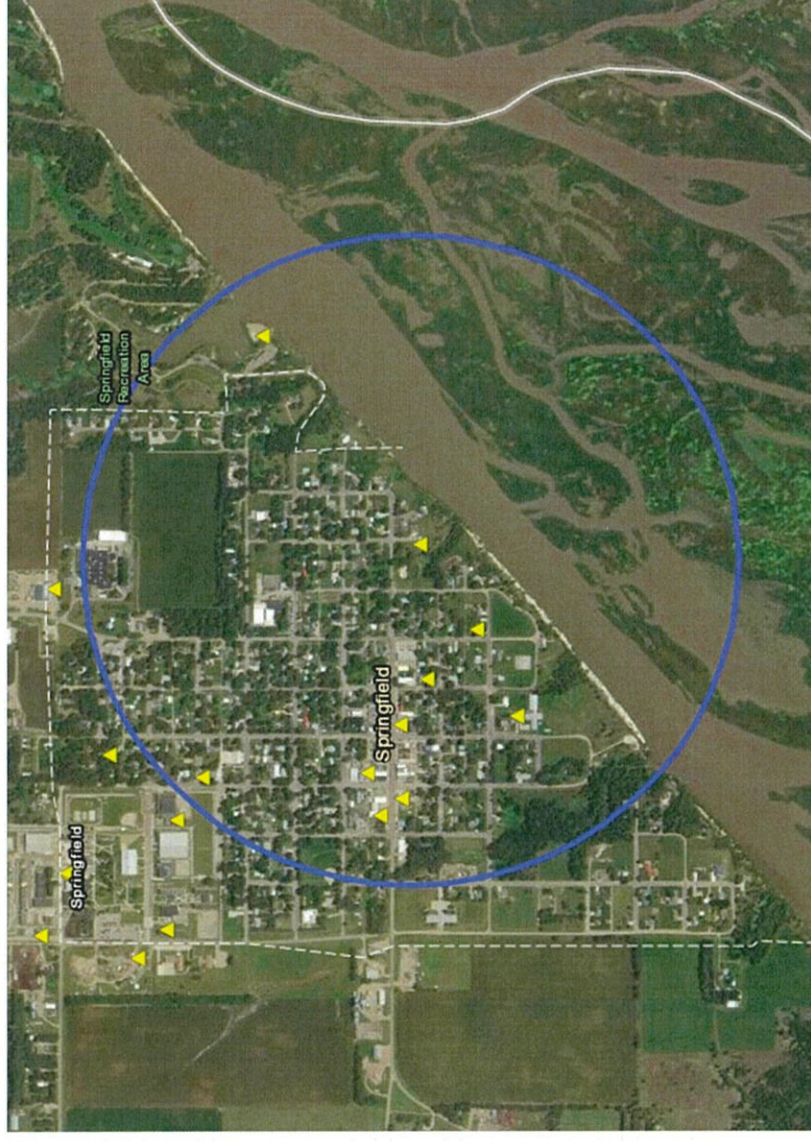
1/2 MILE SEARCH RADIUS FROM PROJECT SITE



ID #	Facility Name	System Type	Address	Owner Name	Status
12-00020	Luke Repair	Underground Storage Tank	901 8 <sup>th</sup> St	Casey Luke	Active
12-00021	Standard Service	Underground Storage Tank	904 8 <sup>th</sup> St	Larry Palsma/Springfield Motors	Inactive
12-00026	Casey's General Store #1158	Underground Storage Tank	1313 Walnut St	Casey's General Stores, Inc	Active

## SPILL REPORTS

½ MILE SEARCH RADIUS FROM PROJECT SITE



ID #	Name	Status	Source Type	Address
91.347	Bituminous Paving - Road Equipment Leak	Closed	Equipment	Sandbar Marina: State Park Along Missouri River
93.366	Youth Services Center - Tank Leak	NFA	Underground Storage Tank	709 East 6th Street (SE at 6th & Chestnut)
98.278	George's One Stop - Tank Removals	Closed	Underground Storage Tank	901 8th Street (College & 8th)
99.298	Springfield Motors	Open	Underground Storage Tank	904 8th Street/ Hwy 37P (NW @ 8th & College)



ID #	Name	Status	Source Type	Address
2001.182	ATP - Emmanuel Reformed Church	NFA	Underground Storage Tank	1108 College Street (SE at College & 12th)
2001.211	ATP - Lois' Cafe (Former Texaco)	NFA	Underground Storage Tank	713 8th Street (8th & Chestnut)
2007.210	Carb Cleaner Disposal - Mr. Golf Cart	NFA	Containers	822 8th Street (alley behind business)
2022.181	Brownfields - Springfield Water Treatment Plant	Open	Unknown	401 8th Street
2001073.000	Clean ATP - Leola Hornstra Property	Closed	Underground Storage Tank	514 6th Street
2002132.000	Clean ATP - Brunken Property	Closed	Underground Storage Tank	612 7 <sup>th</sup> Street



# **EXHIBIT 13**

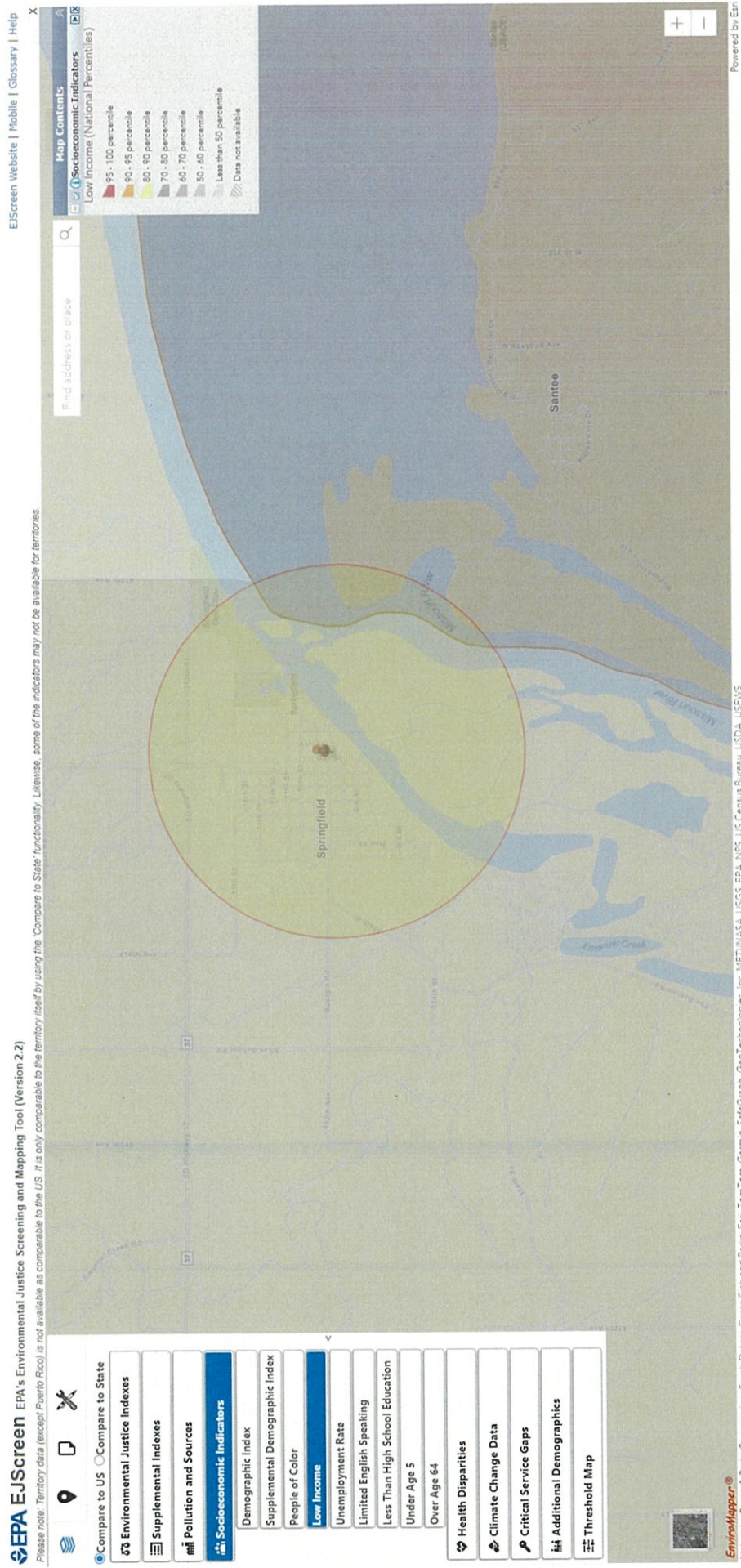


# RACE





# INCOME







# EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

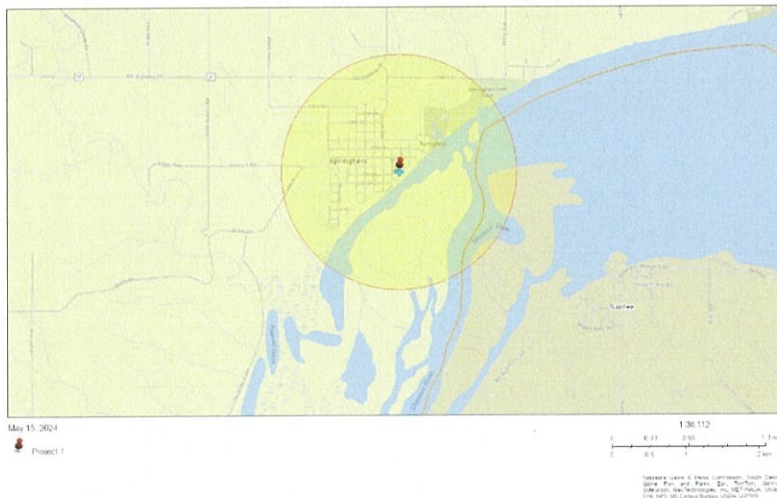
## Springfield, SD

1 mile Ring Centered at 42.853497,-97.889802

Population: 1,997

Area in square miles: 3.14

A3 Landscape



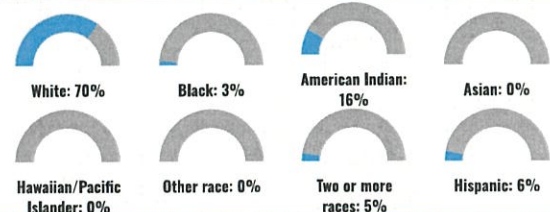
### COMMUNITY INFORMATION



### LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
No language data available.	

### BREAKDOWN BY RACE



### BREAKDOWN BY AGE



### LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.



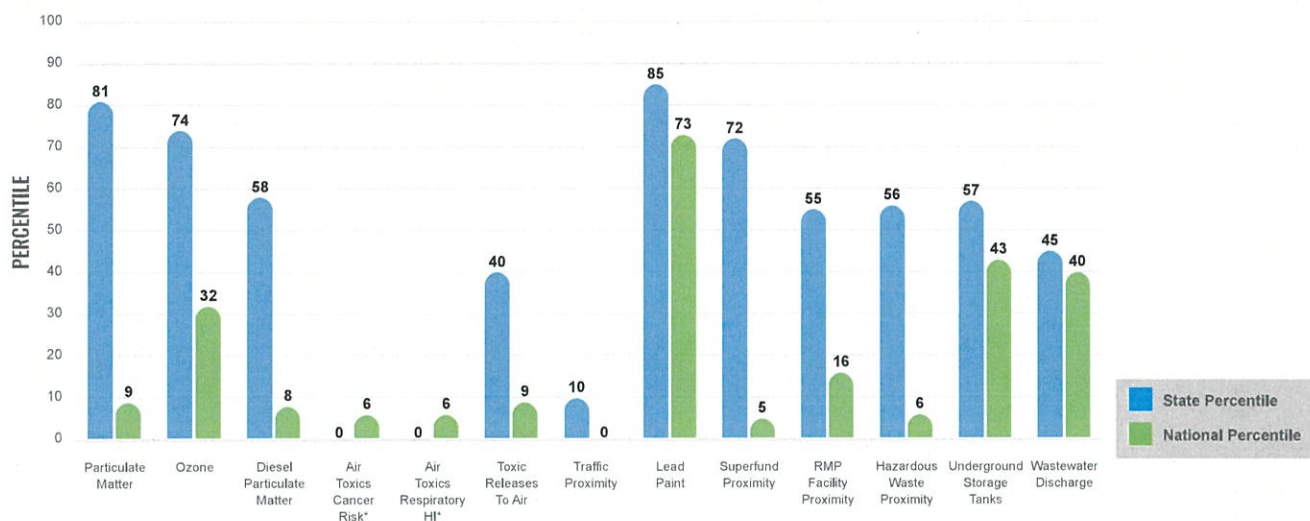
## Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

### EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

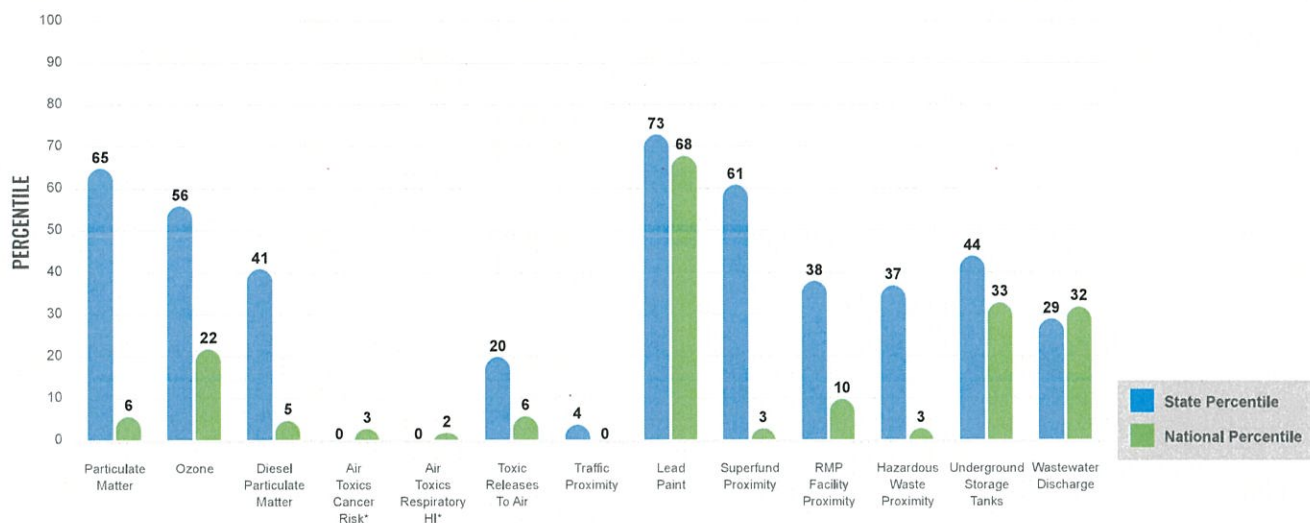
#### EJ INDEXES FOR THE SELECTED LOCATION



### SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

#### SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 1 mile Ring Centered at 42.853497,-97.889802



## EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
<b>POLLUTION AND SOURCES</b>					
Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	5.13	4.89	54	8.08	4
Ozone (ppb)	57.2	58.6	44	61.6	19
Diesel Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	0.0516	0.0911	30	0.261	4
Air Toxics Cancer Risk* (lifetime risk per million)	10	15	0	25	1
Air Toxics Respiratory HI*	0.1	0.15	0	0.31	1
Toxic Releases to Air	1.5	240	16	4,600	5
Traffic Proximity (daily traffic count/distance to road)	0.16	86	4	210	0
Lead Paint (% Pre-1960 Housing)	0.49	0.34	69	0.3	73
Superfund Proximity (site count/km distance)	0.0099	0.022	49	0.13	3
RMP Facility Proximity (facility count/km distance)	0.044	0.28	26	0.43	8
Hazardous Waste Proximity (facility count/km distance)	0.024	0.36	25	1.9	3
Underground Storage Tanks (count/km <sup>2</sup> )	0.054	2.1	33	3.9	25
Wastewater Discharge (toxicity-weighted concentration/m distance)	6E-05	28	21	22	27
<b>SOCIOECONOMIC INDICATORS</b>					
Demographic Index	33%	24%	78	35%	55
Supplemental Demographic Index	12%	12%	59	14%	48
People of Color	30%	18%	82	39%	50
Low Income	36%	31%	66	31%	63
Unemployment Rate	3%	4%	68	6%	45
Limited English Speaking Households	0%	1%	0	5%	0
Less Than High School Education	14%	8%	84	12%	69
Under Age 5	4%	6%	29	6%	40
Over Age 64	12%	18%	26	17%	34
Low Life Expectancy	9%	18%	1	20%	0

\*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/hqps/air-toxics-data-update>.

### Sites reporting to EPA within defined area:

Superfund .....	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities .....	0
Water Dischargers .....	6
Air Pollution .....	1
Brownfields .....	0
Toxic Release Inventory .....	1

### Other community features within defined area:

Schools .....	1
Hospitals .....	0
Places of Worship .....	0

### Other environmental data:

Air Non-attainment .....	No
Impaired Waters .....	Yes

Selected location contains American Indian Reservation Lands* .....	Yes
Selected location contains a "Justice40 (CEJST)" disadvantaged community .....	No
Selected location contains an EPA IRA disadvantaged community .....	Yes

Report for 1 mile Ring Centered at 42.853497, -97.889802



## EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	9%	18%	1	20%	0
Heart Disease	6.8	6.7	51	6.1	65
Asthma	8.2	9.2	7	10	8
Cancer	6.3	6.9	32	6.1	52
Persons with Disabilities	10.7%	12%	40	13.4%	37

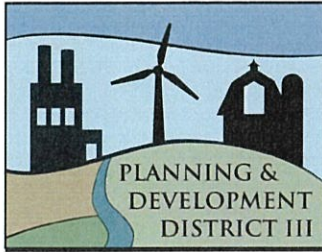
CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	8%	9%	51	12%	57
Wildfire Risk	60%	42%	60	14%	86

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	22%	16%	71	14%	77
Lack of Health Insurance	4%	10%	13	9%	27
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Report for 1 mile Ring Centered at 42.853497,-97.889802

# **EXHIBIT 14**





## PLANNING & DEVELOPMENT DISTRICT III

1808 SUMMIT ST PO BOX 687  
YANKTON, SD 57078  
(605) 665-4408 OR 800-952-3562  
FAX: (605) 665-0303  
[DISTRICTIII@DISTRICTIII.ORG](mailto:DISTRICTIII@DISTRICTIII.ORG)  
[WWW.DISTRICTIII.ORG](http://WWW.DISTRICTIII.ORG)

The U.S. Fish and Wildlife Service currently has no comments or concerns regarding this project as described. If the project changes or new information becomes available, please contact this office again so potential impacts to federally listed species and other trust resources may be reevaluated.

**DANIEL KIM**

Digitally signed by DANIEL KIM  
Date: 2024.05.13 13:24:51 -05'00'

South Dakota Ecological Services

Date

### MEMORANDUM

**Date:** April 25, 2024

**Subject:** Environmental Review – Springfield Water Plant Additional Work

**From:** John Clem, Community Development Specialist

The City of Springfield is proposing to use USDA Rural Development funds to help finance additional work in the vicinity of their new water plant, which is currently under construction. These work elements will consist of the following:

- Demolishing the current water plant building, a single-story brick structure that was built in 1966. Once the new plant is functional, the current plant will no longer be needed. Prior to demolition, asbestos that is known to be present in the floor tiles will be removed and disposed of at a licensed waste disposal facility.
- Constructing a drainage channel to improve drainage on the property. The channel will run from the northwest corner of the water plant property down to a natural drainageway that empties into the Missouri River. It will be approximately 25 feet wide and two feet deep, lined with riprap and concrete.
- Reconstructing one block each of Eighth Street and Oak Street adjacent to the water plant site. The street segments will be given a new base course, six-inch asphalt surface, and curb and gutter. A culvert will be replaced under Eighth Street.
- Replacing approximately 200 feet of old waterline under Ash Street from the new plant to Eighth Street with new PVC pipe.

The City of Springfield has made a preliminary determination that the proposed project will not adversely impact the environment. In order to complete the environmental review record, we are requesting your comments with respect to the project as described. Unless you provide information to the contrary within thirty (30) days of the date of this letter, the City will consider that your agency has no adverse comments regarding the project.

Please feel free to email your comments to me at [John.Clem@districtiii.org](mailto:John.Clem@districtiii.org). Your earliest response will be greatly appreciated. Thank you for your assistance.

---

#### Planning & Development District III Executive Board:

Delayne Persson	Donald Reinesch	Rex Winter	Art Hertz	Lonnie Tjaden	John Clagget	Donita Loudner	Richard Lewis
Aurora County Chairman	Brule County Vice-Chairman	SCWDD Secretary	Great Lakes Assn At-large	Freeman At-large	Davison County At-large	Buffalo County At-large	Winner At-large



# SPRINGFIELD

10TH ST

MAPLE ST

9TH ST

ASH ST

8TH ST

SD HWY 37 P

ELM ST

7TH ST

WALNUT ST

6TH ST

OAK ST

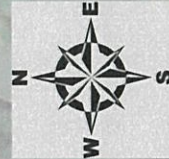
MISSOURI RIVER

WATERLINE REPLACEMENT

PLANT DEMO

ROAD UPGRADES

DRAINAGE CHANNEL



0 250 500 1,000 Feet

This map is intended for general planning purposes only. It may or may not accurately represent actual conditions as they exist today. Any decisions made using this map should be field verified.

SOURCE: SDDOT GPS Road Centerline





## 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: 2024-0089484  
Project Name: Springfield Water Plant Additional Work

05/13/2024 17:10:09 UTC

Federal Nexus: yes  
Federal Action Agency (if applicable): Rural Development

**Subject:** Federal agency coordination under the Endangered Species Act, Section 7 for  
'Springfield Water Plant Additional Work'

Dear John Clem:

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 May 13, 2024, for 'Springfield Water Plant Additional Work' (here forward, Project). This project has been assigned Project Code 2024-0089484 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 Rangewide 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.***

### Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the determination of "May Affect, Not Likely to Adversely Affect" the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your

IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

### **15-Day Review Period**

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

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

The IPaC-assisted determination for the northern long-eared 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* Candidate
- Pallid Sturgeon *Scaphirhynchus albus* Endangered
- Piping Plover *Charadrius melodus* Threatened
- Rufa Red Knot *Calidris canutus rufa* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Western Prairie Fringed Orchid *Platanthera praeclara* Threatened
- Whooping Crane *Grus americana* Endangered

### **Critical Habitats:**

- Piping Plover *Charadrius melodus* Threatened

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

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 2024-0089484 associated with this Project.



**Action Description**

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

**1. Name**

Springfield Water Plant Additional Work

**2. Description**

The following description was provided for the project 'Springfield Water Plant Additional Work':

The City of Springfield is proposing to use USDA Rural Development funds to help finance additional work in the vicinity of their new water plant, which is currently under construction. These work elements will consist of the following:

- Demolishing the current water plant building, a single-story brick structure that was built in 1966. Once the new plant is functional, the current plant will no longer be needed. Prior to demolition, asbestos that is known to be present in the floor tiles will be removed and disposed of at a licensed waste disposal facility.
- Constructing a drainage channel to improve drainage on the property. The channel will run from the northwest corner of the water plant property down to a natural drainageway that empties into the Missouri River. It will be approximately 25 feet wide and two feet deep, lined with riprap and concrete.
- Reconstructing one block each of Eighth Street and Oak Street adjacent to the water plant site. The street segments will be given a new base course, six-inch asphalt surface, and curb and gutter. A culvert will be replaced under Eighth Street.
- Replacing approximately 200 feet of old waterline under Ash Street from the new plant to Eighth Street with new PVC pipe.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.853418500000004,-97.89024061923027,14z>



## 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 the Endangered northern long-eared bat (*Myotis septentrionalis*).

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat 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. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve 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

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

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No



6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

10. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared 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

11. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

12. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

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

(If unsure, answer "Yes.")

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags  $\geq 3$  inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

14. Will the action cause effects to a bridge?

No

15. Will the action result in effects to a culvert or tunnel?

No

16. Does the action include the intentional exclusion of northern long-eared 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 are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared 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

17. 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



18. Will the action directly or indirectly cause construction of one or more new roads that are open to the public?

**Note:** The answer may be yes when a publicly accessible road either (1) is constructed as part of the proposed action or (2) would not occur but for the proposed action (i.e., the road construction is facilitated by the proposed action but is not an explicit component of the project).

No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic 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.).

No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

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

21. 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)?

No

22. 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

23. Will the action include drilling or blasting?

No

24. 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

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

No

26. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat can be found at:

<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

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

**Note:** Additional information defining suitable roosting habitat for the northern long-eared bat can be found at:

<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

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

Yes

29. 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? If unsure, answer "No."

No

30. 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 and has a diameter breast height of six inches or greater.

No

31. 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  $\geq 3$  inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

Yes

32. [Semantic] Does your project intersect a known sensitive area for the northern long-eared bat?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your [state agency or USFWS field office](#)

**Automatically answered**

No



33. Will all tree cutting/trimming or other knocking or bringing down of trees be restricted to the inactive season for the northern long-eared bat?

**Note:** Inactive Season dates for summer habitat outside of staging and swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

34. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 10 acres?

No

35. Will the action cause trees to be cut, knocked down, or otherwise brought down in a way that would fragment a forested connection (e.g., tree line) between two or more forest patches of at least 5 acres?

The forest patches may consist of entirely contiguous forest or multiple forested areas that are separated by less than 1000' of non-forested area. A project will fragment a forested connection if it creates an unforested gap of greater than 1000'.

No

36. Will the action result in the use of prescribed fire?

No

37. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

38. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?

Answer 'no' if the noises will occur only during the inactive period.

**Note:** Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

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.

.5

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

.5

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0

Will all potential northern long-eared bat (NLEB) roost trees (trees  $\geq 3$  inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

Yes

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

.5

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees)  $\geq 3$  inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

Will all project activities be completed by November 30, 2024?

No



## **IPAC USER CONTACT INFORMATION**

Agency: Springfield city  
Name: John Clem  
Address: PO Box 687  
City: Yankton  
State: SD  
Zip: 57078  
Email: john.clem@districtiii.org  
Phone: 6056654408

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Rural Development



## 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: 2024-0081995  
Project Name: Springfield Water Plant Additional Work

04/25/2024 15:36:12 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: 2024-0081995

Project Name: Springfield Water Plant Additional Work

Project Type: Drainage Project

Project Description: The City of Springfield is proposing to undertake additional work in the vicinity of their new water plant, which is currently under construction.

These work elements consist of the following:

- Demolishing the current water plant building. The plant, which was built in 1966, is a single-story brick structure that will no longer be needed once the new plant is functional. Prior to demolition, asbestos that is known to be present in the floor tiles will be removed and disposed of at a licensed waste disposal facility.
- Constructing a drainage channel to improve drainage on the property. The channel will run from the northwest corner of the water plant property down to where a creek empties into the Missouri River. It will be approximately 25 feet wide and two feet deep, lined with riprap and concrete.
- Reconstructing one block each of Eighth Street and Oak Street adjacent to the water plant site. The street segments will be given a new base course, six-inch asphalt surface, and curb and gutter. A culvert will be replaced under Eighth Street.
- Replacing the waterline under Ash Street from the new plant to Eighth Street.

Demolition of the water plant building is expected to occur in 2025. The other work elements are scheduled for later in 2024.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.8533949,-97.89024263094078,14z>





Counties: Bon Homme County, South Dakota

## ENDANGERED SPECIES ACT SPECIES

There is a total of 8 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. Note that 2 of these species should be considered only under certain conditions.

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

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

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.



## MAMMALS

NAME	STATUS
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>This species only needs to be considered if the project includes wind turbine operations.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a></p>	Endangered
<p>Tricolored Bat <i>Perimyotis subflavus</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>This species only needs to be considered if the project includes wind turbine operations.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a></p>	Proposed Endangered

## BIRDS

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

## FISHES

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

## INSECTS

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

## FLOWERING PLANTS

NAME	STATUS
Western Prairie Fringed Orchid <i>Platanthera praeclara</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1669">https://ecos.fws.gov/ecp/species/1669</a>	Threatened

## CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> <a href="https://ecos.fws.gov/ecp/species/6039#crittab">https://ecos.fws.gov/ecp/species/6039#crittab</a>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

## BALD & GOLDEN EAGLES

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

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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 likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

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
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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	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 (■)

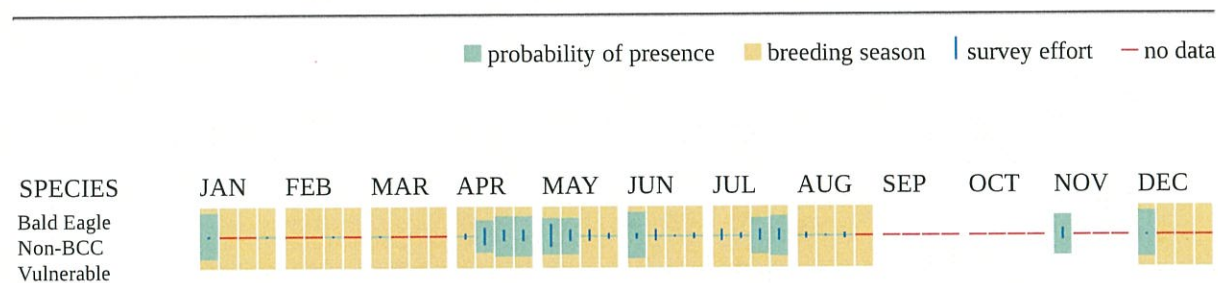
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### 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-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## MIGRATORY BIRDS

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

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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
<b>American Golden-plover <i>Pluvialis dominica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/10561">https://ecos.fws.gov/ecp/species/10561</a>	Breeds elsewhere
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
<b>Black Tern <i>Chlidonias niger surinamensis</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3093">https://ecos.fws.gov/ecp/species/3093</a>	Breeds May 15 to Aug 20



NAME	BREEDING SEASON
<b>Chimney Swift <i>Chaetura pelagica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a>	Breeds Mar 15 to Aug 25
<b>Franklin's Gull <i>Leucophaeus pipixcan</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/10567">https://ecos.fws.gov/ecp/species/10567</a>	Breeds May 1 to Jul 31
<b>Hudsonian Godwit <i>Limosa haemastica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9482">https://ecos.fws.gov/ecp/species/9482</a>	Breeds elsewhere
<b>Lesser Yellowlegs <i>Tringa flavipes</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Marbled Godwit <i>Limosa fedoa</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9481">https://ecos.fws.gov/ecp/species/9481</a>	Breeds May 1 to Jul 31
<b>Northern Harrier <i>Circus hudsonius</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/8350">https://ecos.fws.gov/ecp/species/8350</a>	Breeds Apr 1 to Sep 15
<b>Pectoral Sandpiper <i>Calidris melanotos</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9561">https://ecos.fws.gov/ecp/species/9561</a>	Breeds elsewhere
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9398">https://ecos.fws.gov/ecp/species/9398</a>	Breeds May 10 to Sep 10
<b>Ruddy Turnstone <i>Arenaria interpres morinella</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/10633">https://ecos.fws.gov/ecp/species/10633</a>	Breeds elsewhere
<b>Short-billed Dowitcher <i>Limnodromus griseus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	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. <a href="https://ecos.fws.gov/ecp/species/6743">https://ecos.fws.gov/ecp/species/6743</a>	Breeds Jun 1 to Aug 31
Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/10669">https://ecos.fws.gov/ecp/species/10669</a>	Breeds Apr 20 to Aug 5

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[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 (■)

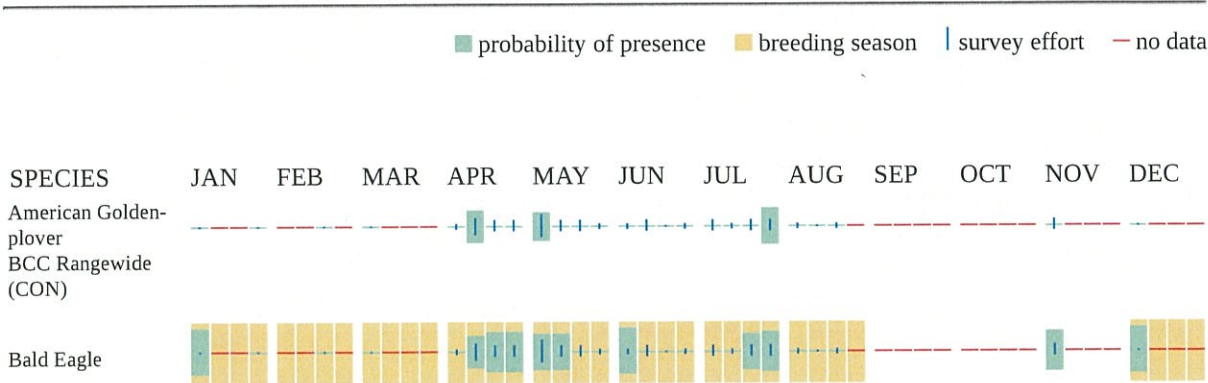
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

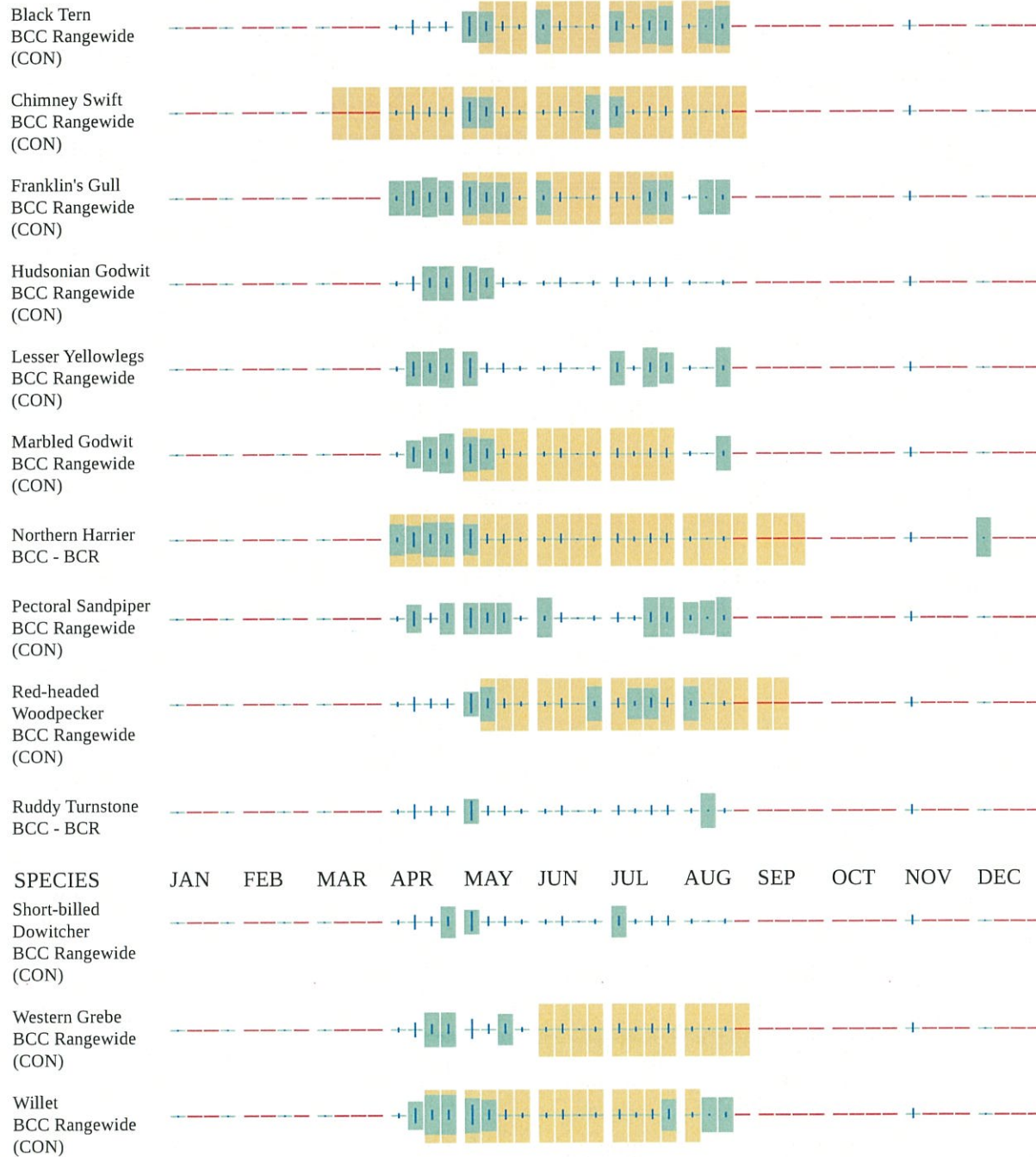
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

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-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## 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.

### LAKE

- L1UBHh



## **IPAC USER CONTACT INFORMATION**

Agency: Springfield city  
Name: John Clem  
Address: PO Box 687  
City: Yankton  
State: SD  
Zip: 57078  
Email: john.clem@districtiii.org  
Phone: 6056654408

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Rural Development







## Environmental Review Report

### Project Information

Report Generation Date: 4/25/2024 08:39:18 AM  
Project ID: 2024-04-25-1424  
Project Title: Springfield Water Plant Additional Work  
User Project Number(s):  
Project Type: Water Use/Transfer/Channel Activities, Channelization  
Project Activities: None Selected  
County(s): Bon Homme  
Township/Range/Section(s): 093N060W24  
Watershed(s) HUC8: None  
Latitude/Longitude: 42.853697 / -97.890183

### Contact Information

Organization: Planning District III  
Contact Name: John Clem  
Contact Phone: 6056654408  
Contact Email: john.clem@districtiii.org  
Contact Address: 1808 Summit St Yankton SD 57078  
Submitted On Behalf Of:

### Project Description

The City of Springfield is proposing to undertake additional work in the vicinity of their new water plant, which is currently under construction. These work elements consist of the following: \* Constructing a drainage channel to improve drainage on the property. The channel will run from the northwest corner of the water plant property down to where a creek empties into the Missouri River. It will be approximately 25 feet wide and two feet deep, lined with riprap and concrete. \* Demolishing the old water plant building. The plant, which was built in 1966, will no longer be needed when the new treatment plant is functional. Prior to demolition, asbestos that is known to be present in the building will be removed and disposed of at a licensed waste facility. \* Reconstructing one block each of Eighth Street and Oak Street adjacent to the water plant site. The street segments will be given a new base course, six-inch asphalt surface, and curb and gutter. \* Replacing the waterline under Ash Street from the new plant to Eighth Street.



## 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

### In-Stream Activities

Any activities impacting streambeds should not be completed during fish spawning periods that take place from April through June outside of the Black Hills or from October through June within the Black Hills to avoid conflicts with spawning fish. Please contact Game, Fish and Parks if you wish to conduct work within the spawning period. Stream bottoms impacted by construction activities should be restored to pre-project elevations.

## 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 <http://sdleastwanted.com/maps/default.aspx> or by calling 605-223-7706.

## Federal Laws

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

### Contact Information

**U.S. Fish and Wildlife Service, Ecological Services Field Office** 420 S. Garfield Ave, Suite 400  
Pierre, South Dakota 57501-605-224-8690  
**U.S. Army Corps 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.

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

Scientific Name	Common Name	Taxonomic Group	Federal Status	State Status	Global Rank	State Rank	SGCN	Last Obs Date
Diadophis punctatus	Ring-necked Snake	Vertebrate Animal			G5	S3	No	2004-04-29
Macrhybopsis storeriana	Silver Chub	Vertebrate Animal			G5	S2	No	2017-08-22
Notropis blennioides	River Shiner	Vertebrate Animal			G5	S2	No	2008-08
Percina maculata	Blackside Darter	Vertebrate Animal			G5	S3	Yes	2008-09

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

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

No Protected Lands were detected within the project vicinity.

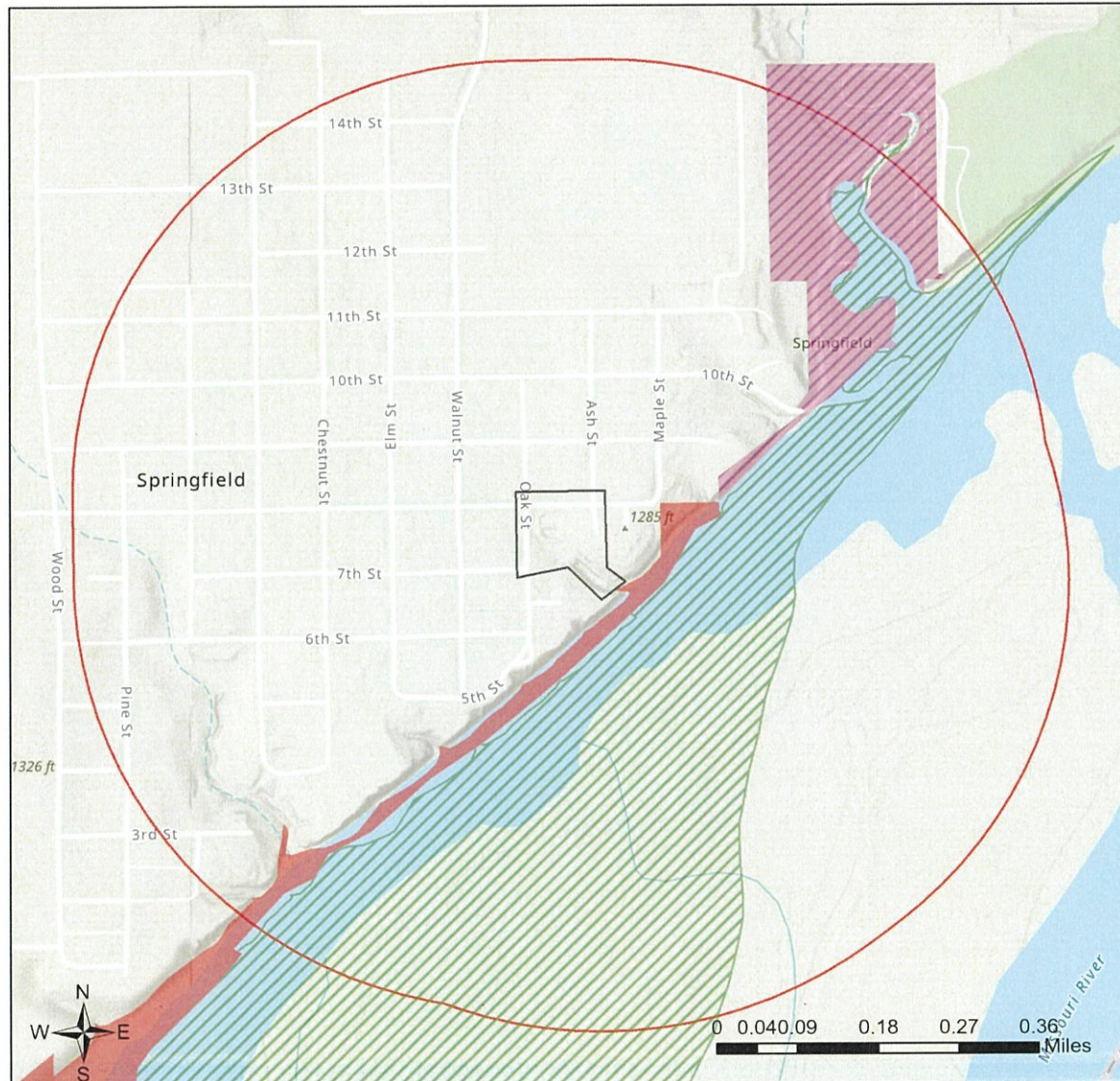


# SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

523 EAST CAPITOL AVENUE | PIERRE, SD 57501

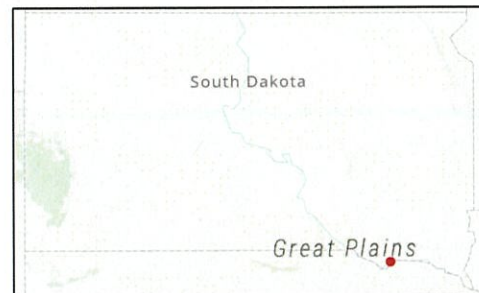
## Springfield Water Plant Additional Work

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



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

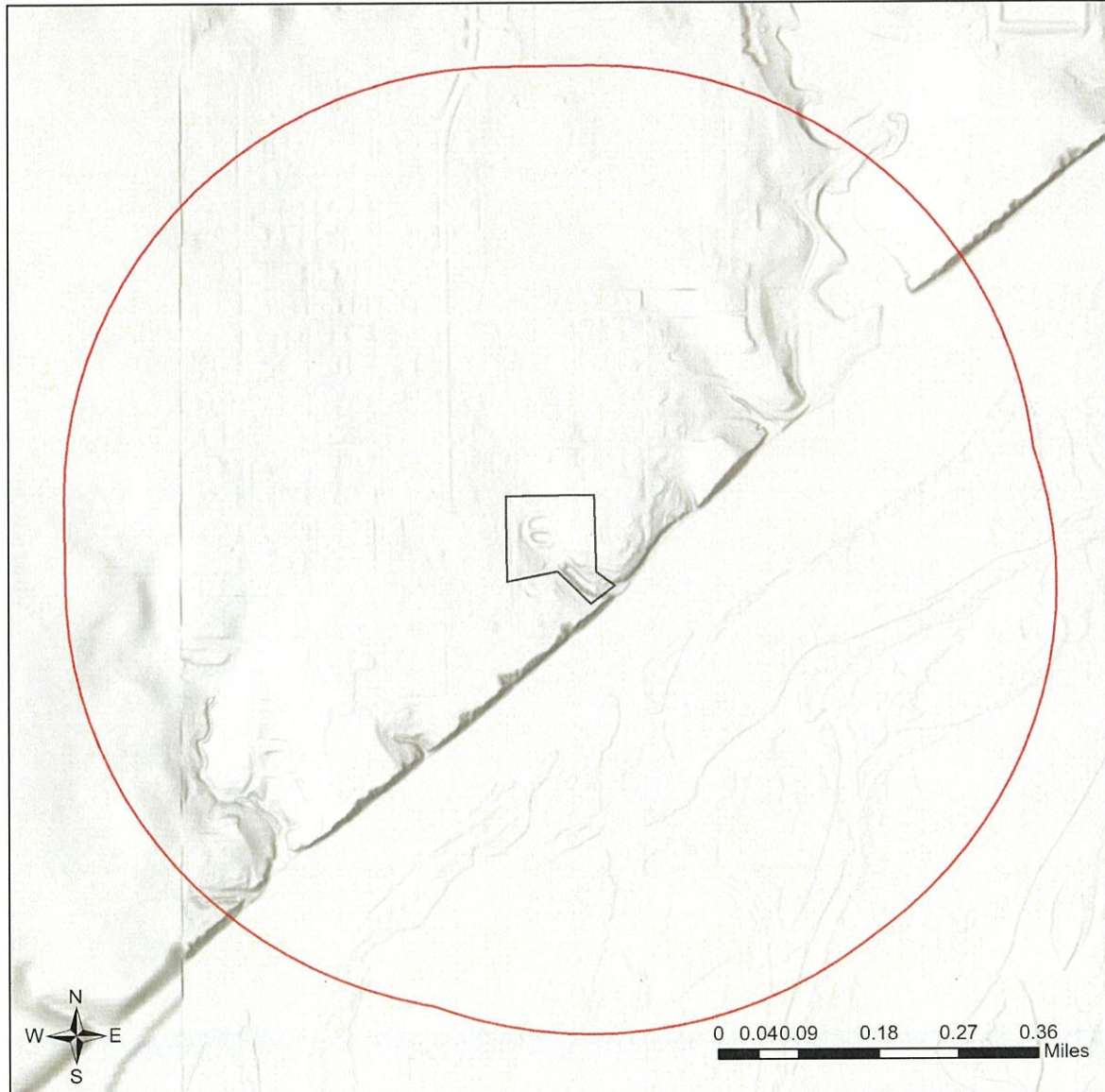
Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS  
Esri, NASA, NGA, USGS, FEMA  
South Dakota Game, Fish and Parks







Springfield Water Plant Additional Work  
Web Map As Submitted By User



- Buffered Project Boundary
- Project Boundary

Esri, NASA, NGA, USGS, FEMA







Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

South Dakota State Office

200 Fourth Street SW, Room 203

Huron, SD 57350

May 15, 2024

Mr. John Clem

Planning & Development District III

PO Box 687

Yankton, South Dakota 57078

RE: Environmental Review for:

Springfield water plant additional work project

Dear Mr. Clem,

Thank you for the opportunity to provide a Farmland Protection Policy Act (FPPA) review on this project. The project as outlined will have **no impact** on prime or important farmland.

If you have any questions, please contact me at (605) 352-1234.

Sincerely,

**JESSICA MICHALSKI**

*State Resource Conservationist*

cc:

Nathan Jones, State Soil Scientist, NRCS, Huron SO





## EMAIL CORRESPONDENCE WITH US ARMY CORPS OF ENGINEERS

**From:** Korman, Brian L CIV USARMY CENWO (USA) <Brian.L.Korman@usace.army.mil>  
**Sent:** Tuesday, May 28, 2024 2:17 PM  
**To:** John Clem <John.Clem@districtiii.org>  
**Subject:** RE: Springfield, SD water plant additional work

Sounds good John. Thank you.

Brian Korman  
SD Regulatory Office  
28563 Powerhouse Road  
Pierre SD 57501  
605-945-3381

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**From:** John Clem <[John.Clem@districtiii.org](mailto:John.Clem@districtiii.org)>  
**Sent:** Tuesday, May 28, 2024 1:59 PM  
**To:** Korman, Brian L CIV USARMY CENWO (USA) <[Brian.L.Korman@usace.army.mil](mailto:Brian.L.Korman@usace.army.mil)>  
**Cc:** Scholl, Justin K CIV USARMY CENWO (USA) <[Justin.K.Scholl@usace.army.mil](mailto:Justin.K.Scholl@usace.army.mil)>  
**Subject:** [Non-DoD Source] RE: Springfield, SD water plant additional work

Thanks Brian, I'll include your comments in the environmental report I'm writing up for the USDA Rural Development office. I also plan to forward your comments to the project engineer, who will be coordinating with the contractor prior to the start of any work activity (assuming USDA approves of the work). As I mentioned, work on the drainage channel won't start until later this fall so as not to disturb the northern long eared bat.

John Clem  
Planning & Development District III  
PO Box 687  
Yankton, SD 57078  
(605) 665-4408  
[John.clem@districtiii.org](mailto:John.clem@districtiii.org)

---

**From:** Korman, Brian L CIV USARMY CENWO (USA) <[Brian.L.Korman@usace.army.mil](mailto:Brian.L.Korman@usace.army.mil)>  
**Sent:** Tuesday, May 28, 2024 11:38 AM  
**To:** John Clem <[John.Clem@districtiii.org](mailto:John.Clem@districtiii.org)>  
**Cc:** Scholl, Justin K CIV USARMY CENWO (USA) <[Justin.K.Scholl@usace.army.mil](mailto:Justin.K.Scholl@usace.army.mil)>  
**Subject:** FW: Springfield, SD water plant additional work

Mr. Clem,

It was good chatting with you about this project this morning. As we discussed there are a couple potential options for this project as it relates to my office.

First, as noted below any project which occurs in, over, or under the Missouri River (or other Navigable waters [Section 10 Waterways > Omaha District > Fact Sheet Article View \(army.mil\)](#)) requires

approval under Section 10 of the 1899 Rivers and Harbors Act. Looking at the plans for this project you will not be working in the Missouri River/Lewis and Clark Lake so that is a non-issue.

It appears that the only wetland/water impacted is the 'Backwash Pond' which looks to be a constructed waste treatment pond. These types of features are generally not jurisdictional under Section 404 of the Clean Water Act according to 40 CFR Section 120.2 (b)(5) ([eCFR :: 40 CFR 120.2 -- Definitions.](#)). However, please note that you would need to request an Approved Jurisdictional Determination (AJD) and submit supporting information in order to receive official confirmation of this.

If you did not want to go through the AJD process and/or did not have time, you are also welcome to go directly to permitting and we will assume any wetlands or other waters impacted are jurisdictional. It appears that this project would qualify for a Nationwide Permit (NWP - [Nationwide Permit Information \(army.mil\)](#)). Specifically it would likely fit under NWP 58 Utility Lines for Water and Other Substances as this is an associated facility to a waterline. If you review the 'Notification' section of that permit, since this project does not affect a Sect 10 water, if the total loss of waters (wetlands and other waters) is less than 1/10 acre you would not need to submit an application to my office as long as you can comply will all other terms and conditions of the permit.

I have attached the AJD request form, NWP Application, and our NWP 58 Factsheet for your information. Please let me know if you have any questions.

If you would like more information about either process please let me know. Thank you.

Brian Korman  
SD Regulatory Office  
28563 Powerhouse Road  
Pierre SD 57501  
605-945-3381

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**From:** PD Letter Planning <[PDletter-planning@usace.army.mil](mailto:PDletter-planning@usace.army.mil)>  
**Sent:** Monday, May 20, 2024 7:55 AM  
**To:** NWO Section 408 <[Section408NWO@usace.army.mil](mailto:Section408NWO@usace.army.mil)>; SD Regulatory Mailbox <[SDRegulatoryMailbox@usace.army.mil](mailto:SDRegulatoryMailbox@usace.army.mil)>  
**Subject:** FW: Springfield, SD water plant additional work

408/404 Teams-

We received this request in the PD Letter inbox, I am unsure if this will require a 408 or RE permission but it looks like they intend on creating a discharge channel to the Missouri River (which I assume would require a 404/10).

I have not responded to Mr. Clem yet, please let me know if you would like me to or if either office prefers to reach out.

Thank you,  
Rebecca Podkowka

---



**From:** John Clem <[John.Clem@districtiii.org](mailto:John.Clem@districtiii.org)>

**Sent:** Wednesday, May 15, 2024 9:29 AM

**To:** PD Letter Planning <[PDletter-planning@usace.army.mil](mailto:PDletter-planning@usace.army.mil)>

**Subject:** [Non-DoD Source] Springfield, SD water plant additional work

Good morning,

Attached is information regarding additional work the City of Springfield, SD would like to undertake in association with their current water plant construction project. Please provide your agency's comments on the project and let me know if you have any questions or need more information about the project. Thanks.

John Clem  
Planning & Development District III  
PO Box 687  
Yankton, SD 57078  
(605) 665-4408  
[John.clem@districtiii.org](mailto:John.clem@districtiii.org)







**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

May 21, 2024

John Clem  
Planning and Development District III  
PO Box 687  
Sioux Falls, SD 57501

Subject: Environmental Review –Springfield Water Plant Additional Work

Dear Mr. Clem:

The South Dakota Department of Agriculture and Natural Resources (DANR) has reviewed the above-referenced project for potential impacts to natural resources. Based on the information submitted in your letter, DANR has the following comments and permitting requirements.

***Air Quality***

Based on the information provided, this project is unlikely to have adverse impacts to air quality in the area. Should the parameters of the project change, please reach out to Rick Boddicker at [Rick.Boddicker@state.sd.us](mailto:Rick.Boddicker@state.sd.us) or (605) 773-6706.

***Drinking Water***

Based on the information provided, this project will not have adverse environmental effects to drinking water in this area. Should the parameters of your project change, please reach out to Mark Mayer at 605-773-6039 or [Mark.Mayer@state.sd.us](mailto:Mark.Mayer@state.sd.us).

***Forestry***

Resource Conservation & Forestry (RCF) has reviewed your request for comments letter. Based on the information provided, RCF has the following comments:

Construction can have detrimental effects to surrounding trees if no protective measures are taken. Special construction measures may have to be taken to preserve and protect tree health by avoiding damage to tree roots, stems, or branches.

At a minimum the storage of equipment, machinery, or trucks under or against a tree should be avoided.

Barriers or sturdy fencing should be placed around trees that will remain on site following construction. Barriers should be placed a minimum of 1 foot radius from the base of the tree's trunk for every 1 inch in diameter measured 4.5 feet above the ground. This will protect against soil compaction, alteration of the natural soil level under the live canopy and any damage from occurring to the trunk of the tree.

Eighty-five to ninety percent of a tree's root system lies within the top 6-12 inches of soil extending out one to one and a half times the height of the tree. Trenching through this critical root zone could severely destabilize a tree and adversely affect its health. Tunneling under or around the root system is much less damaging and encouraged.

Trees often do not die immediately following construction damage but can decline over several months/years. A tree that sustains damage meeting or exceeding the following limits must be removed and, if conditions allow, replaced to maintain the canopy and ecosystem benefits of tree cover:

- a. The top or main stem of the tree is broken.
- b. The live crown of the tree is reduced below 30 percent.
- c. More than 1/3 of the circumference of a tree's main root system (a root four inches in diameter or larger) is injured such that the cambium layer (living tissue) is exposed.
- d. More than 1/3 of tree's total root system is severed or torn.
- e. More than 1/3 of the circumference of the trunk's cambium layer exposed.

For a list of suitable replacement trees or if you have any questions, please contact Amanda Morrison at [Amanda.morrison@state.sd.us](mailto:Amanda.morrison@state.sd.us) or (605) 394-2279.

### ***Groundwater***

Based on the information provided, this project is unlikely to have adverse effects on ground water quality. Should the parameters of your project change, please reach out to Matt Hicks at 605-773-5337 or [Matt.Hicks@state.sd.us](mailto:Matt.Hicks@state.sd.us). If this project impacts tribal lands, DANR recommends you also consult the tribe's environmental coordinator for any additional conditions.

### ***Water Rights***

If water is needed during construction that is obtained from surface or ground water, a temporary permit for the use of public water will need to be obtained. If water is supplied by a municipality or rural water system for construction purposes, no additional water permitting is required. Please contact Amanda Dewell at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us) or (605) 773-3352 if you have any questions or find form at <https://danr.sd.gov/OfficeOfWater/WaterRights/docs/D2052LDV1-TempApp.pdf>.

### ***Solid and Hazardous Waste***



Some solid waste may be generated during this project. Any solid waste generated that will not be reused in some beneficial manner must be disposed or managed at a permitted solid waste facility. Regional landfills able to accept all solid waste generated are listed on our website: <https://apps.sd.gov/NR60SolidWaste/main.html>. Only Regional landfills are permitted to accept all wastes generated. If you have any questions, please contact Waste Management at 605-773-3153.

It is not expected that any hazardous wastes sites will be encountered within the vicinity of your project area. However, if road construction is planned for areas within a city or town, the contractor should contact this Department prior to construction. Should any hazardous waste be generated during the implementation of this project, the generator must abide by all applicable hazardous waste regulations. To determine whether your project may generate hazardous waste, visit:

<https://www.epa.gov/hwgenerators/managing-your-hazardous-waste-guide-small-businesses>. If you have any questions please contact Anthony Wagner at 605-773-3153, or [anthony.wagner@state.sd.us](mailto:anthony.wagner@state.sd.us).

Demolition of a building structure is subject to the South Dakota asbestos requirements, including inspection, abatement of regulated asbestos-containing materials, and notification ten days prior to the start of the project. More information about the requirements can be found at the following link:

<https://danr.sd.gov/Environment/WasteManagement/Asbestos/default.aspx> If you have any questions or need additional assistance, please contact Anthony Wagner at 605-773-3153, or [anthony.wagner@state.sd.us](mailto:anthony.wagner@state.sd.us).

### ***Surface Water***

The Water Quality Program has reviewed your request for comments letter. Based on the information provided, the program has the following comments:

All tributaries, creeks, wetlands, and lakes within the vicinity of this project are considered waters of the state and are protected under Administrative Rules of South Dakota (ARSD) Chapter 74:51. Special construction measures may have to be taken to ensure that water quality standards are not violated.

This project is next to the Missouri River. This waterbody is classified by the South Dakota Surface Water Quality Standards and Uses Assigned to Streams for the following beneficial uses: (4) Warmwater permanent fish life propagation waters; (7) Immersion recreation waters; (8) Limited contact recreation waters; (9) Fish and wildlife propagation, recreation, and stock watering waters; and (10) Irrigation waters. Because of these beneficial uses, special construction measures may have to be taken to ensure that the 30-day average total suspended solids criterion of 90 mg/L and the daily maximum total suspended solids criterion of 158 mg/L are not violated.

If this project impacts tribal lands, EPA Region 8 may require a NPDES permit for stormwater discharges from construction activities (1 acre or larger) or if any construction dewatering should occur; contact EPA Region 8 NPDES Staff. DANR recommends you contact the proper tribal authorities for any additional conditions.



At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site. Any construction activity that disturbs an area of one or more acres of land must have authorization under the General Permit for Storm Water Discharges Associated with Construction Activities. A Surface Water Discharge permit may be required if any construction dewatering should occur because of this project. Contact the Department of Agriculture and Natural Resources for additional information or guidance at 1-800-SDSTORM (1-800-737-8676) or

<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/default.aspx>

The discharge of pollutants from any source, including indiscriminate use of fill material, may not cause destruction or impairment except where authorized under Section 404 of the Federal Water Pollution Control Act. Please contact the United States Army Corps of Engineers for more information 605-224-8531.

### ***Tanks and Spills***

The Inspection, Compliance, and Remediation Program (ICRP) maintains a database of registered storage tanks and spills/environmental events, including petroleum and chemical releases in South Dakota. Our records show one environmental event. We did not identify any registered storage tank facilities near your project area. We have compiled this information in the attached table. For more information about all currently known tanks and spills/environmental events (including pdf copies of case files), please visit: <https://apps.sd.gov/nr42interactivemap>. We also recommend you check the online database as your project progresses, for information about any future spills/environmental events or registered tanks that may be in or near your project area.

While we do our best to maintain accurate information about spills/environmental events and registered tanks, in some cases the location information provided to us may have been inaccurate. If contamination is encountered or if a spill occurs during onsite construction activity, that contamination or spill must be reported to DANR at 605-773-3296 (605-773-3231 after hours). Contaminated soil that has been excavated should be segregated from clean soil and sampled to determine disposal requirements. Further, any piping, equipment, or other material to be placed in a location where it will be in contact with contaminated soil or groundwater, should be evaluated to determine if it is compatible with the contaminant. If you have questions, please contact Baylee Hoff at [baylee.hoff@state.sd.us](mailto:baylee.hoff@state.sd.us) or (605) 773-3296.

Thank you for providing DANR the opportunity to comment on this project. If you have any questions regarding the information provided, please contact me at 605-773-3296.

Sincerely,

A handwritten signature in black ink, appearing to read "Baylee Hoff", written in a cursive style.

Baylee Hoff



Environmental Scientist  
SD DANR- Environmental Assessment Contact  
Phone: (605) 773-3296  
Email: Baylee.Hoff@state.sd.us

cc/e: Eric Elsberry, Bon Homme County Emergency Manager

