

Appendix C

Agency and Stakeholder Correspondence

Agency and Stakeholder Correspondence

DATE	TYPE	FROM	TO	SUBJECT
April 21, 2023	Email/Letter	Otter Tail Power Company (Otter Tail)	Tribes	Proposed Big Stone South to Alexandria Transmission Line Project (BSSA) Introduction
October 26, 2023	Email	Otter Tail	South Dakota Game, Fish and Parks (SDGFP) & South Dakota Department of Agriculture and Natural Resources	BSSA Introduction
November 7, 2023	Email	SDGFP	Otter Tail	Response to BSSA Introduction
November 10, 2023	Letter	Otter Tail & Western Minnesota Municipal Power Agency (Western Minnesota)	U.S. Army Corps of Engineers (USACE)	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	U.S. Department of Agriculture (USDA)	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	USDA Farm Service Agency	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	U.S. Bureau of Indian Affairs (BIA)	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	U.S. Environmental Protection Agency (USEPA)	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	South Dakota Association of Conservation Districts	Request for Input for the Proposed BSSA

Agency and Stakeholder Correspondence

DATE	TYPE	FROM	TO	SUBJECT
November 10, 2023	Letter	Otter Tail & Western Minnesota	South Dakota State Historic Preservation Office (SHPO)	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	South Dakota Department of Transportation (DOT)	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	South Dakota Natural Resources Conservation Service (NRCS)	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	Federal Highway Administration (FHA)	Request for Input for the Proposed BSSA
November 10, 2023	Letter	Otter Tail & Western Minnesota	US Fish and Wildlife Service (USFWS), Waubay Wetland Management District	Request for Input for the Proposed BSSA
November 13, 2028	Email	SHPO	HDR	Response to Request for Input for the Proposed BSSA
November 28, 2023	Letter	USDA NRCS	HDR	Farmland Protection Policy Act (FPPA) Determination of No Impact
November 29, 2023	Letter	USFWS	HDR	Response to Request for Input for the Proposed BSSA
December 11, 2023	Telephone Call/Email	BIA	HDR	Lake Traverse
January 9, 2024	Email/Letter	Grant County	HDR	Grant County Zoning Map

Agency and Stakeholder Correspondence

DATE	TYPE	FROM	TO	SUBJECT
January 15, 2024	Letter	SDGFP	HDR	Environmental Review Report
January 19, 2024	Email/Letter	SHPO	HDR	SHPO's initial recommendations for the BSSA project
January 29, 2024	Email	HDR	SHPO	Response to SHPOs recommendations
February 2, 2024	Email	Grant County	HDR	Grant County Comprehensive Plan
February 28, 2024	Email/Letter	SDGFP	HDR	BSSA Recommendations
March 1, 2024	Email	HDR	SDGFP	Natural Heritage Program Request
March 7, 2024	Report	HDR	South Dakota SHPO	Request for Review of Draft Level III Cultural Resources Report
March 15, 2024	Telephone Call/Email	HDR	Big Stone Township, SD	Road Use Agreements and General Permitting Requirements
March 15, 2024	Email	Big Stone Township, SD	HDR	Confirmation of Email
March 19, 2024	Email	SDGFP	HDR	SDGFP lease with Big Stone Power Plant and confirmation of parcel boundary

Agency and Stakeholder Correspondence

DATE	TYPE	FROM	TO	SUBJECT
March 26, 2024	Meeting Summary	OTP	N/A	Big Stone Township Board meeting summary
March 27, 2024	Email (Data Files are Privileged)	SDGFP	HDR	Response to Natural Heritage Program Request
March 28, 2024	Email	Grant County, SD	Fredrickson	Floodplains map and CUP/building permit
April 1, 2024	Email	USFWS	HDR	USFWS Coordination Meeting
April 2, 2024	Email/Letter	SHPO	HDR	ERC Review Response Letter
April 2, 2024	Email/Letter	HDR	USFWS	BSSA SD USFWS meeting agenda survey plan
April 2, 2024	Meeting Summary	OTP	N/A	BSSA SD Grant County, SD meeting summary
April 3, 2024	Letter	USFWS	HDR	USFWS Official Species List
April 3, 2024	Email/Letter	HDR	SD USFWS	Meeting summary and USFWS Determination Key for Northern Long Eared Bat
April 3, 2024	Email/Letter	SD USFWS	HDR	Concurrence with proposed biological survey plans
April 4, 2024	Email	HDR	SDGFP	Update on consultation with USFWS

Agency and Stakeholder Correspondence

DATE	TYPE	FROM	TO	SUBJECT
April 4, 2024	Letter	HDR	SHPO	Response to ERC Review Response Letter

From: Weiers, Jason <JWeiers@otpc.com>
Sent: Friday, April 21, 2023 1:43 PM
To: deputythpo@badriver-nsn.gov
Cc: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>
Subject: Big Stone South - Alexandria Transmission Line Project

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

Greetings Deputy Tribal Historic Preservation Officer Plucinski,

Several Minnesota energy companies are proposing to build new transmission projects in the Upper Midwest to improve electric reliability, reduce transmission congestion, and increase access to renewable energy in the region.

Otter Tail Power Company (Otter Tail Power) and Missouri River Energy Services (MRES) are partnering to develop, construct, and co-own a 345-kilovolt (kV) transmission line (the Project) from Big Stone South to Alexandria. The Big Stone South – Alexandria project will involve a new transmission line between the Big Stone South substation near Big Stone City, South Dakota to the Alexandria Substation near Alexandria, Minnesota. The Project Area being studied for the new 345 kV line is located in Big Stone County, South Dakota, and Swift, Stevens, Grant, Pope, and Douglas Counties in Minnesota.

The Big Stone South – Alexandria project is part of a larger Big Stone South – Alexandria – Big Oaks project, with the Alexandria – Big Oaks project being led by Xcel Energy.

The Big Stone South – Alexandria – Big Oaks project is one of eighteen new transmission projects identified in the Upper Midwest that is needed to increase transmission system capability, mitigate current capacity issues, and improve electric system reliability throughout the region. Otter Tail Power and MRES plan to submit a Route Permit Application to the Minnesota Public Utilities Commission in Q4 2024 and a Facility Permit Application to the South Dakota Public Utilities Commission at a future point in time yet to be determined. At this early stage of the project, it is unknown if Section 106 compliance may be needed.

Currently, Otter Tail Power and MRES are in the preliminary planning stages, which include high-level planning, initial public involvement, and data collection. As these preliminary planning stages progress, we would appreciate the opportunity to meet and discuss the project with you. There will be communication soon to provide additional project detail and discuss opportunities to meet. However, we wanted to make you aware that we're hosting public open houses next week in Alexandria, Ortonville, and Benson, Minnesota and would like to invite you and your members to attend if you have the availability (see attached invitation). We are planning additional open houses in late 2023 and again in 2024 once corridors and routes are developed.

We look forward to partnering with you on this important project.

Thanks,

Jason

Jason Weiers
Manager, Transmission Project Development
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, MN 56537
(218)739-8311
jweiers@otpc.com

Big Stone South to Alexandria

Otter Tail Power Company and **Missouri River Energy Services** are proposing a new 345-kilovolt (kV) transmission line between Otter Tail Power’s Big Stone South Substation in South Dakota and a substation owned by Missouri River Energy Services in Alexandria, Minnesota.

This project will **improve electric reliability, increase resiliency to extreme weather conditions, reduce transmission congestion, and increase access to renewable energy** in the region.

A lot has to happen before the Big Stone South to Alexandria 345-kV transmission line can be placed in service.

We are developing route options for the proposed line and look forward to your input.



▲ Study area is subject to change.

PROJECT DEVELOPMENT STEPS



Engagement Opportunities

STEP 1

▶ Data Gathering

STEP 2

- ▶ Public Engagement
- ▶ Routing
- ▶ Preliminary Surveys
- ▶ Preliminary Right of Way
- ▶ Preliminary Engineering

STEP 3

- ▶ File Route Applications
- ▶ Environmental Permits

STEP 4

- ▶ Right of Way
- ▶ Surveys

STEP 5

- ▶ Route Application Decision
- ▶ Final Engineering

STEP 6

- ▶ Construction
- ▶ In Service by 2030
- ▶ Restoration



Communication Through Construction



HDR

1601 Utica Avenue South, Suite 600
St. Louis Park, MN 55416-3400

Join us at an open house to learn about the Big Stone to Alexandria 345-kV transmission line proposed by Otter Tail Power Company and Missouri River Energy Services.

LEARN MORE ON THE INSIDE



SCAN ME!

HAVE QUESTIONS ABOUT THE PROJECT?

www.BigStoneSouthtoAlexandria.com
connect@bigstonesouthtoalexandria.com
(800) 598-5587

ALEXANDRIA
April 25, 2023
4:00-7:00 p.m.
Holiday Inn
5637 MN-29
Alexandria, MN 56308

ORTONVILLE
April 26, 2023
4:00-7:00 p.m.
Ortonville Community Center
200 Monroe Ave
Ortonville, MN 56278

BENSON
April 27, 2023
4:00-7:00 p.m.
McKinney's on Southside
300 14th Street South
Benson, MN 56215

You're invited to an open house for the Big Stone South to Alexandria 345-kV transmission line project. This project will improve electric reliability, increase resiliency to extreme weather conditions, reduce transmission congestion, increase access to renewable energy, and improve long-term electric reliability in the region.

JOIN US!

From: Morey, Hilary <Hilary.Morey@state.sd.us>
Sent: Tuesday, November 7, 2023 10:35 AM
To: Scheidecker, Kevin J. <kscheidecker@otpc.com>
Subject: RE: Big Stone South to Alexandria Transmission Project

This is an **EXTERNAL** email. DO NOT open attachments or click links in suspicious email.

Hi Kevin-

South Dakota Game Fish and Parks has an online environmental review tool available at this website: <https://ert.gfp.sd.gov/>. We have a number of publicly accessible spatial layers that may be helpful for you, including listed species range maps and conservation areas of interest. Registered users are able to upload a zipped shapefile or can draw a polygon on the map tab and submit a project for review. The project submission process is relatively simple, but if you need any assistance, please let me know. Once you submit a project to the tool, the system will automatically run a spatial search of our sensitive species records. An automated report will be produced and available for you to download within 5-10 minutes of project submission. These reports will include a list of any sensitive species within the project area and immediate vicinity, as well as any protected lands (state lands, federal lands, etc.). This system is very similar to the USFWS IPaC tool if you are familiar with that one.

Game Fish and Parks does not have any regulatory authority over transmission line projects, and we do not have any applicable permits that you will need to obtain from us (unless you will be working below the ordinary high water mark of a lake). However, we do have jurisdiction over state listed wildlife species, and we would be happy to work with you on identifying measures to avoid and minimize any potential impacts to listed species within the proposed project area.

Please let me know if I can be of further assistance as your project progresses.

Hilary Morey | Environmental Review Senior Biologist
South Dakota Game, Fish and Parks
523 East Capitol Avenue | Pierre, SD 57501
605.773.6208 | Hilary.Morey@state.sd.us



From: Scheidecker, Kevin J. <kscheidecker@otpc.com>
Sent: Thursday, October 26, 2023 3:01 PM
To: DENR-STORM WATER <STORMWATER@state.sd.us>; Morey, Hilary <Hilary.Morey@state.sd.us>
Subject: [EXT] Big Stone South to Alexandria Transmission Project

Good Afternoon,

If you haven't already received something you will soon be receiving correspondence regarding the Otter Tail Power/Missouri River Energy Services new transmission line project. This project proposes to connect Otter Tail Power's Big Stone South Substation in northeast South Dakota and Missouri River Energy Services Substation in Alexandria. I am reaching out to you to introduce myself as the environmental specialist with Otter Tail Power that will be working on routing and the environmental aspects of the project along with our other partners and consultants. It is our intention to engage all the agencies and stakeholders early on in the process in order to develop this project in the most effective way possible. We will be reaching out on a more personal level at some point and trying to arrange meetings to allow us to elicit comments, discuss permitting and allow for feedback opportunities.

Thank you in advance for your time and attention. Please let us know if there are others we should be contacting or feel free to forward this email on to other that should receive it. I look forward to working with you in the near future.



Kevin Scheidecker
Senior Environmental Specialist
Environmental Services
Direct: 218-739-8773
kscheidecker@otpc.com

November 10, 2023

Steve Naylor, Project Manager
U.S. Army Corps of Engineers- SD Regulatory Office
28563 Powerhouse Rd
Pierre, SD 5750157501

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Mr. Naylor,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031. Otter Tail and Western Minnesota started public engagement efforts in the second quarter of 2023 through a series of public meetings and has continued routing efforts since that time with a second round of public meetings recently occurring throughout the Project area over the past month. Otter Tail and Western Minnesota, with our consultants' help, have identified potential corridors as shown on the enclosed map. These corridors were based on: (1) an analysis of publicly available data; (2) stakeholder feedback and comments; (3) engineering and constructability best practices; (4) environmental considerations; and (5) regulatory rules and guidelines. These corridors are planning to be refined into a preferred route in which Otter Tail and Western Minnesota will seek to obtain a 150-foot-wide easement from landowners for the construction, operation, and maintenance of the proposed 345-kV transmission line.

We request your review of the corridors identified for the Project to help identify opportunities and constraints as we move towards defining a preferred route. We are particularly interested in any property located within or adjacent to the corridors which your agency may own or have an interest in. We would also appreciate being made aware of any proposed developments your agency may be contemplating within the corridors in addition to any information that might assist us in our siting analysis and studies. To help us identify potential concerns or opportunities in our on-going routing analysis, we request that you please provide us with any information pertaining to the Project by December 11, 2023. Verbal, written or email responses should be sent to:

¹ See more information at www.misoenergy.org.

HDR, Inc.
Attn: Jennifer Hanley
51 N Broadway, Suite 550
Fargo, ND 58102
Jennifer.hanley@hdrinc.com
701-353-6139

Future opportunities for input will also be available. As the Project progresses, we are planning to have additional consultations with agencies, other jurisdictions, and landowners as we develop and refine a preferred route.

If you desire further information regarding the proposed Project, please contact me at 218-739-8311 or jweiers@otpc.com or our lead environmental consultant, Jennifer Hanley of HDR, Inc., at 701-353-6139 or jennifer.hanley@hdrinc.com. In addition, further information about the Project can also be found on our website at www.BigStoneSouthtoAlexandria.com.

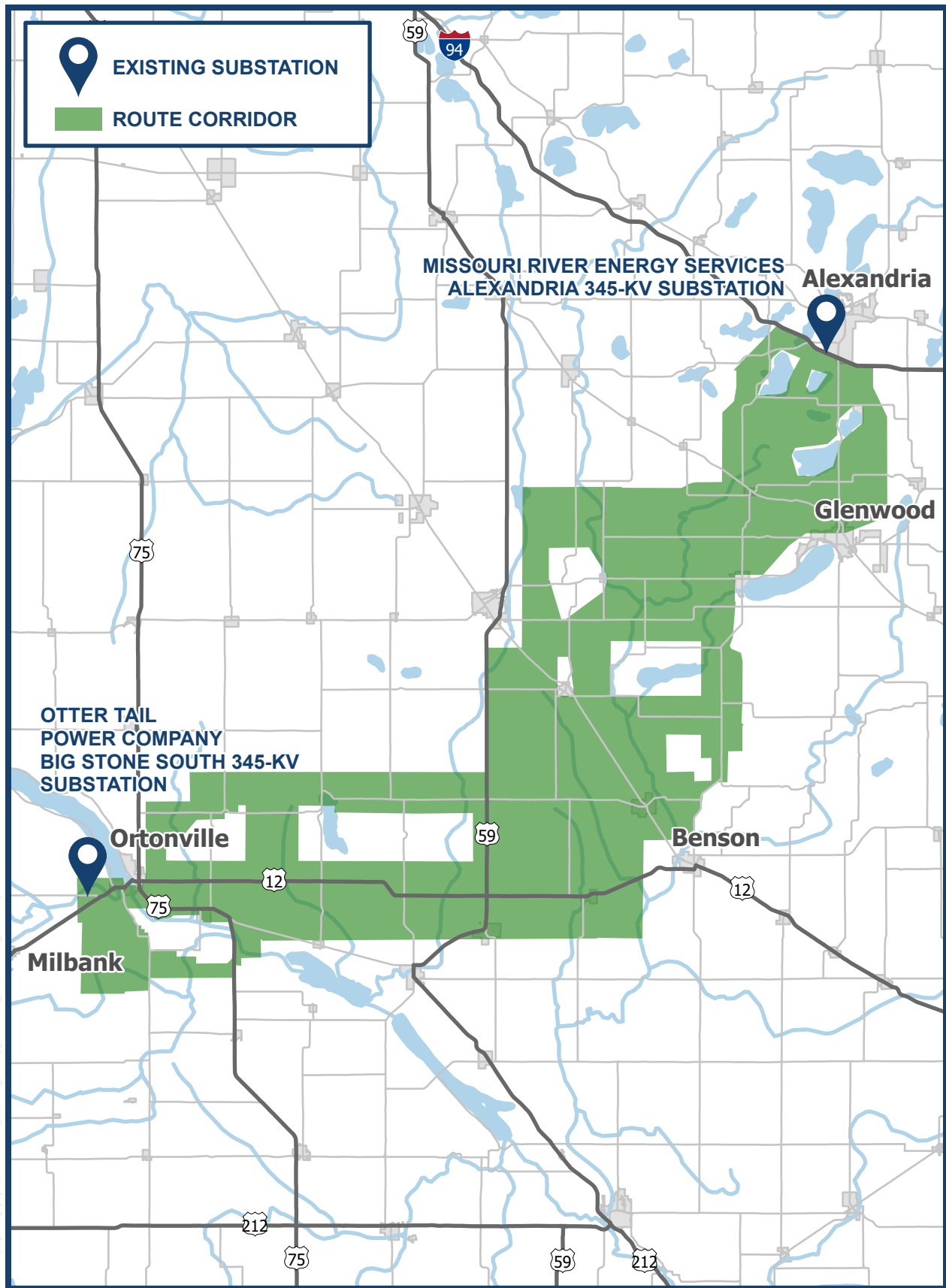
We appreciate and value your input in our on-going efforts to minimize effects to socioeconomics, avoid known culturally significant sites, protect natural resources, and utilize opportunities to parallel existing infrastructure corridors where feasible and look forward to your feedback and continued coordination.

Sincerely,



Jason Weiers
Manager, Transmission Project Development

Enclosure: BSSA Corridor Map



▲ Route corridor is marked in green on the map above and subject to change.

From: [Carlson Dietmeier, Jenna](#)
To: [Hanley, Jennifer](#); [Weiers, Jason](#)
Subject: Big Stone South to Alexandria Transmission Line Project
Date: Monday, November 13, 2023 10:16:34 AM
Attachments: [image001.png](#)
[ERC Instructions.pdf](#)

You don't often get email from jenna.carlsondietmeier@state.sd.us. [Learn why this is important](#)

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

Good morning, Jennifer and Jason,

The South Dakota Office of the State Historic Preservation Officer (SHPO) recently received correspondence pertaining to the proposed Big Stone South to Alexandria Transmission Line Project. The letter indicates that Otter Tail Power Company and Western Minnesota Municipal Power Agency will be submitting a permit application with the South Dakota Public Utilities Commission. Is this the only permitting which the project will require in South Dakota? Will the project, as a whole, require any federal funding, licensing, permitting or approval?

Also, South Dakota SHPO now has an online system for the submission of information for consultation under federal and state preservation laws. I have attached instructions on how to access and utilize our ERC system. To best track and comment on proposed projects in South Dakota, our office prefers to only have one project file in ERC for each proposed project. Could you please submit the request for preliminary comments through our ERC system? SHPO will then respond accordingly. Once additional information is available on the project, such as more refined routing maps, this additional information can be added to the existing project file in ERC. When submitting the initial information through ERC, please be sure to indicate if there is any federal involvement in the project, making the project a federal undertaking subject to Section 106 of the National Historic Preservation Act of 1966 or if the only permitting will be through the PUC and the project will be a state project subject to SDCL 1-19A-11.1.

If you have any questions, please do not hesitate to ask.

Thank you,
Jenna



Jenna Carlson Dietmeier, PhD

Interim State Historic Preservation Officer, Review & Compliance
Coordinator

SOUTH DAKOTA STATE HISTORICAL SOCIETY

Jenna.CarlsonDietmeier@state.sd.us

605-773-8370 | 900 Governors Drive, Pierre | history.sd.gov

SOUTH DAKOTA SHPO'S ELECTRONIC REVIEW & COMPLIANCE (ERC) SYSTEMⁱ

In 2022, the South Dakota Office of the State Historic Preservation Officer (SHPO) developed an online system for the submission and review of projects for consultation under the National Historic Preservation Act of 1966, as amended, and comments under South Dakota Codified Law (SDCL) 1-19A-11.1. The Electronic Review & Compliance (ERC) System is for use by federal and state agencies and appropriate applicants wishing to submit projects to SHPO. ERC can only be used to consult with SHPO and cannot be used to consult with any other consulting parties in the Section 106 process. Unless alternative procedures have been approved previously, all projects requiring consultation or comments from SHPO must be submitted through the ERC System. SHPO will no longer accept hard copy submissions of new projects for comment or consultation and will respond to all ERC requests electronically.

The ERC System is part of the State of South Dakota's Citizen Portal, available online at <https://www.sd.gov/cs>. To access and utilize the ERC System, users will need to have an account established through South Dakota's Citizen Portal. The ERC System will pull the contact information from the user's account to populate certain fields on the ERC form. As such, SHPO recommends users create a business account utilizing work contact information, rather than utilizing an existing personal account on the Citizen Portal. Users can create an account in the Citizen Portal by going to <https://www.sd.gov/cs> and clicking on "Log In" in the upper right-hand corner of the screen.

The ERC System allows users and SHPO staff to track and manage project submissions and to communicate regarding project submissions through a completely digital medium. Users will receive notifications and communications from the ERC system to the email address used to create their Citizen Portal account. All notifications and communications from the ERC system will be labeled as from "SD.gov Portal" in the user's email inbox.

Accessing ERC

Once an account has been created through South Dakota's Citizen Portal, agencies and applicants can request access to the ERC System. Agencies and applicants will not be able to submit a project for consultation or comment until access to ERC has been approved.

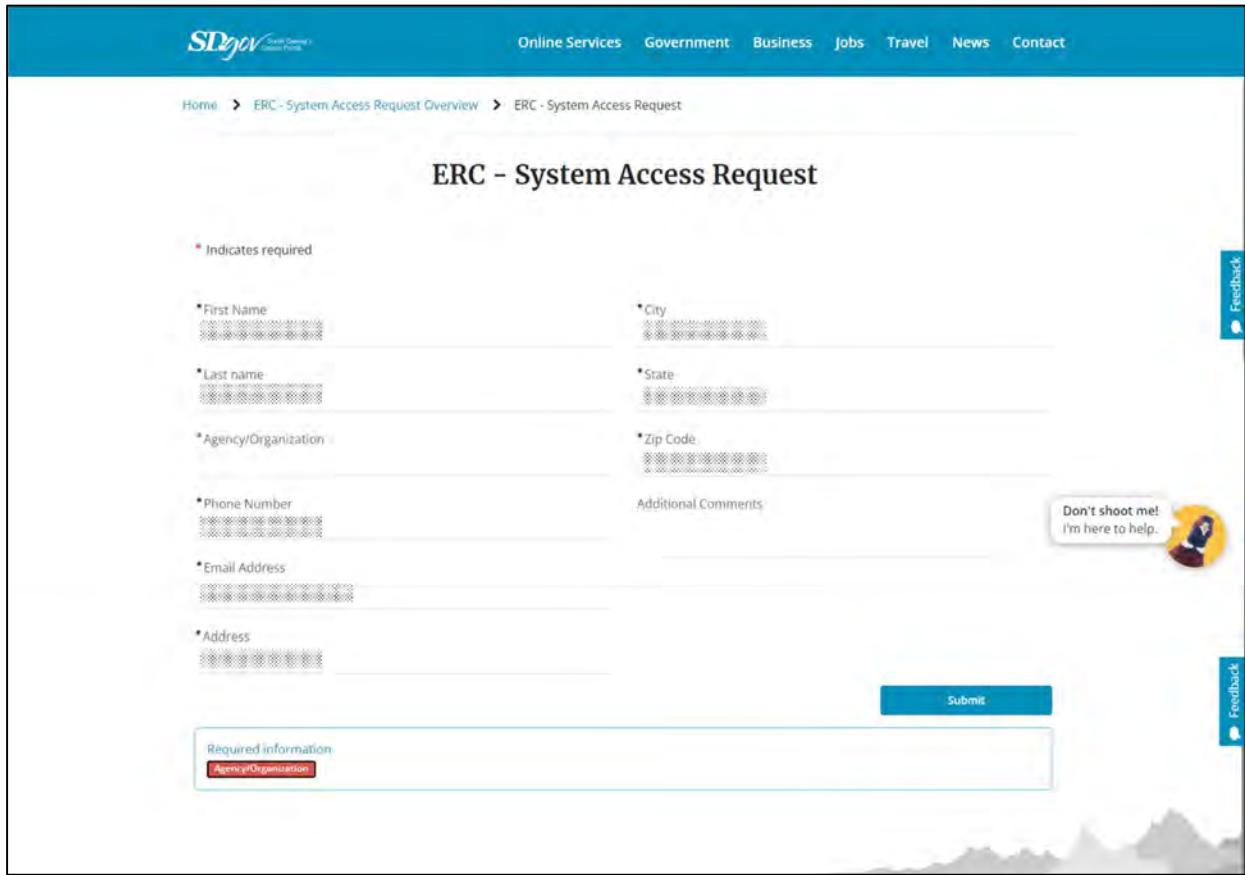
An ERC System Access Request can be submitted by completing the form available online at https://www.sd.gov/cs?id=sc_cat_item&sys_id=a57c33ee1b4a05101c4fa97ae54bcb29. Required fields on the form are marked with a red asterisk (*) which changes to black once the field has been completed. Users will not be able to submit their access request until all required information has been entered on the form.



 **ERC - System Access Request**
Request approval to access and utilize the South Dakota State Historical Society – State Historic Preservation Office (SHPO) – Electronic Review & Compliance System

Service Type: General Request State Department: DOE - State Historical Society

[Submit Request](#)



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Home > ERC - System Access Request Overview > ERC - System Access Request

ERC - System Access Request

* Indicates required

* First Name
* Last name
* Agency/Organization
* Phone Number
* Email Address
* Address

* City
* State
* Zip Code
Additional Comments

[Submit](#)

Required information:
Agency/Organization

Don't shoot me! I'm here to help.

Feedback

ERC – System Access Request Form

Once the request for access has been submitted, SHPO staff will approve or reject the request within two business days. Once approved, the user does not need to submit any other ERC System Access Requests and will be able to access the ERC Project Submission form to submit projects to SHPO for comments or consultation. Information pertaining to a project submission should never be attached to a System Access Request and must be submitted through a Project Submission request.

Submitting a Project through ERC

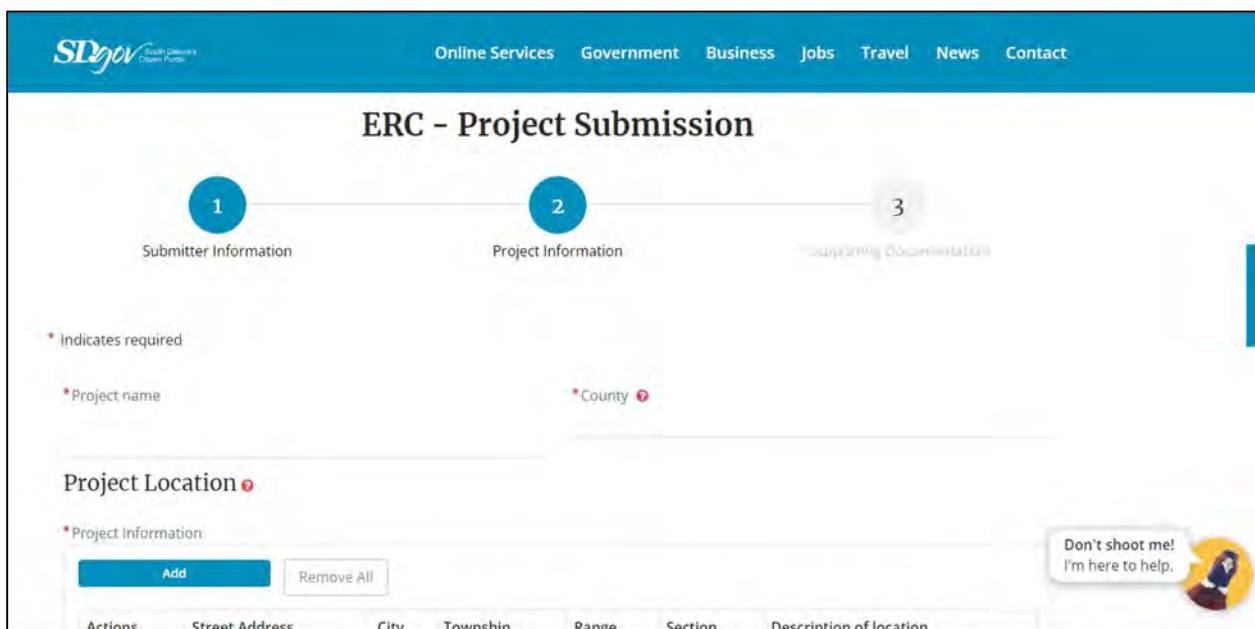
To submit a project to SHPO for comments and/or consultation through the ERC System, users must submit an ERC – Project Submission request. The ERC Project Submission form can be found online at

https://www.sd.gov/cs?id=sc_cat_item&sys_id=b09f17d11bca89101c4fa97ae54bcb1a.



The screenshot shows the top section of the ERC - Project Submission form. On the left is the South Dakota State Historical Society logo. To its right is the title "ERC - Project Submission" and a brief description: "Submit a project for review through the South Dakota State Historical Society - State Historic Preservation Office (SHPO) - Electronic Review & Compliance System." A "Submit Request" button is located on the right. Below the description, there are two columns of text: "Service Type" and "Citizen Services Category" on the left, and "State Department" and "DOE - Department of Education" on the right.

On the Project Submission form, required fields are again noted by a red asterisk (*) which changes to black once the field has been completed. Additionally, a box with “Required Information” at the bottom of each page contains a list of the fields which must be completed before the user can move to the next page. Help text is available for many of the fields which clarifies the information requested.



This screenshot shows a partial view of the ERC - Project Submission form. At the top is a blue navigation bar with the SD.gov logo and links for Online Services, Government, Business, Jobs, Travel, News, and Contact. Below the navigation bar is the title "ERC - Project Submission" and a progress indicator with three steps: 1. Submitter Information, 2. Project Information, and 3. Supporting Documentation. The form includes several input fields, some marked with a red asterisk to indicate they are required: "Project name", "County", "Project Location", and "Project Information". There are "Add" and "Remove All" buttons. At the bottom, there is a table with columns for "Actions", "Street Address", "City", "Township", "Range", "Section", and "Description of Location". A small chat bubble icon with the text "Don't shoot me! I'm here to help." is visible in the bottom right corner.

Partial view of ERC – Project Submission Form

Users should be aware that the Project Submission form adapts depending on the responses to certain questions. As SHPO requires slightly different information to review projects under Section 106 versus SDCL 1-19A-11.1 and the form adapts accordingly, users must indicate accurately whether the project is a state project subject to review under SDCL 1-19A-11.1 or a federal project subject to review under Section 106 or Section 110 of the National Historic Preservation Act. SHPO may cancel project submission requests and ask the user to resubmit a project if fields of the form were completed incorrectly.

All projects submitted in the ERC system, whether state or federal, require at least one attachment before the form can be submitted. Any project submitted through ERC should be accompanied by at least a map showing the project location. However, many submissions may need multiple attachments with supporting documentation, all of which should be attached to the form. Supporting documentation may include maps, photographs, survey reports, PDFs of engineering plans, shapefiles, or any other relevant information. ERC will not accept more than 25 attachments per submission and works best when each individual attachment is less than 200 megabytes (mb). If your submission has over 25 attachments or exceptionally large attachments, attachments can be compressed and submitted as zip files (.zip).

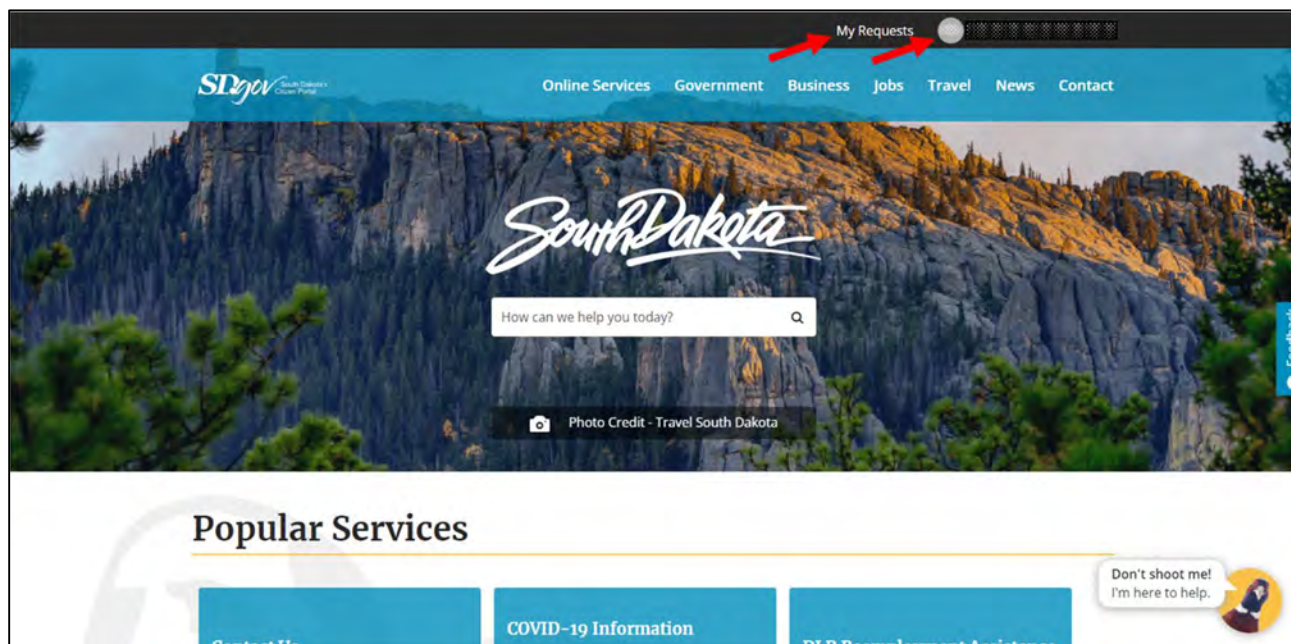
Tracking and/or Updating ERC Submissions

Once a project has been submitted in ERC, users will receive automatic email notifications when the status of the project changes or if SHPO staff have added comments to the project. Users also can check the status of project submissions and/or add additional information to project submissions, if needed, by accessing their requests through the Citizen Portal.

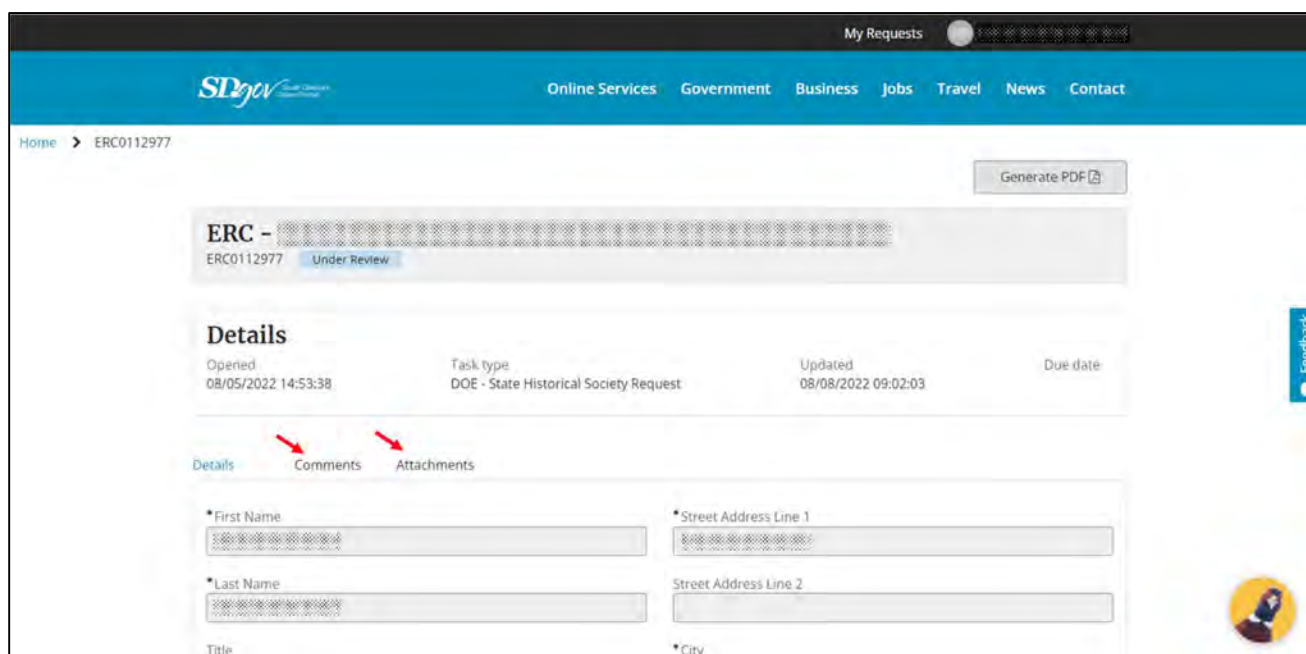
To access requests through the Citizen Portal, users must log into South Dakota's Citizen Portal at www.sd.gov/cs and then click either their name or "My Requests" in the upper right-hand corner. Clicking on the user's name allows the user to access their profile, where they can see their requests and update contact information. Clicking on "My Requests" opens a list of the user's open requests and allows the user to filter between open requests and closed requests. Open requests are those which are currently under review or for which SHPO has requested additional information. Closed requests are those for which SHPO has completed the project review and changed the project status to "Review Complete." Projects are placed in "Review Complete" status once SHPO has issued final comments, usually in the form of a concurrence letter or other formal letter indicating that SHPO has no further role in the consultation or comment process at this time.

After accessing the list(s) of their requests, users can access an individual submission by clicking the ERC short description ("ERC – [project name] – [SHPO Project #]) of that submission. Users cannot edit any of the information that was submitted previously on the ERC Project Submission form, which can be seen in the grey fields on the details tab of the individual submission. However, users can view all comments and attachments to the submission and can

add additional comments and attachments to the submission, if needed, by clicking the comments and attachments tabs, respectively.



Accessing “My Requests” and user profiles on the Citizen Portal.



Accessing details, comments, and attachments of previous submissions.

If SHPO requests additional information regarding a project submission, users should provide the additional information and attach any necessary additional attachments to the existing ERC submission. SHPO may request additional information via a comment to the ERC submission or through a formal letter. Users will receive an email from “SD.gov Portal” any time SHPO staff request additional information. Please do not reply to the “SD.gov Portal” email. Rather, users can click the “view request” link at the bottom of the email to view the request and add any requested information as a comment and/or attachment(s) in the request. Users also can email the SHPO staff member who sent the request for additional information directly at their state-issued email address.

All comments and letters issued by SHPO become part of the permanent ERC record. When SHPO issues formal letters, users will receive an email from “SD.gov Portal” with a copy of the letter attached to the email. Users also can access copies of the letters by accessing the request through Citizen Portal and clicking on the “Attachments” tab of the individual submission. Formal SHPO letters will be saved as PDF files and labeled with the SHPO project number (YYMMDD###X) in the file name.

ⁱ The preceding is an excerpt from the 2023 *South Dakota Guidelines for Complying with Federal and State Preservation Laws*, available online at <https://history.sd.gov/preservation/laws.aspx>. The *Guidelines* describe the standard procedures of preservation laws in South Dakota and offer recommendations for complying with the various regulations of those laws.



United States Department of Agriculture

November 28, 2023

Ms. Jennifer Hanley
HDR, Inc.
51 N. Broadway, Suite 550
Fargo, North Dakota 58102

RE: Environmental Review for:
BigStone City_ Transmission Line BSSA

Dear Ms. Hanley:

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,

A handwritten signature in blue ink that reads "Jessica Michalski".

JESSICA MICHALSKI
State Resource Conservationist

cc:
Nathan Jones, State Soil Scientist, NRCS, Huron SO



United States Department of the Interior



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

In Reply Refer to:
Big Stone South v Alexandria
Transmission Line Project (BSSA)

November 29, 2023

Jennifer Hanley
HDR Inc.
51 N Broadway
Suite 500
Fargo, North Dakota
58102

Dear Ms. Hanley:

Thank you for the letter dated November 10, 2023 regarding the proposed Big Stone To Alexandria 345kV line. We appreciate you accessing our Information for Planning and Consultation (IPaC). The federally listed species of concern for the South Dakota part of this project are the Northern Long-eared Bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavus*), rufa Red Knot (*Calidris canutus rufa*), Monarch Butterfly (*Danaus plexippus*), Dakota Skipper (*Hesperia dactae*), and Western Prairie Fringed Orchid (*Platanthera praeclara*).

The US Fish and Wildlife Service (Service) is happy to provide technical assistance for large-scale projects. As the project is three years from initiation, please be advised that new information will become available prior to the project begins. This includes several likely changes to species listing status (either new species or changes to current species) that would require reinitiating the consultation process. The Service prefers that large, disruptive projects avoid areas of native prairie due to the scarcity of this ecosystem and its importance to Dakota skipper, monarch butterfly, and western prairie fringed orchids. Any disruptions to native prairie include both the project footprint as well as any staging areas that might affect prairie patches through stacking of materials resulting in the compaction and rutting of soils. In addition, for overhead powerlines, the Service suggest avoiding areas containing or occurring adjacent to large wetland areas due to their importance to breeding waterfowl and bald eagles, as well as migrating shorebirds, waterfowl, and raptors in order to minimize risks to avian line strikes and electrocutions. Prior to any work, please confer with the appropriate wetland management district, in this case, Brad Johnson of the Waubay Wetland Management District, 44401 134A St. Waubay, SD 57273 Brad_Johnson@fws.gov

Northern Long-eared Bat

The northern long-eared bat is a medium-sized brown bat currently listed as threatened under the Endangered Species Act, but is now proposed as endangered (<https://www.govinfo.gov/content/pkg/FR-2022-03-23/pdf/2022-06168.pdf>). Northern long-eared bats are known to be present in South Dakota year-round, primarily roosting singly or in colonies underneath bark, in cavities or in crevices of both live and dead trees in the summer.

Some hibernacula have been documented in caves/mines in the Black Hills. The species has been documented in other forested areas in the state during the summer months and along the Missouri River during migration. Range-wide Indiana Bat Survey Guidelines are applicable to the northern long-eared bat and are available online at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

If your project qualifies for pre-determined 'no effect' or 'may affect not likely to adversely affect' outcomes via the range-wide Dkey, no further review or consultation would be needed. If your project does not qualify, it may be eligible to use the Interim (formal) Consultation framework (framework). The framework is intended to facilitate the transition from the streamlined consultation process provided under the 4(d) rule to typical Section 7 consultation procedures for federally endangered species and will be available only until spring 2024.

Tricolored Bats

Note that the tricolored bat has recently been proposed for listing as endangered under the Endangered Species Act (see: <https://www.fws.gov/press-release/2022-09/proposal-list-tricolored-bat-endangered>). Due to its proposed status, conferencing with our office on this species is not CURRENTLY required unless the project may jeopardize the continued existence of the bat. However, because tricolored bats use trees, if your project requires tree removal, we recommend avoidance of actions impacting trees during the April-October timeframe - the primary active season for bats in South Dakota. We anticipate a final determination regarding the status of the tricolored bat in 2023; if this project will not be completed before that time, re-initiation of consultation may be necessary.

Rufa Red Knot

The rufa red knot is a robin-sized shorebird listed as threatened under the Endangered Species Act (see: < <http://www.gpo.gov/fdsys/pkg/FR-2014-12-11/pdf/2014-28338.pdf>> for more information). The red knot migrates annually between its breeding grounds in the Canadian Arctic and several wintering regions, including the Southeast United States, the Northeast Gulf of Mexico, northern Brazil, and Tierra del Fuego at the southern tip of South America. Although it is primarily a coastal species, small numbers of rufa red knots are reported annually across the interior United States (i.e., greater than 25 miles from the Gulf or Atlantic Coasts) during spring and fall migration. These reported sightings are concentrated along the Great Lakes, but multiple reports have been made from nearly every interior State, including South Dakota. The red knot likely uses South Dakota habitats similar to those of the least tern and piping plover. The species does not breed in this state.

Monarch Butterfly

Limited area of impact is not necessarily protective of the monarch, particularly if individuals exist on milkweed plants (*Asclepias spp.*) within the project footprint. Monarch eggs are laid on milkweed plants, and these plants are the sole source of food for developing larvae. These plants may occur in many areas ranging from native grasslands to degraded sites such as road rights-of-way. Adult monarch butterflies require diverse floral resources that provide nectar, which also includes milkweed. The monarch butterfly ranges across South Dakota from May through October, potentially occurring wherever its required plant resources exist. Due to its candidate status, consultation is not currently required for this butterfly (note that a status review of the monarch is anticipated in 2024), but we encourage proactive consideration for this species during

project planning. Whenever possible, we recommend work occur in previously disturbed areas (e.g., cropland) to avoid potential impacts to monarch habitat and individuals. We recommend evaluating this project site for the presence of milkweed plants and nectar sources prior to construction activities and avoiding impacts to those plants while the monarch may be present in South Dakota. Further, we encourage post-construction revegetation efforts that include native seed mixes with milkweed and forbs incorporated to promote future conservation of this candidate species.

Dakota Skipper

The Dakota skipper is a small prairie butterfly listed as a threatened species under the Endangered Species Act (see: <http://www.gpo.gov/fdsys/pkg/FR-2014-10-24/pdf/2014-25190.pdf>). Dakota skippers are obligate residents of high quality prairie ranging from wet-mesic tallgrass prairie to dry-mesic mixed grass prairie. In northeastern South Dakota, Dakota skippers inhabit dry-mesic hill prairies with abundant purple coneflower (*Echinacea angustifolia*), but also use mesic to wet-mesic tallgrass prairie habitats characterized by wood lily (*Lilium philadelphicum*) and mountain death camas (smooth camas; *Zigadenus elegans*). Their dispersal ability is very limited due in part to their short adult life span and single annual flight. Extirpation from a site may be permanent unless it occurs within about 0.6 miles of an inhabited site that generates a sufficient number of emigrants. Avoidance of impacts to native prairie habitat is recommended to reduce the risk of adverse effects to this species. Critical habitat has been designated for this species in South Dakota; for details and locations see the following website: <http://www.fws.gov/Midwest/endangered/insects/dask/index.html>. Survey protocols have recently been developed for North Dakota that may apply in South Dakota as well. The *2018 Dakota Skipper (Hesperia dacotae) North Dakota Survey Protocol* is available online at: https://www.fws.gov/mountain-prairie/es/protocols/2018_FINAL%20Dakota%20Skipper%20Survey%20Protocol_4202018.pdf. The species is difficult to detect and identify; only experienced, qualified personnel can accurately conduct surveys for this species.

Western Prairie Fringed Orchid

The Western prairie fringed orchid has not recently been documented in South Dakota, however the life cycle of the plant often makes it difficult to detect. Populations currently exist in the neighboring states of Nebraska, Iowa, Minnesota and North Dakota, and potential habitat may still be found in South Dakota. Although the plant is typically associated with intact native prairie, the orchid has also been found on disturbed sites. Potential habitats generally include mesic upland prairies, wet prairies, sedge meadows, subirrigated prairies and swales in sand dune complexes. If these habitats exist within the proposed project area, surveys for the orchid should be considered prior to construction.

In addition to species and habitats protected per the Endangered Species Act (ESA), the IPaC-generated letter you received includes important information and recommendations that apply to the project regarding other U.S. Fish and Wildlife Service (Service) trust resources such as wetlands, migratory birds, bald and golden eagles, easements, and fee-title lands managed by our agency. That information is intended to assist the RUS in their evaluation of these project's potential environmental impacts and provides guidance on measures to reduce impacts and assist

in compliance with federal laws. Below we provide additional information regarding risks posed to wildlife resources by overhead power lines.

Avian Electrocution and Line Strikes

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

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

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

Additional information regarding simple, effective ways to prevent raptor electrocutions on is available in video form. *Raptors at Risk* may be obtained by contacting EDM International, Inc. at 4001 Automation Way, Fort Collins, Colorado 80525-3479, Telephone No. (970) 204-4001,

Ms. Jennifer Hanley, HDR, Inc

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or by visiting their website at: <https://www.edmlink.com/images/documents-marketing-guides/guides/Raptors-at-Risk-Video-Order-Form-1.pdf>. EDM has also developed an online video, *Raptors on the Line 4K* (see: <https://www.youtube.com/watch?v=tJE6ILa9LRw>), which provides a good overview of the issue, including potential liability for utility companies.

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

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

This office appreciates the opportunity to comment on early stages of the project, and looks forward to commenting on updated versions as the project area is finalized.

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

Sincerely,

Amity Bass
Field Supervisor
North and South Dakota Field Offices



Big Stone South to Alexandria



November 10, 2023

Amity Bass, Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services Field Office
420 Garfield- Suite 400
Pierre, SD 57501-5408

Dylan Turner, Wildlife Biologist
U.S. Fish and Wildlife Service
Ecological Services Field Office
420 Garfield- Suite 400
Pierre, SD 57501-5408

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Mr. Bass and Mr. Turner:

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031.

Otter Tail and Western Minnesota started public engagement efforts in the second quarter of 2023 through a series of public meetings and has continued routing efforts since that time with a second round of public meetings recently occurring throughout the Project area over the past month. Otter Tail and Western Minnesota, with our consultants' help, have identified potential corridors as shown on the enclosed map. These corridors were based on: (1) an analysis of publicly available data; (2) stakeholder feedback and comments; (3) engineering and constructability best practices; (4) environmental considerations; and (5) regulatory rules and guidelines. These corridors are planning to be refined into a preferred route in which Otter Tail and Western Minnesota will seek to obtain a 150-foot-wide easement from landowners for the construction, operation, and maintenance of the proposed 345-kV transmission line.

The corridor was uploaded into the U.S. Fish & Wildlife (USFWS) Information for Planning and Consultation (IPaC) online planning tool on October 10, 2023. The IPaC lists six federally listed species and no designated critical habitats within the corridor. A copy of the resource list is enclosed. The following table provides the species list.

¹ See more information at www.misoenergy.org.

Species	Status	Comments
Dakota Skipper (<i>Hesperia dacotae</i>)	Threatened	
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	No Effect determination was identified within the IPaC tool.
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	
Western Prairie Fringed Orchid (<i>Platanthera praeclara</i>)	Threatened	

A biological site visit has been scheduled within the South Dakota side of the corridor for Late Fall 2023. Based on the results of the site visit, coordination may be necessary with the USFWS and other federal agencies to determine the likelihood of presence of threatened and endangered species within construction boundaries once that area is determined.

We request your review of the corridors identified for the Project to help identify opportunities and constraints as we move towards defining a preferred route. We are particularly interested in any property located within or adjacent to the corridors which your agency may own or have an interest in. We would also appreciate being made aware of any proposed developments your agency may be contemplating within the corridors in addition to any information that might assist us in our siting analysis and studies. To help us identify potential concerns or opportunities in our on-going routing analysis, we request that you please provide us with any information pertaining to the Project by November 11, 2023. Verbal, written or email responses should be sent to:

HDR, Inc.
Attn: Jennifer Hanley
51 N Broadway, Suite 550
Fargo, ND 58102
Jennifer.hanley@hdrinc.com
701-353-6139

Future opportunities for input will also be available. As the Project progresses, we are planning to have additional consultations with agencies, other jurisdictions, and landowners as we develop and refine a preferred route.

If you desire further information regarding the proposed Project, please contact me at 218-739-8311 or jweiers@otpc.com or our lead environmental consultant, Jennifer Hanley of HDR, Inc., at 701-353-6139 or jennifer.hanley@hdrinc.com. In addition, further information about the Project can also be found on our website at www.BigStoneSouthtoAlexandria.com.

We appreciate and value your input in our on-going efforts to minimize effects to socioeconomics, avoid known culturally significant sites, protect natural resources, and utilize opportunities to parallel existing infrastructure corridors where feasible and look forward to your feedback and continued coordination.

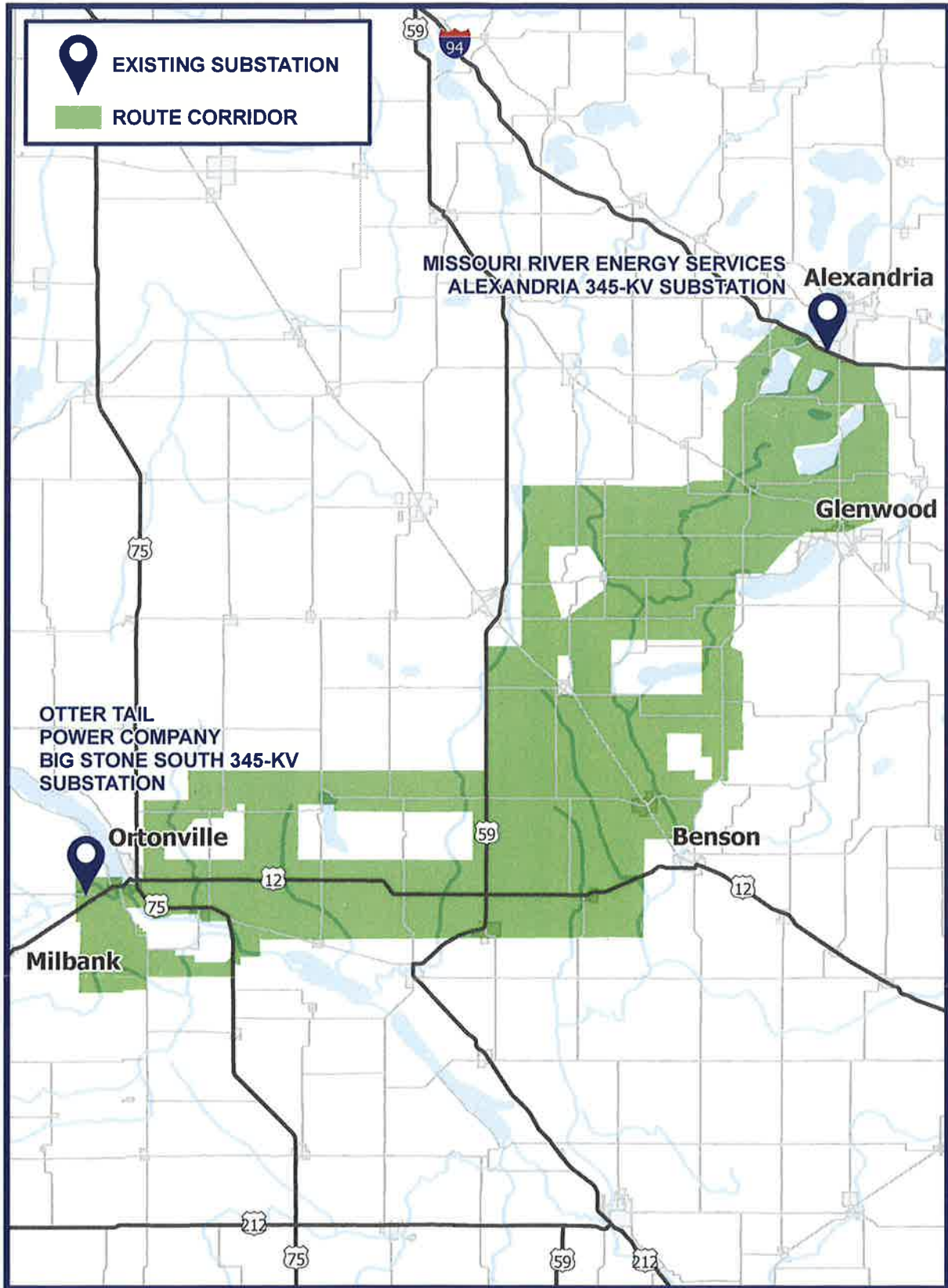
Sincerely,

A handwritten signature in black ink that reads "Jason J. Weiers". The signature is written in a cursive style with a large initial 'J'.

Jason Weiers
Manager, Transmission Project Development

Cc: USFWS MN Ecological Office

Enclosures:
BSSA Corridor Map
USFWS IPAC Report (October 10, 2023)



▲ Route corridor is marked in green on the map above and subject to change.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Assistant Regional Director-Ecological Services
5600 American Blvd. West
Bloomington, MN 55437-1458
Phone: (612) 713-5350 Fax: (612) 713-5292



In Reply Refer To:
Project code: 2024-0003377
Project Name: BSSA 345kV (SD)

October 10, 2023

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

Subject: Record of project representative's no effect determination for 'BSSA 345kV (SD)'

Dear Tracey Lee:

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 October 10, 2023, for 'BSSA 345kV (SD)' (here forward, Project). This project has been assigned Project Code 2024-0003377 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

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, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A

10/10/2023

IPaC Record Locator: 052-133104403

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consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

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:

- Dakota Skipper *Hesperia dacotae* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Red Knot *Calidris canutus rufa* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Western Prairie Fringed Orchid *Platanthera praeclara* Threatened

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Assistant Regional Director-Ecological Services and reference Project Code 2024-0003377 associated with this Project.

10/10/2023

IPaC Record Locator: 052-133104403

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Action Description

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

1. Name

BSSA 345kV (SD)

2. Description

The following description was provided for the project 'BSSA 345kV (SD)':

345kV double circuit capable transmission line to be in-service approximately 2031.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.23602855,-96.52564310786059,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

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

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IPaC Record Locator: 052-133104403

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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.

No

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>

Yes

10/10/2023

IPaC Record Locator: 052-133104403

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PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

No

10/10/2023

IPaC Record Locator: 052-133104403

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IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Tracey Lee
Address: 51 North Broadway
Address Line 2: Suite 550
City: Fargo
State: ND
Zip: 58102
Email: tracey.lee@hdrinc.com
Phone: 7015529935

From: [Herman, Mark](#)
To: [Hanley, Jennifer](#)
Subject: Bid Stone Transmission Line Project
Date: Monday, December 11, 2023 9:46:50 AM
Attachments: [347 Sisseton Gov't Lots.kmz](#)
[347 Sisseton Land.kmz](#)

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

Jennifer

This is a follow up to our conversation last week. Attached are the KMZ files for land ownership on the lake traverse reservation. I also included the government lots KMZ.

Thanks,

Mark A Herman
Regional Environmental Engineer
Division of Environment and Cultural Resource Management
115 4th Ave SE (MC208)
Aberdeen, SD 57451
605-226-7656

From: Steve Berkner <Steve.Berkner@grantcountysd.us>
Sent: Tuesday, January 9, 2024 12:45 PM
To: Huck, Chelsea
Cc: Peterson, Monica
Subject: RE: Grant County Zoning Map Request
Attachments: 1 Land Use pdf.pdf

You don't often get email from steve.berkner@grantcountysd.us. [Learn why this is important](#)

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

Chelsea

Yes for all.

For question #2 please see the attached PDF which explains some of the South Dakota Tax Coding that is used by the Director of Equalization to determine the tax rates for the property as well as the buildings/structures on the property where I admit they are a little confusing when trying to determine how property is zoned.

I have highlighted in green the Tax Codes for AG use property, where orange highlighting shows Commercial use by itself where these can help in determining zoning but are NOT necessarily 100% correct.

As I've explained currently I don't use the above-mentioned Tax Coding to determine land zoning where I use the county's GIS website where the "Green" layer is for Commercial.

There are some caveats to only using the GIS zoning layer where certain commercial related activities can still be permitted on AG zone property with a CUP but that activity has to be very closely related to AG production (think seed sales or a tractor repair business.)

Other exceptions are some normally commercial zoned activities are allowed in an AG zone where they are considered "Home Occupied Businesses," but that requires a CUP and limits the business to just a few employees where at least one of the workers, or a relative, would also have to live at the property. Other things considered for approving commercial type activity in a Home Occupied Business activity on an AG site include limited weekly deliveries by a semi-truck trailer combinations, and storage of inventory needs to be out-of-sight etc.

Hope these further explanations help.

Steve

From: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Sent: Monday, January 8, 2024 1:56 PM
To: Steve Berkner <Steve.Berkner@grantcountysd.us>
Cc: Peterson, Monica <monica.peterson@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

EXTERNAL EMAIL

Steve,

I really appreciate you taking the time to speak with me this morning.

I wanted to summarize our phone call to make sure my notes were accurate. Please let me know if I misunderstood anything, otherwise we will assume it is correct.

1. The zoning map at <https://www.1stdistrict.org/grantjs/> represents the most current zoning (with the exception of parcel 03.47.13.3301 which is now zoned commercial).
2. The “property class” field on this page is a reference to tax code not zoning.
3. There are no additional zoning types other than those represented in the map. The only zones are commercial, natural resources, planned development, and agriculture (which is all parcels that are not shaded when the other three are turned on).
4. For the Project area of interest, the only zoning types are agricultural and commercial as shown in this screen shot:



Thank you,

Chelsea

Chelsea Huck
Environmental Planner

HDR

1670 Broadway
Denver, CO 80202
M 303.217.3913
Chelsea.Huck@hdrinc.com

hdrinc.com/follow-us

From: Steve Berkner <Steve.Berkner@grantcountysd.us>
Sent: Wednesday, November 29, 2023 1:04 PM
To: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

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

Chelsea

Please find two screen shot attachments that should be helpful for what you are asking about.

The first one with the green shading indicates Commercial/Industrial lots. The rest of the lots that are not shaded are zoned Agriculture. Big Stone City boundaries are in a pink shade.

The second screen shot show the parcel number of each parcel where if you zoom in slightly you will be able to see the parcel number where that parcel number can easily be searched from our Grant County GIS site for public use.

Here is the link to the County's GIS site:

<https://www.1stdistrict.org/grantjs/>

Once you click into that GIS site give me a call and I can talk you through using the features it has available for finding the information you are asking about.

Steve

From: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Sent: Tuesday, November 28, 2023 2:24 PM
To: Steve Berkner <Steve.Berkner@grantcountysd.us>
Subject: Grant County Zoning Map Request

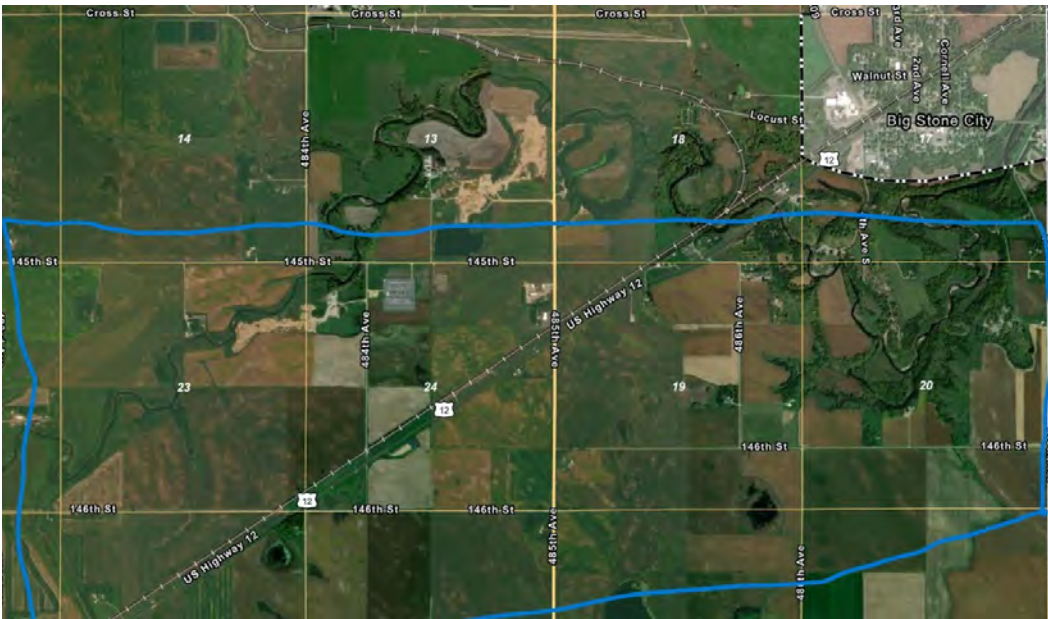
EXTERNAL EMAIL

Hello,

We spoke a few minutes ago on the phone about getting zoning information in Grant County. This is a rough outline of the area I am looking to get general land use information about.

Thank you!

Chelsea



REAL PROPERTY CLASSIFICATION

(Administrative Rule Number :13)

Land classified as agricultural without corporate limits;

- AG-SL Land classified as agricultural without corporate limits being leased from the Commissioner of School and Public Lands;
- AG-AI Improvements and structures on land classified as agricultural without corporate limits, less dwellings and automobile garages;
- NA-AI Dwellings and automobile garages on land classified as agricultural without corporate limits;
- NA-AMI Manufactured home classified as real estate after June 30, 1999, on land classified as agricultural without corporate limits;
- AG-AC Land classified as agricultural without corporate limits, under commercial use;
- NA-AC2 Improvements and structures on land classified as agricultural without corporate limits, under commercial use;
- AG-c Platted lots and acreages without corporate limits classified as agricultural;
- AG-CI Improvements and structures on platted lots and acreages classified as agricultural without corporate limits, less dwellings and automobile garages;
- NA-CI Dwellings and automobile garages on platted lots and acreages classified as agricultural without corporate limits;
- AG-CC Platted lots and acreages classified as agricultural without corporate limits improved or unimproved, under commercial use;
- AG-CC2 Improvements and structures on platted lots and acreages classified as agricultural without corporate limits, under commercial use;
- NA-C Platted lots and acreages without corporate limits;
- NA-CI Improvements and structures on platted lots and acreages without corporate limits;
- NA-CMI Manufactured home classified as real estate after June 30, 1999, on platted lots and acreages without corporate limits;
- NA-CC Platted lots and acreages without corporate limits improved or unimproved, under commercial use;
- NA-CC2 Improvements and structures on platted lots and acreages without corporate limits, under commercial use;
- AG-D City or town lots and acreages classified as agricultural;
- AG-DI Agricultural improvements and structures less dwellings and automobile garages on city or town lots and acreages classified as agricultural;
- AG-DC City and town lots and acreages improved or unimproved classified as agricultural for commercial use;
- AG-DC2 Improvements and structures classified as agricultural on city or town lots and acreages, under commercial use;
- NA-DI Improvements and structures on city or town lots and acreages; (Residential)
- NA-DMI Manufactured home classified as real estate after June 30, 1999, on city or town lots and acreages;
- NA-DC City or town lots and acreages improved or unimproved, under commercial use;
- NA-DC2 Improvements and structures on city or town lots and acreages, under commercial use.



Environmental Review Report

Project Information

Report Generation Date: 1/15/2024 09:24:28 AM
Project ID: 2024-01-15-1260
Project Title: BSSA- 1,000 Buffer Area
User Project Number(s):
Project Type: Energy Production/Storage/Transfer, Power lines
Project Activities: None Selected
County(s): Grant
Township/Range/Section(s): 121N046W18; 121N046W19; 121N046W20; 121N047W13; 121N047W24
Watershed(s) HUC8: None
Latitude/Longitude: 45.277970 / -96.416676

Contact Information

Organization: HDR
Contact Name: Becky Baker
Contact Phone: 6056902190
Contact Email: rebecca.baker@hdrinc.com
Contact Address: 101 S. Phillips Ave., Suite 401 Sioux Falls SD 57108
Submitted On Behalf Of:

Project Description

Transmission Line from Big Stone City to Alexandria



Introduction

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

Disclaimer

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

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

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



Project Type Recommendations

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

Migratory Bird Treaty Act

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

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

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

Bald and Golden Eagle Protection Act

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

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

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

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



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

Revegetation

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

Project Location Recommendations

The proposed project is located adjacent to a Game Production Area. If you need a temporary easement for your project, please contact Ryan Wendinger at 605-362-2709 or Ryan.Wendinger@state.sd.us.

Legal Obligations

South Dakota Endangered and Threatened Species Law

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

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

Aquatic Invasive Species

South Dakota Administrative Rule 41:10:04:02 forbids the possession and transport of aquatic



invasive species (AIS). Any construction vehicles, vessels, or equipment that will come into contact with surface waters in South Dakota that have previously been used outside of the state or in and AIS positive water within South Dakota must be thoroughly power washed with hot water (>140°F) and completely dried for a minimum of 7 days prior to use. All attached dirt, mud debris and vegetation must be removed and all compartments and tanks capable of holding standing water shall be drained and dry. This applies, but is not limited to, all equipment, pumps, lines, hoses and holding tanks. The list of AIS positive waters is available at <http://sdleastwanted.com/maps/default.aspx> or by calling 605-223-7706.

Federal Laws

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

Contact Information

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

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

Bald and Golden Eagle Protection Act

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

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (16 U.S. C. 703-712) provides international protection to migratory bird species included in treaties among the United States, Great Britain, Mexico and Japan. This federal act prohibits the taking, killing, possession and transportation (among other actions) of migratory birds, their eggs, parts, and nests, unless specifically permitted by regulations. This act has no provisions for allowing unauthorized take. Effective steps can be taken to avoid take of migratory birds. Work closely with the USFWS to identify protective measures to avoid migratory



bird take. A list of migratory bird species protected under this act can be found at 50 CFR 10.13. Introduced bird species are not protected under this Act. This report does not replace consultation with the USFWS regarding the protection of migratory bird species.

Endangered Species Act

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

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

Clean Water Act

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

Fish and Wildlife Coordination Act

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

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

Scientific Name	Common Name	Taxonomic Group	Federal Status*	State Status*	Global Rank*	State Rank*	SGCN	Last Obs Date
<i>Amblyma plicata</i>	Threeridge	Invertebrate Animal			G5	S3	No	1998-07-



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
								02
Anodontoides ferussacianus	Cylindrical Papershell	Invertebrate Animal			G5	S4	No	1995-08-29
Fusconaia flava	Wabash Pigtoe	Invertebrate Animal			G5	S2	No	2020-10-13
Lampsilis cardium	Plain Pocketbook	Invertebrate Animal			G5	S3	No	1995-08-29
Lampsilis siliquoidea	Fatmucket	Invertebrate Animal			G5	S4	No	1995-08-29
Lasmigona compressa	Creek Heelsplitter	Invertebrate Animal			G5	S2	Yes	2020-09-28
Lontra canadensis	North American River Otter	Vertebrate Animal			G5	S3	No	2020-04-22
Nocomis biguttatus	Hornyhead Chub	Vertebrate Animal			G5	S3	Yes	2019-07-10
Notropis percobromus	Carmine Shiner	Vertebrate Animal			G5	S2	Yes	2020-09-28
Percina maculata	Blackside Darter	Vertebrate Animal			G5	S3	Yes	2016-07-19
Percina phoxocephala	Slenderhead Darter	Vertebrate Animal			G5	S1	No	2009-07-07
Strophitus undulatus	Creeper	Invertebrate Animal			G5	S3	No	2020-09-28
Toxolasma parvum	Lilliput	Invertebrate Animal			G5	S1	No	1995-08-29

SGCN = Species of Greatest Conservation Need, FE = Federally Endangered, FT = 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/>.

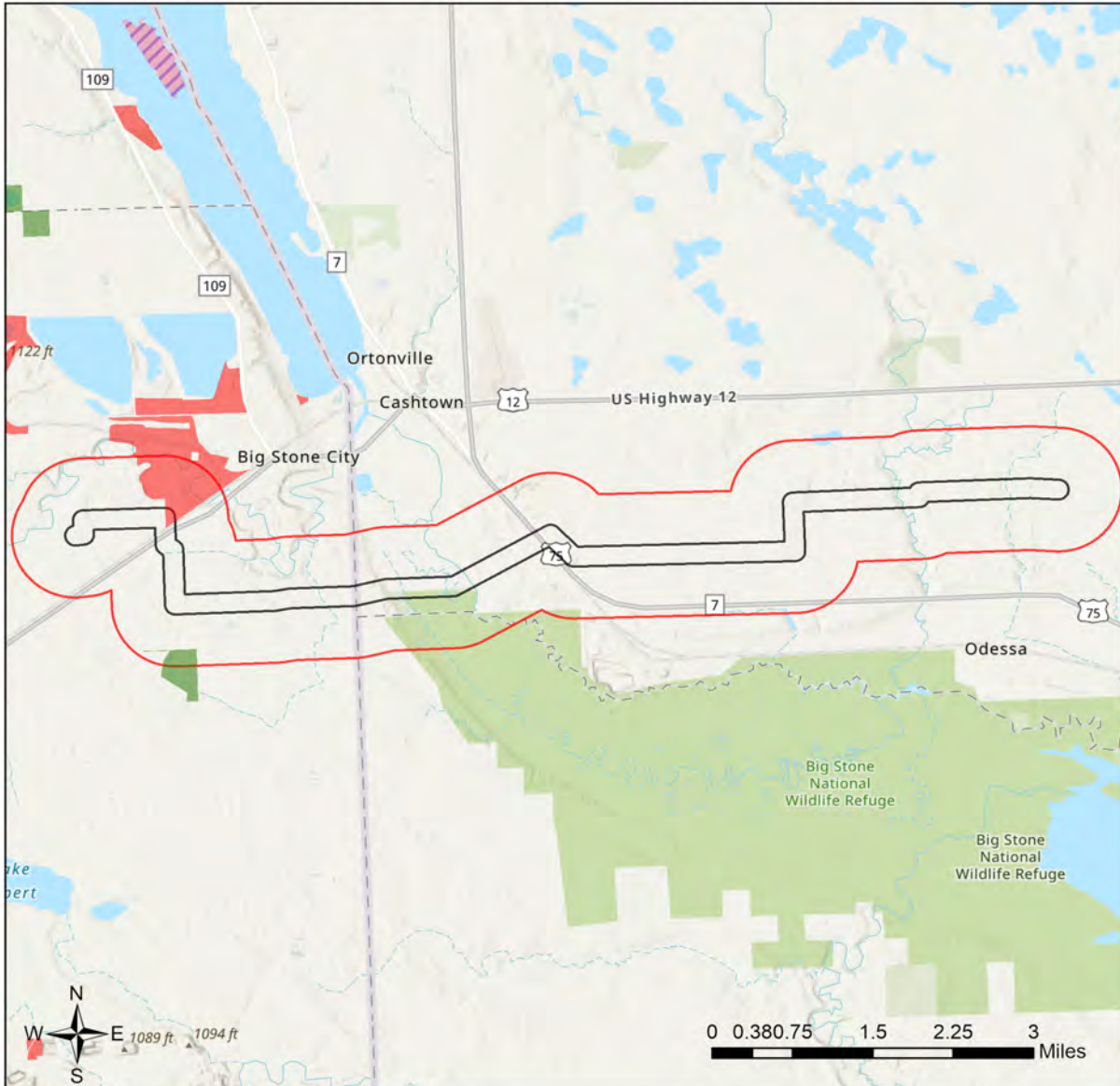
Table 2. Protected Areas within 800 Meters of Project Vicinity

Area Name	Owner	Contact
Big Stone Power Plant GPA	South Dakota Game, Fish and Parks	Habitat Program Manager, Pierre



BSSA- 1,000 Buffer Area

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



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

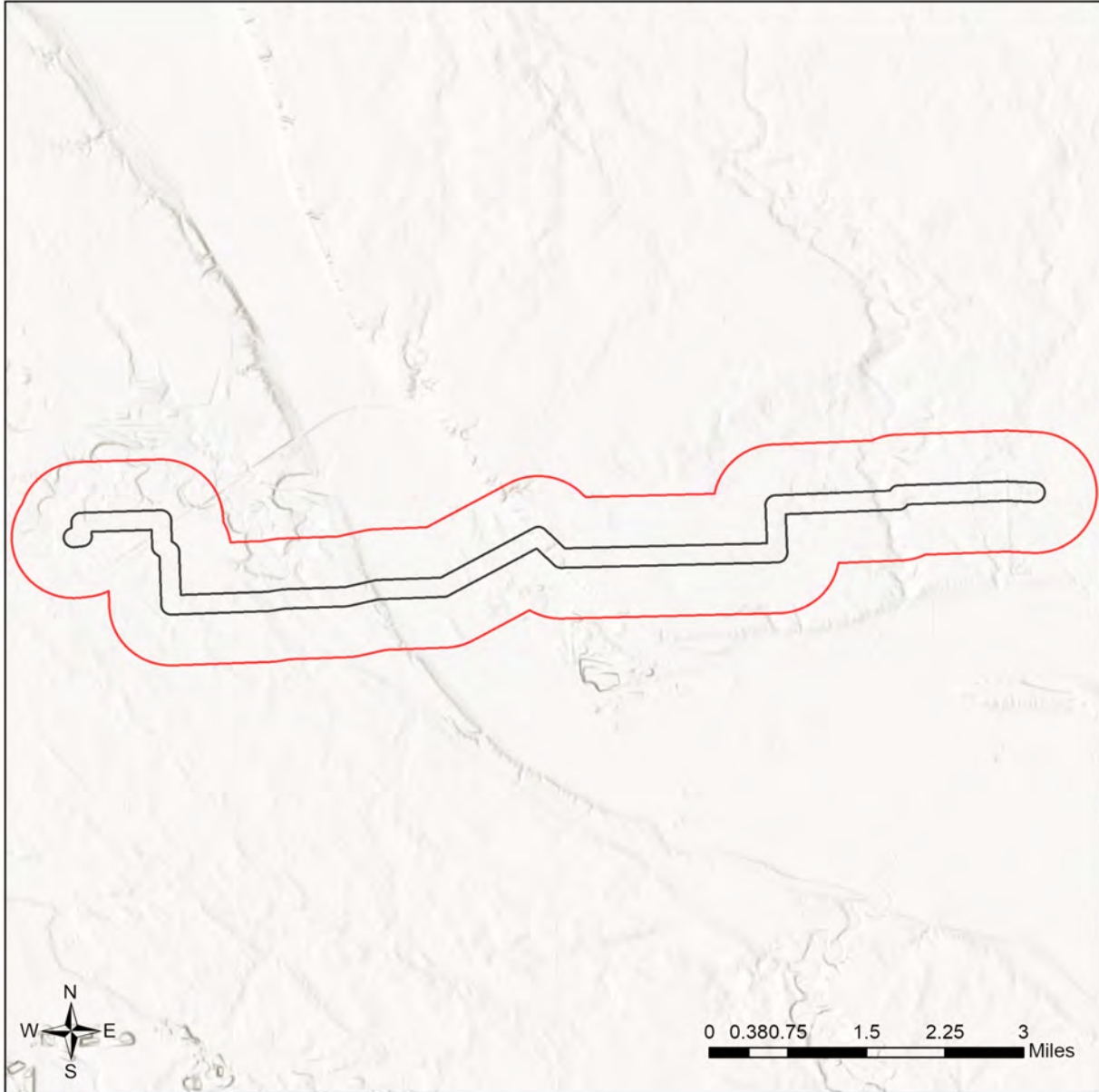




Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



BSSA- 1,000 Buffer Area
Web Map As Submitted By User



-  Buffered Project Boundary
-  Project Boundary

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

From: Carlson Dietmeier, Jenna <Jenna.CarlsonDietmeier@state.sd.us>
Sent: Friday, January 19, 2024 6:06 PM
To: Hanley, Jennifer; Weiers, Jason
Subject: RE: Big Stone South to Alexandria Transmission Line Project
Attachments: 240109007S - Weiers Prelim.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from jenna.carlsondietmeier@state.sd.us. [Learn why this is important](#)

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

Good afternoon, Jennifer and Jason,

South Dakota SHPO recently received an invitation to open houses for the proposed BSSA project. SHPO did not receive any response regarding the previous email sent on November 13, 2023.

Attached, please find SHPO's initial recommendations for the BSSA project.

Thank you,
Jenna



Jenna Carlson Dietmeier, PhD

Interim State Historic Preservation Officer, Review & Compliance Coordinator

SOUTH DAKOTA STATE HISTORICAL SOCIETY

Jenna.CarlsonDietmeier@state.sd.us

605-773-8370 | 900 Governors Drive, Pierre | history.sd.gov

From: Carlson Dietmeier, Jenna
Sent: Monday, November 13, 2023 9:15 AM
To: jennifer.hanley@hdrinc.com; jweiers@otpc.com
Subject: Big Stone South to Alexandria Transmission Line Project

Good morning, Jennifer and Jason,

The South Dakota Office of the State Historic Preservation Officer (SHPO) recently received correspondence pertaining to the proposed Big Stone South to Alexandria Transmission Line Project. The letter indicates that Otter Tail Power Company and Western Minnesota Municipal Power Agency will be submitting a permit application with the South Dakota Public Utilities Commission. Is this the only permitting which the project will require in South Dakota? Will the project, as a whole, require any federal funding, licensing, permitting or approval?

Also, South Dakota SHPO now has an online system for the submission of information for consultation under federal and state preservation laws. I have attached instructions on how to access and utilize our ERC system. To best track and comment on proposed projects in South Dakota, our office prefers to only have one project file in ERC for each proposed project. Could you please submit the request for preliminary comments through our ERC system? SHPO will then respond accordingly. Once additional information is available on the project, such as more refined routing maps, this additional information can be added to the existing project file in ERC. When submitting the initial information through ERC, please be sure to indicate if there is any federal involvement in the project, making the project a federal undertaking subject to Section 106 of the National Historic Preservation Act of 1966 or if the only permitting will be through the PUC and the project will be a state project subject to SDCL 1-19A-11.1.

If you have any questions, please do not hesitate to ask.

Thank you,
Jenna



Jenna Carlson Dietmeier, PhD

Interim State Historic Preservation Officer, Review & Compliance Coordinator

SOUTH DAKOTA STATE HISTORICAL SOCIETY

Jenna.CarlsuDietmeier@state.sd.us

605-773-8370 | 900 Governors Drive, Pierre | history.sd.gov



January 19, 2024

Jason Weiers
Otter Tail Power Company
215 S Cascade Street
Fergus Falls, MN 56537

SDCL 1-19A-11.1 Consultation

Project: 240109007S – Otter Tail Power Company - Big Stone South to Alexandria (BSSA) Transmission Line Project
Location: Grant
PUC - South Dakota Public Utilities Commission

Dear Mr. Weiers,

Thank you for the opportunity to comment on the above referenced project pursuant to South Dakota Codified Law (SDCL) 1-19A-11.1. SDCL 1-19A-11.1 outlines a specific process that must be followed prior to any governmental action, including the issuance of permits, that may harm any historic property that is included in the National or State Registers of Historic Places. The South Dakota Office of the State Historic Preservation Officer (SHPO) would like to provide the following comments concerning effect of the proposed project on the non-renewable cultural resources of South Dakota.

On November 13, 2023, SHPO received your letter dated November 10, 2023, regarding the proposed Big Stone South to Alexandria (BSSA) transmission line project. Your letter indicates that the project will require a Facility Permit from the South Dakota Public Utilities Commission (PUC). In an email dated November 13, 2023, SHPO asked if any federal funding, licensing, permitting, or approval would be needed for the project and requested that all project information and requests for comments be submitted through SHPO's Electronic Review & Compliance (ERC) system. SHPO received no response. On January 17, 2024, SHPO received your letter indicating that the route corridors have been narrowed slightly. The letter was also an invitation to upcoming open houses regarding the BSSA project.

As the route of the proposed project has not been clearly delineated and the applicant has provided no information on historic properties which could be impacted by the project, SHPO cannot provide comments under SDCL 1-19A-11.1 at this time. As a project seeking a permit from the South Dakota PUC, the project will be subject to the permitting requirements of the PUC in addition to SDCL 1-19A-11.1. The PUC Facility Permit Application requires “a forecast of the impact on landmarks and cultural resources of historic, religious, archaeological, scenic, natural, or other cultural significance,” as described in the Administrative Rules of South Dakota (ARSD) at 20:10:22:23.

To assist Otter Tail Power Company and Missouri River Energy Services in meeting the requirements of the South Dakota PUC Facility Permit Application, SHPO recommends that the applicant:

1. Obtain an official record search from the Archaeological Research Center of previously recorded cultural resources within one mile of the proposed project area,
2. Have a qualified archaeologist complete an intensive field survey of the project area,



3. Conduct an analysis of the visual effects of the transmission line on cultural resources within one mile of the project area, and
4. Contact Tribal Historic Preservation Officers and Tribal governments with an interest in cultural resources within or near the project area concerning the project's potential effects on Traditional Cultural Properties associated with American Indian Tribes and/or properties of religious and cultural significance to them.

Once the proposed project corridors have been refined and additional information has been obtained regarding historic properties and cultural resources which could be affected by the project, please submit that information to SHPO for review and comment under SDCL 1-19A-11.1.

Please note that if any federal funding, permitting, licensing, or approval is needed for the project, the project will be a federal undertaking subject to the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC 306108).

Should you require any additional information, please contact Jenna Carlson Dietmeier at Jenna.CarlsonDietmeier@state.sd.us or at (605)773-8370. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Jenna Carlson Dietmeier".

Jenna Carlson Dietmeier, PhD
Interim State Historic Preservation Officer, Review & Compliance Coordinator

CC: Jennifer Hanley - HDR, Inc.

From: Hanley, Jennifer
Sent: Monday, January 29, 2024 3:38 PM
To: Carlson Dietmeier, Jenna; Weiers, Jason
Cc: Smith, Mollie; Malkin, Devin; Bring, Jennifer; Mueller, Megan (Englewood); Scheidecker, Kevin J.
Subject: RE: Big Stone South to Alexandria Transmission Line Project

Jenna,

Thanks for the conversation this afternoon!

As we discussed, this 345 kV transmission line will be a new line. The typical structure will be a steel monopole with a concrete foundation. The project corridors we are looking at in South Dakota are privately owned (no federal property). There is a Section 10 river crossing of the Minnesota River in MN that we will be working with the US Army Corps and MN SHPO on. There are no Section 10 river crossings in South Dakota.

To summarize, the project team has gone out and conducted an initial survey of the SD area of the Big Stone South to Alexandria project corridor. This initial investigation is missing some parcels as we did not have right of entry on all and also did not include the tribes. Otter Tail Power Company is currently working with the Sisseton Wahpeton Oyate and Flandreau tribes to coordinate field visits with them in the spring when we are able to go back out to the project site. We intend on submitting our SD PUC Facility Permit application in April 2024 and wanted to get as much field work included as possible. Within the application, we will commit to collecting remaining survey, working with the tribes, and having an unanticipated discovery plan.

The survey we have collected is ready for submittal this week. We will follow the instructions you provided to submit the files and understand the Archaeological Research Center will be the repository of the data. We will submit the files and shapefiles through the ERC system. Once you've had a chance to review, we'd love to set up a meeting to discuss any questions you may have.

Our next round of open houses will be in February. Our closest meetings to the South Dakota portion of the line are in Ortonville, MN on February 12 from 3-6pm and in Big Stone City on February 21 from 3-6pm. If you'd like the other Minnesota dates and times let me know.

We look forward to working with you on this project!

Jen

Jennifer Hanley, PE*
D 701.353.6139

hdrinc.com/follow-us

*MN, ND, SD, MT and TX

From: Carlson Dietmeier, Jenna <Jenna.CarlsonDietmeier@state.sd.us>
Sent: Friday, January 19, 2024 5:06 PM
To: Hanley, Jennifer <jennifer.hanley@hdrinc.com>; Weiers, Jason <jweiers@otpc.com>
Subject: RE: Big Stone South to Alexandria Transmission Line Project

You don't often get email from jenna.carlsondietmeier@state.sd.us. [Learn why this is important](#)

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

Good afternoon, Jennifer and Jason,

South Dakota SHPO recently received an invitation to open houses for the proposed BSSA project. SHPO did not receive any response regarding the previous email sent on November 13, 2023.

Attached, please find SHPO's initial recommendations for the BSSA project.

Thank you,
Jenna



Jenna Carlson Dietmeier, PhD

Interim State Historic Preservation Officer, Review & Compliance Coordinator

SOUTH DAKOTA STATE HISTORICAL SOCIETY

Jenna.CarlsonDietmeier@state.sd.us

605-773-8370 | 900 Governors Drive, Pierre | history.sd.gov

From: Carlson Dietmeier, Jenna
Sent: Monday, November 13, 2023 9:15 AM
To: jennifer.hanley@hdrinc.com; jweiers@otpc.com
Subject: Big Stone South to Alexandria Transmission Line Project

Good morning, Jennifer and Jason,

The South Dakota Office of the State Historic Preservation Officer (SHPO) recently received correspondence pertaining to the proposed Big Stone South to Alexandria Transmission Line Project. The letter indicates that Otter Tail Power Company and Western Minnesota Municipal Power Agency will be submitting a permit application with the South Dakota Public Utilities Commission. Is this the only permitting which the project will require in South Dakota? Will the project, as a whole, require any federal funding, licensing, permitting or approval?

Also, South Dakota SHPO now has an online system for the submission of information for consultation under federal and state preservation laws. I have attached instructions on how to access and utilize our ERC system. To best track and comment on proposed projects in South Dakota, our office prefers to only have one project file in ERC for each proposed project. Could you please submit the request for preliminary comments through our ERC system? SHPO will then respond accordingly. Once additional information is available on the project, such as more refined routing maps, this additional information can be added to the existing project file in ERC. When submitting the initial information through ERC, please be sure to indicate if there is any federal involvement in the project, making the project a federal undertaking subject to Section 106 of the National Historic Preservation Act of 1966 or if the only permitting will be through the PUC and the project will be a state project subject to SDCL 1-19A-11.1.

If you have any questions, please do not hesitate to ask.

Thank you,

Jenna



Jenna Carlson Dietmeier, PhD

Interim State Historic Preservation Officer, Review & Compliance Coordinator

SOUTH DAKOTA STATE HISTORICAL SOCIETY

Jenna.CarlsonDietmeier@state.sd.us

605-773-8370 | 900 Governors Drive, Pierre | history.sd.gov

From: Steve Berkner <Steve.Berkner@grantcountysd.us>
Sent: Friday, February 2, 2024 2:50 PM
To: Peterson, Monica; Huck, Chelsea
Subject: RE: Grant County Zoning Map Request
Attachments: GC comp 22 size reduced.pdf

Some people who received this message don't often get email from steve.berkner@grantcountysd.us. [Learn why this is important](#)

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

Here is a “compressed” version of the county’s current comprehensive plan.

From: Peterson, Monica <monica.peterson@hdrinc.com>
Sent: Thursday, February 1, 2024 3:56 PM
To: Steve Berkner <Steve.Berkner@grantcountysd.us>; Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

EXTERNAL EMAIL

Thanks!!

Monica Peterson
M 515-451-1460

hdrinc.com/follow-us

From: Steve Berkner <Steve.Berkner@grantcountysd.us>
Sent: Thursday, February 1, 2024 2:17 PM
To: Huck, Chelsea <Chelsea.Huck@hdrinc.com>; Peterson, Monica <monica.peterson@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

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Monica

It should be complete.

See the previous email where we will be loading the original PDF to the county's website tomorrow.

Steve

From: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Sent: Thursday, February 1, 2024 3:12 PM
To: Steve Berkner <Steve.Berkner@grantcountysd.us>; Peterson, Monica <monica.peterson@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

EXTERNAL EMAIL

That one works, thank you! Just to clarify—I show a jump from page 90 to 96 (90 ends with “GENERAL INTENSIVE RURAL USE POLICIES” and page 96 starts with “APPENDIX E”—are there missing pages there for Appendices A-D or is that how the numbering goes?

Chelsea

Chelsea Huck
Environmental Planner

HDR
1670 Broadway
Denver, CO 80202
M 303.217.3913
Chelsea.Huck@hdrinc.com

hdrinc.com/follow-us

From: Steve Berkner <Steve.Berkner@grantcountysd.us>
Sent: Thursday, February 1, 2024 2:02 PM
To: Peterson, Monica <monica.peterson@hdrinc.com>
Cc: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

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Try this one

From: Steve Berkner
Sent: Thursday, February 1, 2024 1:57 PM
To: Peterson, Monica <monica.peterson@hdrinc.com>
Cc: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

Monica

This is the last of the three emails for the 112-page current Comprehensive Land Use Plan for Grant County

Steve

From: Peterson, Monica <monica.peterson@hdrinc.com>
Sent: Thursday, February 1, 2024 9:05 AM
To: Steve Berkner <Steve.Berkner@grantcountysd.us>
Cc: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

EXTERNAL EMAIL

Hi Steve,
Following up on land use: is there a Comprehensive Land Use Plan for Grant County at all/similar?

Monica Peterson
Environmental Project Manager

HDR
1670 Broadway, Suite 3400
Denver, CO 80202-4824
M 515.451.1460
Monica.Peterson@hdrinc.com

hdrinc.com/follow-us

From: Steve Berkner <Steve.Berkner@grantcountysd.us>
Sent: Tuesday, January 9, 2024 10:45 AM
To: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Cc: Peterson, Monica <monica.peterson@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

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Chelsea

Yes for all.

For question #2 please see the attached PDF which explains some of the South Dakota Tax Coding that is used by the Director of Equalization to determine the tax rates for the property as well as the buildings/structures on the property where I admit they are a little confusing when trying to determine how property is zoned.

I have highlighted in green the Tax Codes for AG use property, where orange highlighting shows Commercial use by itself where these can help in determining zoning but are NOT necessarily 100% correct.

As I've explained currently I don't use the above-mentioned Tax Coding to determine land zoning where I use the county's GIS website where the "Green" layer is for Commercial.

There are some caveats to only using the GIS zoning layer where certain commercial related activities can still be permitted on AG zone property with a CUP but that activity has to be very closely related to AG production (think seed sales or a tractor repair business.)

Other exceptions are some normally commercial zoned activities are allowed in an AG zone where they are considered "Home Occupied Businesses," but that requires a CUP and limits the business to just a few employees where at least one of the workers, or a relative, would also have to live at the property. Other things considered for approving commercial type activity in a Home Occupied Business activity on an AG site include limited weekly deliveries by a semi-truck trailer combinations, and storage of inventory needs to be out-of-sight etc.

Hope these further explanations help.

Steve

From: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Sent: Monday, January 8, 2024 1:56 PM
To: Steve Berkner <Steve.Berkner@grantcountysd.us>
Cc: Peterson, Monica <monica.peterson@hdrinc.com>
Subject: RE: Grant County Zoning Map Request

EXTERNAL EMAIL

Steve,

I really appreciate you taking the time to speak with me this morning.

I wanted to summarize our phone call to make sure my notes were accurate. Please let me know if I misunderstood anything, otherwise we will assume it is correct.

1. The zoning map at <https://www.1stdistrict.org/grantjs/> represents the most current zoning (with the exception of parcel 03.47.13.3301 which is now zoned commercial).
2. The "property class" field on this page is a reference to tax code not zoning.

3. There are no additional zoning types other than those represented in the map. The only zones are commercial, natural resources, planned development, and agriculture (which is all parcels that are not shaded when the other three are turned on).

4. For the Project area of interest, the only zoning types are agricultural and commercial as shown in this screen shot:



Thank you,

Chelsea

Chelsea Huck
Environmental Planner

HDR
1670 Broadway
Denver, CO 80202
M 303.217.3913
Chelsea.Huck@hdrinc.com

hdrinc.com/follow-us

From: Steve Berkner <Steve.Berkner@grantcountysd.us>

Sent: Wednesday, November 29, 2023 1:04 PM

To: Huck, Chelsea <Chelsea.Huck@hdrinc.com>

Subject: RE: Grant County Zoning Map Request

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Chelsea

Please find two screen shot attachments that should be helpful for what you are asking about.

The first one with the green shading indicates Commercial/Industrial lots. The rest of the lots that are not shaded are zoned Agriculture. Big Stone City boundaries are in a pink shade.

The second screen shot show the parcel number of each parcel where if you zoom in slightly you will be able to see the parcel number where that parcel number can easily be searched from our Grant County GIS site for public use.

Here is the link to the County's GIS site:

<https://www.1stdistrict.org/grantjs/>

Once you click into that GIS site give me a call and I can talk you through using the features it has available for finding the information you are asking about.

Steve

From: Huck, Chelsea <Chelsea.Huck@hdrinc.com>
Sent: Tuesday, November 28, 2023 2:24 PM
To: Steve Berkner <Steve.Berkner@grantcountysd.us>
Subject: Grant County Zoning Map Request

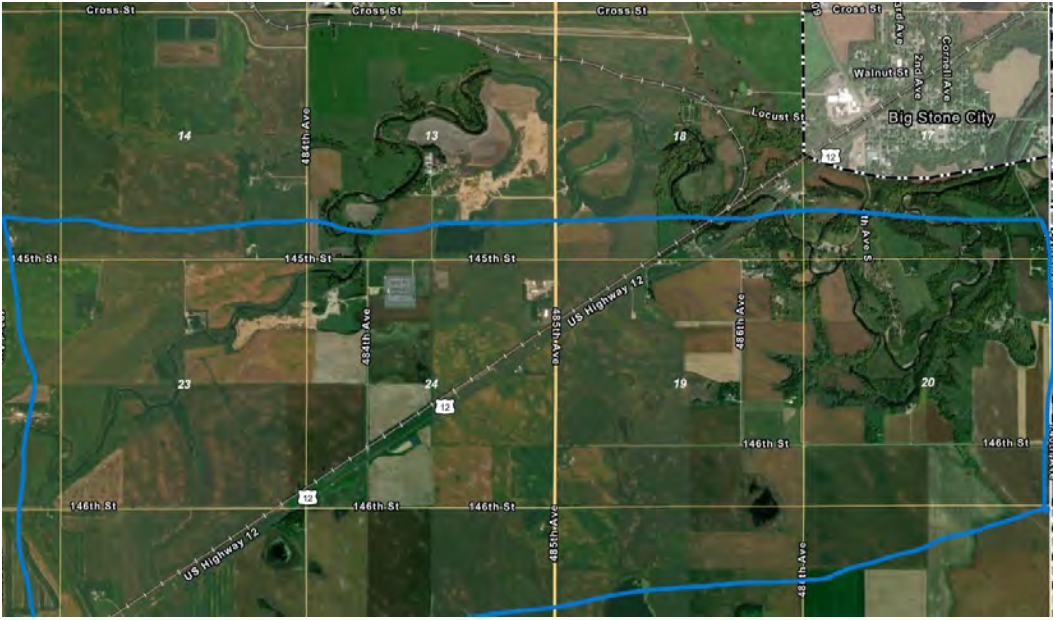
EXTERNAL EMAIL

Hello,

We spoke a few minutes ago on the phone about getting zoning information in Grant County. This is a rough outline of the area I am looking to get general land use information about.

Thank you!

Chelsea



From: Morey, Hilary <Hilary.Morey@state.sd.us>
Sent: Wednesday, February 28, 2024 1:32 PM
To: Baker, Becky <rebecca.baker@hdrinc.com>
Subject: Big Stone South To Alexandria Transmission Line-SDGFP Siting Recommendation Letter

You don't often get email from hilary.morey@state.sd.us. [Learn why this is important](#)

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Hi Becky-

Attached, please find our recommendations for siting of the Big Stone South To Alexandria Transmission Line in South Dakota. Feel free to give me a call if you have any questions.

Hilary Morey | Environmental Review Senior Biologist

South Dakota Game, Fish and Parks

523 East Capitol Avenue | Pierre, SD 57501

605.773.6208 | Hilary.Morey@state.sd.us



[Book time with Morey, Hilary](#)



SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

523 EAST CAPITOL AVENUE | PIERRE, SD 57501

February 28, 2024

Becky Baker
101 S Phillips Ave
Suite 401
Sioux Falls, SD 57108

RE: Big Stone South to Alexandria Transmission Line Project
Grant County, South Dakota
Project Route Selection and Siting Recommendations

Dear Becky,

The Department of Game, Fish and Parks (GFP) has reviewed the above referenced project which involves the construction of a new 100-mile, 345-kV overhead electric transmission line which will connect to the existing Big Stone South substation near Big Stone City, South Dakota and the Alexandria substation near Alexandria, Minnesota. GFP's comments pertain only to the portion of the project that is located in Grant County, South Dakota.

The proposed siting and construction of a transmission line project has the potential to affect area wildlife by altering wildlife habitat, behavior and increasing mortality through collisions. Impacts to wildlife and their associated habitats can be minimized by using responsible, wildlife friendly siting recommendations early in the project planning stage of development. The Big Stone South to Alexandria (BSSA) transmission line project was introduced to GFP via a letter received November 16th, 2023. This letter requested a review of the proposed corridor and a request for information related to sensitive wildlife species and protected lands in the vicinity. GFP is providing this letter as a follow-up to the request for information, to provide information regarding threatened, endangered, rare or sensitive species in or near the project area and to provide our recommendations for your consideration in project planning.

SOUTH DAKOTA NATURAL HERITAGE DATABASE

The South Dakota Natural Heritage Program (NHP) monitors species and natural communities at risk. Species at risk are those that are listed as threatened or endangered at the state or federal level or those that are rare. Rare species are found at the periphery of their range, have isolated populations or are species for which we simply do not have extensive information. A list of species monitored by the NHP can be found at <https://gfp.sd.gov/natural-heritage-program/>. We recommend a **yearly database search**, to ensure that developers are aware of changing patterns in wildlife use at a site and to ensure that the data provided remains current as new surveys are conducted. Please note many places in South Dakota have not been surveyed for rare or protected species and the absence of a species from the database does not preclude its presence from your project area.

Species records can be requested through the NHP at this link: <https://gfp.sd.gov/forms/heritagedata/>.



GFP has an online Environmental Review Tool (ERT) available for project planning purposes: <https://ert.gfp.sd.gov/> The ERT is free to use, and has a number of publicly available spatial layers as well as the capability to generate a report of potential species that may be present. Please note that the ERT will not give specific locations of sensitive species; only a list of potential species that may be found in the project area. A project was submitted to the ERT on 11/14/2023 titled "Check 1" (project ID 2023-11-14-1186) that appears to be related to this project. A list of potential species present within a 1 mile radius of the identified project area was generated and a copy of that list is attached to this letter for reference.

HABITATS IMPORTANT TO CONSERVATION IN SOUTH DAKOTA

Native Grasslands

Grasslands are of high conservation value in South Dakota. Grassland habitats are declining as hundreds of acres are converted to cropland annually. Approximately 70% of the native mixed-grass prairie has been lost in eastern South Dakota, and approximately 32% has been lost in western South Dakota (Wright and Wimberly 2013, Bauman et al. 2016, Bauman et al. 2018). All grasslands within the project boundary should be identified and delineated using a desktop analysis. Untilled grasslands, large grassland blocks and grasslands with native plant species are of particular importance and special care should be taken to avoid these areas. Once native grassland habitat is disturbed it cannot be fully restored to pre-disturbance conditions (Bauman 2020). Other grassland types such as native rangeland, grazed grasslands (with native plant species), pasture (grazed grasslands with non-native plant species), and Conservation Reserve Program lands (formerly tilled lands planted to vegetative cover for erosion control and wildlife habitat) also serve as wildlife habitat. Placement of project infrastructure in contiguous blocks of grasslands causes fragmentation and results in less suitable habitat for grassland dependent species. Early identification of grassland areas provides the information needed to avoid further grassland loss, degradation and fragmentation.

Grasslands should not be "ranked" or considered less important solely based on height of grass or composition of species. Some grassland dependent species such as Sharp-Tailed Grouse, Baird's Sparrow, and Northern Harrier require grassland patches with relatively tall (12 inches or more) vegetation and accumulation of residual litter characterized by light grazing pressure (Johnson et al. 2010, Bakker 2005, Shaffer and DeLong 2019). Other species such as Ferruginous Hawks, Burrowing Owl, Thick-billed Longspur and Chestnut-collared Longspur require open expanses of grasslands characterized by short vegetation that is typical of moderate to heavy grazing pressure (Johnson et al. 2010, Bakker 2005, Shaffer and DeLong 2019). Sprague's Pipit, Long-billed Curlew, Bobolink and Dickcissel require grasslands with moderate grass heights and periodic disturbance from grazing, mowing or prescribed fire (Johnson et al. 2010, Bakker 2005, Shaffer and DeLong 2019). Although various patches of grassland habitat can appear in "better" or "worse" condition based on vegetation height and plant species composition, GFP considers all grassland habitat as important for wildlife based on the information presented above.

The best available information on the location of untilled grasslands for South Dakota can be found in Bauman et al. 2014, Bauman et al. 2016, and Bauman et al. 2018. These reports and associated spatial layers are available at: <https://openprairie.sdstate.edu/>. Additionally, Bauman (2020) provides guidance for the best management practices for restoration of native grasslands after disturbance has occurred. GFP recommends incorporating this information in the project planning and post-construction restoration.

Wetlands

Wetland birds (such as rails, ibis, herons, bitterns, ducks, whooping cranes, etc.) can be susceptible to direct strikes with transmission lines. All wetlands and other waterbodies within the project boundary should be identified and delineated. Note that wetland delineation should occur during time periods when a basin typically holds water (late spring-early summer) and that the spatial extent of a wetland may change within or among years. Please contact the US Army Corps of Engineers South Dakota Regulatory Office (605-224-8531) for further guidance on wetland delineation and which regional supplement is appropriate for use in your project area.

GFP recommends avoiding placing infrastructure in wetlands or within a wetland complex (multiple wetland basins adjacent to each other that may be hydrologically connected). Wetland complexes support higher species richness compared to isolated wetlands of similar size (Naugle et al. 1999).

Invasive and Non-native Plant Species

During the construction and maintenance of a new transmission line, existing roads often experience increased traffic and new access roads (temporary and permanent) are constructed. This increases the amount of area disturbed and increases opportunity for the introduction and establishment of invasive, non-native plant species. GFP recommends controlling noxious weeds at the project site, as well as revegetating with native, weed-free seed mixes.

OTHER CONSIDERATIONS

Public Lands

South Dakota is home to approximately 5 million acres of publicly accessible lands. Public lands provide a multitude of recreational opportunities such as fishing, hunting, trapping, hiking, biking, bird watching, camping, boating, swimming, and educational opportunities. Public lands also provide a wide diversity of habitat that supports hundreds of species including birds, bats, amphibians, insects, and plants. To protect the recreational, educational, and biological integrity of these lands, they need to be identified early in the development process. Spatial information on public lands can be found at <https://gfp.sd.gov/maps/> or on our ERT at: ert.gfp.sd.gov. If GFP owned lands (Game Production Area, Recreation Areas or State Parks) or private lands leased for hunting access (e.g. Walk-In-Area program) will be impacted by project activities, GFP requests to be notified of construction timelines and details of the potential disruption in order to notify the public of any impacts to these areas. If private lands leased for hunting access (Walk-In-Areas) will be permanently affected or hunting access prohibited, GFP may recommend mitigation/off sets to public access. The project boundary provided to GFP includes four Game Production Areas, four USFWS owned Waterfowl Production Areas, and two state owned recreation areas. It is unclear at this point if project infrastructure is proposed on or near these properties.

Avian Protection

Powerline strikes and electrocutions are a known cause of mortality to birds. GFP recommends implementing mitigation measures described in The Avian Power Line Interaction Committee guidelines (<https://www.aplic.org/>). Additionally, GFP recommends avoiding placement of over-head powerlines adjacent to or between bodies of water (wetlands and lakes), as this could increase the risk of bird strikes, particularly for waterfowl.

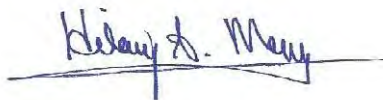
SUMMARY

Thank you for the opportunity to provide comments on the proposed BSSA transmission line in Grant County, South Dakota. We strive to work with developers to balance wildlife conservation with energy development in our state. In summary, GFP recommends the following to avoid or minimize impacts to wildlife and wildlife habitats:

- Consulting with GFP and USFWS early and often during the development of the project.
- Making annual data requests from the South Dakota NHD or the ERT
- Conducting appropriate desktop and field surveys to assess wildlife habitat and wildlife use including but not limited to:
 - Desktop assessment of grasslands and cover types located within the project area
 - Bat acoustic surveys
 - Avian use surveys
 - Raptor nest surveys
 - Eagle nest surveys
- Use results of wildlife field surveys to inform project siting (e.g. if a project identifies sensitive wildlife, sensitive habitats or a resource rich area, the project should consider relocation)
- Avoid siting of project infrastructure in grassland, especially undisturbed grasslands
 - If grassland habitats cannot be avoided, minimize the amount of disturbance or site on the edges of grassland habitats rather than in large intact blocks
- Site project infrastructure in previously disturbed areas as much as possible and existing rights-of-way
- Avoid siting project infrastructure in a wetland, as well as in wetland complexes

Thank you for the opportunity to comment on this project. If you have any questions, or the project specifications change, please contact me at 605-773-6208.

Sincerely,



Hilary Morey
Environmental Review Senior Biologist
523 East Capitol Avenue
Pierre, SD 57501
hilary.morey@state.sd.us

cc: Daniel Kim (USFWS Pierre)
Jason Weiers (Ottertail Power Company)

From: info@gfp.sd.us <info@gfp.sd.us>
Sent: Friday, March 1, 2024 1:34 PM
To: michaela.carlson@hdrinc.com
Cc: Morey, Hilary <Hilary.Morey@state.sd.us>
Subject: Natural Heritage Program Data Request

South Dakota - Game, Fish, and Parks

Natural Heritage Program Data Request

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

ID: 224
Agency/Org/Business: HDR
Name: Michaela Carlson
Address: 101 S. Phillips Ave. Suite 401
Sioux Falls, SD 57104
Email: michaela.carlson@hdrinc.com
Phone: 605-782-8131
Fax:
URL:
Element or Subject: Federally and state recognized threatened or endangered species as well as state designated rare species location identified in previous surveys within the project's study area. The project area is located southwest of Big Stone, SD from the Ottertail Power substation to the SD/MN border. Exact project location can be provided by HDR upon request.
Type of Data: Location data in the form of GIS shapefiles or kmz files. As well as any previous documentation of any Endangered/Threatened/Rare species within or adjacent to the project's study area.
Purpose of Request: To pull information on terrestrial and aquatic species for the Public Utilities Commission (PUC) application associated with this transmission line project.

March 7, 2024

Jenna Carlson Dietmeier, Interim State Historic Preservation Officer
South Dakota State Historic Preservation Office
700 East Broadway Ave
Pierre, SD 5750157501

RE: Request for Review of Draft Level III Report for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Dr. Carlson Dietmeier,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). Otter Tail sent a letter to you dated November 10, 2023 to make your office aware of the project and to request input for the South Dakota portion of the Project in regards to potential cultural resource-related constraints. Your office responded with an email asking that all requests project information and requests be submitted through the State Historic Preservation Office's (SHPO) Electronic Review & Compliance (ERC) system. In addition, you asked if any federal funding, licensing, permitting, or approval would be needed for the project. To date, no federal nexus has been identified for the South Dakota portion of the Project and Otter Tail requests all SHPO reviews for the Project be conducted under South Dakota Codified Law (SDCL) 1-19A-11.1.

A second letter was sent on January 17, 2024 indicating that the route corridors have been narrowed and provided an invitation to upcoming open houses. You responded to the letters on January 19, 2024 and provided comments concerning effect of the proposed Project on the non-renewable cultural resources of South Dakota. In addition, you provided four recommendations for Otter Tail and Western Minnesota to assist in meeting the requirements of the South Dakota PUC Facility Permit Application:

- 1) Obtain an official record search from the Archaeological Research Center of previously recorded cultural resources within one mile of the proposed project area,
- 2) Have a qualified archaeologist complete an intensive field survey of the project area,
- 3) Conduct an analysis of the visual effects of the transmission line on cultural resources within one mile of the project area, and
- 4) Contact Tribal Historic Preservation Officers and Tribal governments with an interest in cultural resources within or near the project area concerning the project's potential effects on Traditional Cultural Properties associated with American Indian Tribes and/or properties of religious and cultural significance to them.

To date, Otter Tail has completed the following tasks based on the above recommendations.

- 1) Otter Tail contracted HDR Engineering, Inc. (HDR) to request an official file search from the Archaeological Research Center. HDR sent the request on November 1, 2023 and

received the results on November 3, 2023. The results have been incorporated into the South Dakota PUC Facility Permit Application,

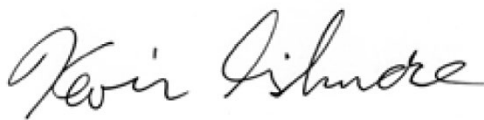
- 2) HDR conducted a partial Level III survey of the study area, which consisted of a 400-foot corridor (200 feet on either side of the proposed route centerlines). The survey was conducted on November 14, 2023 and February 7, 2024 and only included areas that landowners have provided permission for. The results of the initial Level III survey have been incorporated into the South Dakota PUC Facility Permit Application. Additional Level III surveys will be completed once all landowner approvals are received and/or if the corridor changes,
- 3) A formal analysis of the visual effects of the transmission line on cultural resources within one mile of the project area has not been completed. and
- 4) Otter Tail has currently reached out to 28 Tribes who have interest in projects in South Dakota and Minnesota. Of the 28 Tribes, two have expressed interest in the South Dakota Facility: Flandreau Santee Sioux Tribe of South Dakota and Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota. The Mille Lacs Band of Ojibwe, has expressed interest in the Minnesota portion of the project. The Applicants and Tribes are planning cultural resource surveys of the proposed transmission site and major alternatives later in March 2024. Additional information will be provided to SHPO after the March surveys.

Otter Tail is submitting HDR's Level III report, *A Level III Cultural Resource Survey for the Big Stone South to Alexandria 345-kV Transmission Line Project*, for SHPO review. In addition to the report, a shapefile of the study area and recorded site boundaries is included in this ERC submission. Otter Tail Requests SHPO's review of the report and recommendations for future cultural resource analysis.

If you require additional information regarding the Level III survey, please contact me at 303-754-4288 or kevin.gilmore@hdrinc.com. If you require additional information regarding the proposed project, please contact the transmission line project development manager, Jason Weiers of OTP at 218-739-8311 or jweiers@otpc.com or our lead environmental consultant, Jennifer Hanley of HDR at 701-353-6139 or jennifer.hanley@hdrinc.com.

We appreciate and value your input in our on-going efforts to avoid and minimize effects to cultural resources and look forward to your feedback and continue coordination.

Sincerely,



Kevin Gilmore, PhD, RPA
Archaeology Program Manager

Enclosure: Level III Cultural Resource Draft Report and Site Forms; Level III Associated Spatial Data

From: Katie.Raine@hdrinc.com
Subject: FW: BSSA 345kV Transmission Line Big Stone Township SD Phone Call with Tim Tyler (Clerk)_20240315

From: Tim Tyler <timtylerbigstone@gmail.com>
Sent: Friday, March 15, 2024 4:37 PM
To: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>
Subject: Re: BSSA 345kV Transmission Line Big Stone Township SD Phone Call with Tim Tyler (Clerk)_20240315

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Jen:

Just to let you know, I got your message.

You have a good weekend too.

Tim

On Fri, Mar 15, 2024 at 4:32 PM Hanley, Jennifer <Jennifer.Hanley@hdrinc.com> wrote:

Tim,

Thanks again for taking a minute to talk to me about the Big Stone South to Alexandria transmission line. As we discussed, you are not aware of any setback requirements, permitting, or ordinances that apply to transmission lines in Big Stone Township. You did indicate that the township has entered into road use agreements with parties during construction on previous construction projects in Big Stone Township.

We will continue to reach out to you as we develop this transmission line project and please contact me if you have questions or information you'd like to share about any township requirements.

Have a great weekend!

Jen

Jennifer Hanley, PE*

Senior Environmental Project Manager

HDR

51 North Broadway, Suite 550
Fargo, ND 58102
D 701.353.6139
jennifer.hanley@hdrinc.com

hdrinc.com/follow-us

*MN, ND, SD, MT and TX

From: McElroy, Owen <Owen.McElroy@state.sd.us>
Sent: Tuesday, March 19, 2024 3:02 PM
To: Peterson, Monica
Cc: Nichols, Samantha; Wendinger, Ryan; Hanley, Jennifer
Subject: Re: GIS Contact

You don't often get email from owen.mcelroy@state.sd.us. [Learn why this is important](#)

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Yes, it is a lease that I think we renew every ten years. If BSPP is fine with, I don't think we would have much objection. Being a power plant there is already a bunch of power poles around the area.

Thanks

Owen

Sent from my iPhone

On Mar 19, 2024, at 1:37 PM, Peterson, Monica <Monica.Peterson@hdrinc.com> wrote:

Hi Owen,

Thanks for the response, a few follow-up questions:

1. Confirming that it's a lease not an easement?
2. Would there be any restrictions if a transmission line (including potentially two poles) were routed along the edge of this GPA?

Monica Peterson

M 515-451-1460

hdrinc.com/follow-us

From: McElroy, Owen <Owen.McElroy@state.sd.us>
Sent: Friday, March 15, 2024 1:27 PM
To: Nichols, Samantha <Samantha.Nichols@state.sd.us>; Peterson, Monica <Monica.Peterson@hdrinc.com>
Cc: Wendinger, Ryan <Ryan.Wendinger@state.sd.us>
Subject: Re: GIS Contact

You don't often get email from owen.mcelroy@state.sd.us. [Learn why this is important](#)

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

We lease the ground we manage from Big Stone Power Plant. We own no ground around the plant.

Thanks

Owen

Sent from my iPhone

On Mar 15, 2024, at 1:58 PM, Nichols, Samantha <Samantha.Nichols@state.sd.us> wrote:

Please see the questions below. The parcel data for Grant county shows this GPA as owned by Otter Tail Mont Dak & NW as they indicate. Would either of you be able to help her out? Do we manage this on their behalf?

Monica, I have forwarded this on to Owen, the Habitat Program Manager in that area, and Ryan, the Habitat Program Administrator. Either one should be better able to answer your question.

Thanks!

-Samantha

<image003.png>

Samantha Nichols | *GIS and Data Intelligence Coordinator*
SD Game, Fish and Parks
O: 605.394.4065 | C: 605.939.6235

From: Peterson, Monica <Monica.Peterson@hdrinc.com>
Sent: Friday, March 15, 2024 7:55 AM
To: Nichols, Samantha <Samantha.Nichols@state.sd.us>
Cc: Hellman, Joshua <Joshua.Hellman@hdrinc.com>
Subject: RE: [EXT] GIS Contact

Hi Samantha,

Thanks for getting back to me so quickly. In the data we downloaded [online](#) it shows there is a SD GPA here. I wanted to confirm that these two parcels have a SD GPA easement on them (they're owned by Otter Tail Power so I'm assuming it's an easement) as we're having difficulty finding documentation in our title research:

<image004.png>

Monica Peterson
M 515-451-1460

hdrinc.com/follow-us

From: Nichols, Samantha <Samantha.Nichols@state.sd.us>
Sent: Friday, March 15, 2024 7:41 AM

To: Peterson, Monica <Monica.Peterson@hdrinc.com>
Cc: Hellman, Joshua <Joshua.Hellman@hdrinc.com>
Subject: RE: GIS Contact

You don't often get email from samantha.nichols@state.sd.us. [Learn why this is important](#)

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

Hi Monica,

I am the GIS and Data Intelligence Coordinator for SDGFP. I was forwarded your question.

Can you describe your question a bit more and I am sure I can track down an answer.

-Samantha

Samantha Nichols | *GIS and Data Intelligence Coordinator*
SD Game, Fish and Parks
O: 605.394.4065 | C: 605.939.6235

From: Peterson, Monica <Monica.Peterson@hdrinc.com>
Sent: Thursday, March 14, 2024 10:57 AM
To: GFP Wild Info <WildInfo@state.sd.us>
Cc: Hellman, Joshua <Joshua.Hellman@hdrinc.com>
Subject: [EXT] GIS Contact

Hello,

I am working on a potential/proposed high voltage transmission line in the eastern portion of the state, near the Big Stone Plant. I am emailing to confirm a parcel boundary for a Game Production Area. Is there a GIS contact I can be connected with to help with that?

Parcel in question:

<image005.png>

Monica Peterson
Environmental Project Manager

HDR
1670 Broadway, Suite 3400
Denver, CO 80202-4824
M 515.451.1460
Monica.Peterson@hdrinc.com

hdrinc.com/follow-us

Meeting Summary

Project: Big Stone South to Alexandria Transmission Line

Subject: Big Stone Township Board Meeting

Date: Tuesday, March 26, 2024

Attendees: Dan Scoblic, Big Stone Township Board - Supervisor
Josh Humburg, OTP

Mark Mueller, Big Stone Township Board - Supervisor

Jeremy Wiese, Big Stone Township Board - Supervisor

Katherine Capp, Big Stone Township Board - Treasurer

Tim Tyler, Big Stone Township Board - Clerk

Josh Humburg delivered a presentation to the Big Stone Township Board. He discussed the general direction that the line would take, and mentioned Otter Tail land agents are in the process of presenting easement packages and expect to have them all presented to SD landowners in the next few weeks. The Board was familiar with the areas of the route that Josh mentioned during the presentation.

The Board had a few questions for Josh throughout the presentation and discussed some past items that had surfaced on the Crowned Ridge Wind project a few years ago. Josh told the Board that Otter Tail would be working closely with the Township before, during and after construction of the BSSA Project. Mark asked why the structures couldn't be put in the road right-of-way as he's seen done in Minnesota. Josh responded by mentioning potential requirements of staying outside the road right-of-way that could be imposed by the South Dakota Department of Transportation. Dan also commented that he didn't prefer the look of rust-colored poles. Josh mentioned that Otter Tail would be returning to the Big Stone Township to request road use agreements prior to starting construction.

From: Morey, Hilary <Hilary.Morey@state.sd.us>
Sent: Wednesday, March 27, 2024 12:04 PM
To: Carlson, Michaela
Subject: RE: Natural Heritage Program Data Request
Attachments: Eodatafields.pdf; SDNHD-BSSA_Route_500ft_Buffer.zip

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

Hi Michaela-

I was able to export the Data from our Natural Heritage Database. I'm not quite sure why, but the shapefile contains data points that fall outside of the project boundary, however the attribute table lists only 4 species records that intersect with the project boundary (Carmine Shiner, Gray Squirrel, North American River Otter and American Spikenard. I think the extra records included on the shapefile are likely a result of how they are mapped (sometimes they are mapped as a block of records, for example as in a stream report or a batch of River Otter records. Etc.). Please let me know if you have any questions.

-Hilary

Hilary Morey | *Environmental Review Senior Biologist*
South Dakota Game, Fish and Parks
523 E Capitol Ave | Pierre, SD 57501
605.773.6208 | Hilary.Morey@state.sd.us



From: Carlson, Michaela <Michaela.Carlson@hdrinc.com>
Sent: Tuesday, March 26, 2024 1:03 PM
To: Morey, Hilary <Hilary.Morey@state.sd.us>
Subject: RE: Natural Heritage Program Data Request

Hi Hilary,

Just wanted to circle back with you to see if you were able to get this data pulled? Thank you,

Michaela

From: Carlson, Michaela <michaela.carlson@hdrinc.com>
Sent: Monday, March 18, 2024 10:00 AM
To: Morey, Hilary <Hilary.Morey@state.sd.us>
Subject: RE: Natural Heritage Program Data Request

Hi Hilary,

Attached is that form with my signature as well as a zipped shapefile of the SD portion of the project. This transmission line is proposed to run from just west of Big Stone, SD to the state line where it continues east into MN. If you need any additional information at all, please just let me know! Thank you,

Michaela Carlson

From: Morey, Hilary <Hilary.Morey@state.sd.us>
Sent: Monday, March 18, 2024 8:29 AM
To: Carlson, Michaela <michaela.carlson@hdrinc.com>
Subject: RE: Natural Heritage Program Data Request

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Hi Michaela-

My apologies for the late response on your request. If you need actual locations of species records for your purposes, we will require you to sign and return the attached data use agreement. I will also need a zipped shapefile of the project area that you would like records for before I can begin processing this request. Feel free to give me a call if you have any questions.

Hilary Morey | *Environmental Review Senior Biologist*
South Dakota Game, Fish and Parks
523 E Capitol Ave | Pierre, SD 57501
605.773.6208 | Hilary.Morey@state.sd.us



From: info@gfp.sd.us <info@gfp.sd.us>
Sent: Friday, March 1, 2024 1:34 PM
To: michaela.carlson@hdrinc.com
Cc: Morey, Hilary <Hilary.Morey@state.sd.us>
Subject: Natural Heritage Program Data Request

South Dakota - Game, Fish, and Parks

Natural Heritage Program Data Request

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

ID: 224
Agency/Org/Business: HDR
Name: Michaela Carlson
Address: 101 S. Phillips Ave. Suite 401
Sioux Falls, SD 57104

Email: michaela.carlson@hdrinc.com
Phone: 605-782-8131
Fax:
URL:
Element or Subject: Federally and state recognized threatened or endangered species as well as state designated rare species location identified in previous surveys within the project's study area. The project area is located southwest of Big Stone, SD from the Ottertail Power substation to the SD/MN border. Exact project location can be provided by HDR upon request.
Type of Data: Location data in the form of GIS shapefiles or kmz files. As well as any previous documentation of any Endangered/Threatened/Rare species within or adjacent to the project's study area.
Purpose of Request: To pull information on terrestrial and aquatic species for the Public Utilities Commission (PUC) application associated with this transmission line project.

From: Steve Berkner <Steve.Berkner@grantcountysd.us>
Sent: Thursday, March 28, 2024 9:59 AM
To: Smith, Mollie; Jackson Schwandt
Subject: RE: Big Stone South to Alexandria Transmission Line
Attachments: image001.jpg; PDF Flood Plain Development Permit-c.pdf; 2023 Building Permit app-c.pdf; cup app blank-c.pdf

CAUTION: EXTERNAL E-MAIL

Mollie

It has been nice working with you concerning the Otter Tail Power Company (OTPC) transmission line projects where yesterday's Teams' meeting was very informative.

As we discussed each project phase would have its own unique Conditional Use Permit (CUP), related Building Permit and if needed a Floodplain Development Permit.

Don't spend too much time filling out the forms, other than the basic information. I would prefer that you provide simple project outlines and route maps where I will then enter the most relevant information to the applications where needed. Ultimately the provided project outlines and route maps in their entirety will be used as exhibits to the individual applications.

Once I'm finished with filling out the permit applications I will provide them for your review where it would be your responsibility to suggest changes, obtain the needed signatures, and arrange for the payment of respective permit application fees.

As discussed the timeline for getting on a Board of Adjustment agenda to consider a CUP is one month prior to our monthly meetings which are normally held at 4:00 on the second Monday of each month.

Floodplain Development Permits and Building Permits can be processed wholly within my office, usually within a few hours of receiving them, as long as all needed information is provided with the permit application as well as any required permit fee.

+++++

Below please find the link to the current Grant County GIS website where the new FEMA Floodplain map overlay is available. As we discussed it would be best that you call me the first

time you use it so I can walk you through some of the basic layer settings that would be relevant to the transmission line projects.

The link is:

<https://www.1stdistrict.org/grantts>

I will be out of my office the rest of today, Thursday 3/28/24, starting at 10:30 and on Friday the 29th the County Courthouse will be closing at noon for Good Friday. If necessary during these times I can be reached by calling my cell phone at 605-880-8966.

Next Tuesday morning I have meetings with the County Commission where I should be available after 11:00.

I normally take my daily lunchbreak from 12:30 to 1:30.

Steve Berkner

Planning & Zoning Officer
Grant County, South Dakota

Phone (605)432-7580

Fax (605) 432-7515

From: Smith, Mollie <msmith@fredlaw.com>

Sent: Wednesday, March 27, 2024 9:35 AM

To: Jackson Schwandt <jackson.schwandt@outlook.com>; Steve Berkner <Steve.Berkner@grantcountysd.us>

Subject: RE: Big Stone South to Alexandria Transmission Line

EXTERNAL EMAIL

Not a problem. Steve, hope you made it home yesterday. Does that time work for you, as well?

Thanks.

Mollie

Mollie M. Smith

Attorney

Fredrikson & Byron, P.A.

60 South Sixth Street, Ste. 1500 | Minneapolis, Minnesota 55402

Direct: 612.492.7270 | Mobile: 763.442.7749 | msmith@fredlaw.com

www.fredlaw.com

Fredrikson & Byron's Minneapolis office has moved – please note our new address.



From: Jackson Schwandt <Jackson.Schwandt@outlook.com>
Sent: Wednesday, March 27, 2024 9:32 AM
To: Smith, Mollie <msmith@fredlaw.com>; Steve Berkner <Steve.Berkner@grantcountysd.us>
Subject: Re: Big Stone South to Alexandria Transmission Line

CAUTION: EXTERNAL E-MAIL

Sorry, I was in Court yesterday and didn't get a response to you. I could do 2:00 today.

From: Smith, Mollie <msmith@fredlaw.com>
Sent: Tuesday, March 26, 2024 9:17 AM
To: Steve Berkner <Steve.Berkner@grantcountysd.us>; Jackson Schwandt <jackson.schwandt@outlook.com>
Subject: RE: Big Stone South to Alexandria Transmission Line

Steve:

I'd say I'd meet you somewhere (I live in a suburb of Minneapolis), but doesn't sound like the roads are too good. Hope you get out today!

Jackson, let me know if any of the times tomorrow work for you and I'll send out an invite so it's on our calendars.

Thanks.

Mollie

Mollie M. Smith
Attorney
Fredrikson & Byron, P.A.
60 South Sixth Street, Ste. 1500 | Minneapolis, Minnesota 55402
Direct: 612.492.7270 | Mobile: 763.442.7749 | msmith@fredlaw.com
www.fredlaw.com

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From: Steve Berkner <Steve.Berkner@grantcountysd.us>
Sent: Tuesday, March 26, 2024 9:12 AM

To: Smith, Mollie <msmith@fredlaw.com>; Jackson Schwandt <jackson.schwandt@outlook.com>

Subject: Re: Big Stone South to Alexandria Transmission Line

CAUTION: EXTERNAL E-MAIL

I'm currently stuck in Minneapolis trying to fly to Sioux Falls today (3rd day trying to fly back to South Dakota) where a Wednesday meeting would be best.

Steve

Get [Outlook for Android](#)

From: Smith, Mollie <msmith@fredlaw.com>

Sent: Tuesday, March 26, 2024 9:00:01 AM

To: Jackson Schwandt <jackson.schwandt@outlook.com>

Cc: Steve Berkner <Steve.Berkner@grantcountysd.us>

Subject: RE: Big Stone South to Alexandria Transmission Line

EXTERNAL EMAIL

Jackson and Steve:

Just checking in to see if we could set up a call to talk through the OTP permitting questions. I'm open between 9:30-11 am and 12-3 pm today, and am open 10-11 am and 1:30-4 pm tomorrow. Would any of those times work for you? I can send out a Teams invite, if that would work.

Thanks.

Mollie

Mollie M. Smith

Attorney

Fredrikson & Byron, P.A.

60 South Sixth Street, Ste. 1500 | Minneapolis, Minnesota 55402

Direct: 612.492.7270 | Mobile: 763.442.7749 | msmith@fredlaw.com

www.fredlaw.com

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From: Smith, Mollie

Sent: Monday, March 11, 2024 1:11 PM

To: Jackson Schwandt <Jackson.Schwandt@outlook.com>

Cc: Steve Berkner <Steve.Berkner@grantcountysd.us>

Subject: RE: Big Stone South to Alexandria Transmission Line

Jackson and Steve:

Following up on my e-mail below, would you be available for a call on Thursday, March 14th between 9-10:30 am or 11:30 am-1 pm? As I shared with Jackson when we spoke, I'm not seeing a carve-out for transmission lines in the Grant County Zoning Ordinance. Section 306 of the Zoning Ordinance states: "All uses and structures not specifically listed as a permitted or conditional use shall be prohibited." However, I don't see a permitted use category in the Agricultural District or the Commercial/Industrial District that would apply to transmission lines. Additionally, I don't see a separate provision exempting transmission lines from the requirements of the Zoning Ordinance – for example, the City of Milbank's Ordinance contains the following exemption for electric transmission lines:

CHAPTER 17.38 EXEMPTIONS FROM THE REGULATIONS OF THIS ORDINANCE

The following structures or uses are exempt from the regulations of this Ordinance and shall be permitted in any district:

1. Poles, wires, cables, conduits, laterals, pipes, mains, valves or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by; the City of Milbank, the Public Utilities Commission, or a Public Utilities.

I'm also aware of prior CUPs issued by Grant County for transmission line projects. Given all this, I'm struggling to point to a provision in the Grant County Zoning Ordinance that would authorize transmission lines without a CUP. I would appreciate the opportunity to talk through the issue with you, as Otter Tail and MRES will need to be able to explain to the SD PUC why they do not need a permit for the Big Stone South to Alexandria Transmission Line Project.

Thanks in advance.

Mollie

Mollie M. Smith
Attorney

Fredrikson & Byron, P.A.

60 South Sixth Street, Ste. 1500 | Minneapolis, Minnesota 55402

Direct: 612.492.7270 | Mobile: 763.442.7749 | msmith@fredlaw.com

www.fredlaw.com

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Sent: Thursday, March 7, 2024 5:29 PM

To: Jackson Schwandt <Jackson.Schwandt@outlook.com>

Cc: Steve Berkner <Steve.Berkner@grantcountysd.us>

Subject: Re: Big Stone South to Alexandria Transmission Line

Jackson:

Would you and Steve be available for a call tomorrow? I have some additional questions and am thinking it would be easiest to talk through them. I am open between 10 am and 2 pm tomorrow.

Thanks.

Mollie

Sent from my iPhone

On Mar 7, 2024, at 3:48 PM, Jackson Schwandt <Jackson.Schwandt@outlook.com> wrote:

CAUTION: EXTERNAL E-MAIL

I did review your documents and speak with Steve Berkner on the matter. I believe there was some miscommunication between Steve and Ottertail. It is not that Steve said he would not issue a permit because it wasn't needed because of the PUC. The truth is how our zoning ordinance is written, Ottertail is not required to get a Conditional Use Permit from Grant County for the transmission lines. Transmission lines do not require a CUP in Grant County. Power substations do but transmission lines do not. Grant County only requires a building permit for the towers themselves. I hope this clears up the confusion.

From: Smith, Mollie <msmith@fredlaw.com>
Sent: Thursday, March 7, 2024 3:26 PM
To: jackson.schwandt@outlook.com <jackson.schwandt@outlook.com>
Subject: RE: Big Stone South to Alexandria Transmission Line

Jackson:

I wanted to check in to make sure you received my e-mail last week, and to see if you are ready to talk through the information and next steps. Tomorrow, I'm open between 10 am-2 pm, if that timeframe works for you.

Thanks.

Mollie

Mollie M. Smith
Attorney
Fredrikson & Byron, P.A.
60 South Sixth Street, Ste. 1500 | Minneapolis, Minnesota 55402
Direct: 612.492.7270 | Mobile: 763.442.7749 | msmith@fredlaw.com
www.fredlaw.com

Fredrikson & Byron's Minneapolis office has moved – please note our new address.

<image002.jpg>

From: Smith, Mollie
Sent: Friday, March 1, 2024 1:50 PM
To: jackson.schwandt@outlook.com
Subject: Big Stone South to Alexandria Transmission Line

Jackson:

It was nice to talk with you. As noted when we talked, Otter Tail Power Company ("Otter Tail") and Missouri River Energy Services ("MRES") are developing the Big Stone South to Alexandria Transmission Line Project ("BSSA Project"). The portion of the BSSA Project from the existing Big Stone South Substation to the South Dakota/Minnesota border would be located in Grant County. In conversations between Otter Tail/MRES and Steve Berkner, Mr. Berkner has indicated a conditional use permit ("CUP") is not needed for the BSSA Project (with the exception of potentially modifying the existing CUP for the upgrades to the Big Stone South Substation) because the jurisdiction of the South Dakota Public Utilities Commission ("PUC") preempts local zoning. Otter Tail and MRES asked that I reach out to you to share information I shared with them on the PUC's preemption authority, which is limited and has not been used to wholly preempt local zoning. As I mentioned on the phone, Otter Tail and MRES want to ensure they are covering all their bases on permitting, and know they will need to address local permitting when they apply to the PUC for a permit for the BSSA Project.

While the PUC does have authority to preempt local zoning requirements, the authority is limited and requires a determination by the PUC that the proposed local requirement is "unreasonably restrictive" (see SDCL 49-41B-28 below):

49-41B-28. Supersession of local land use controls by facility permit upon finding by commission.

A permit for the construction of a transmission facility within a designated area may supersede or preempt any county or municipal land use, zoning, or building rules, regulations, or ordinances upon a finding by the Public Utilities Commission that such rules, or regulation, or ordinances, as applied to the proposed route, are unreasonably restrictive in view of existing technology, factors of cost, or economics, or needs of parties where located in or out of the county or municipality. Without such a finding by the commission, no route shall be designated which violates local land-use zoning, or building rules, or regulations, or ordinances.

Recently, in the Navigator Hartland Greenway, LLC carbon pipeline proceeding before the PUC (Case No. HP22-002), Navigator submitted a motion requesting preemption of County ordinances. For PUC siting purposes, both electric transmission lines and pipelines are "transmission facilities" and the preemption authority in SDCL 49-41B-28 applies to both. The PUC denied the motion, and emphasized in its decision that preemption is an "extreme remedy" not warranted where the project has not demonstrated it cannot comply with local ordinances (see quote from decision below):

Having heard and considered all of the testimony and evidence in the record and having considered all written and oral argument of the Parties, the Commission voted unanimously to deny Applicant's Motion to Preempt. The Commission noted that its preemption authority pursuant to SDCL 49-41 B-28 is discretionary and is an extreme remedy. The Commission understands the legislative intent of Chapter 49-41 B as found in SDCL 49-41 B-1 is "so that the energy requirements of the people of the state are fulfilled." The Commission determined that it was not appropriate to exercise this extreme remedy in this matter, finding that Applicant's project was not being constructed to meet the energy requirements of the people of the state. The Commission also finds that Applicant failed to prove that the Moody County or Minnehaha County ordinances prohibited construction of the Project and, therefore, Applicant should have made greater attempts to resolve its issues at the county level prior to requesting that the Commission exercise its discretion to preempt county ordinances. The Commission also found that because Applicant failed to show that it had exhausted its ability to work with the counties to comply with the ordinances and because the Applicant failed to demonstrate that it could not comply with the ordinances, the record does not demonstrate that the ordinances in question are unreasonably restrictive in view of existing technology, factors of cost, or economics, or needs of parties where located in or out of the county.

For reference, the Navigator docket is available at <https://puc.sd.gov/Dockets/HydrocarbonPipeline/2022/HP22-002.aspx> and the decision quoted above is available at <https://puc.sd.gov/commission/dockets/HydrocarbonPipeline/2022/HP22-002/HP22-002OrderDenyingMotiontoPreempt.pdf>. We anticipate the same rationale would be applied by the PUC to the BSSA Project.

Also, as I mentioned when we spoke, the BSSA Project will be submitting an application to the PUC to obtain a permit, and obtaining local permits factors into the PUC's decision. Specifically, pursuant to SDCL 49-41B-22, there are four criteria the applicant must meet, and obtaining a CUP from the local unit of government (here, Grant County) satisfies two of the four criteria (2 and 4 below):

<image001.png>

Given what is outlined above, under the circumstances, I believe that Otter Tail and MRES need to obtain a permit for the BSSA Project from Grant County.

My understanding is that the proposed BSSA Project route will cross some parcels zoned as Agricultural and other parcels zoned as Commercial/Industrial. In both zoning districts, the BSSA Project appears to fall within a conditional use category. In the Commercial/Industrial District, "public and private utilities" are identified as a conditional use (Ord. Sec. 1102.03(7)). In the Agricultural District, "water pumping stations, elevated takes and similar essential public utilities and service structures" are conditional uses (Ord. Sec. 1101.03(14)). The term "utility" is defined as "[a]ny entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipal utility" (Ord. Sec. 284). Thus, it appears the BSSA Project would be a conditional use requiring a CUP in both zoning districts. This is consistent with past precedent in Grant County, as a CUP was issued in 2014 to Xcel Energy and Otter Tail for a 345 kV transmission line (Permit No. CUP02042014, available on SD PUC Docket EL12-063 at: <https://puc.sd.gov/Dockets/Electric/2012/el12-063.aspx>). Also, a CUP was issued to Otter Tail in 2015 for both the Big Stone South Substation and associated transmission lines (Permit No. CUP03302015, available on the SD PUC Docket EL06-005 at: <https://puc.sd.gov/Dockets/Electric/2006/EL06-002.aspx>).

Once you have had a chance to review the information above, let me know if have any questions. We are looking forward to working with you and Mr. Berkner on next steps.

Thanks.

Mollie

Mollie M. Smith

Attorney

Fredrikson & Byron, P.A.

60 South Sixth Street, Ste. 1500 | Minneapolis, Minnesota 55402

Direct: 612.492.7270 | Mobile: 763.442.7749 | msmith@fredlaw.com

www.fredlaw.com

Fredrikson & Byron's Minneapolis office has moved – please note our new address.

<image002.jpg>

Floodplain Development Permit

210 East Fifth Ave, Milbank, South Dakota 57252

Phone: (605)-432-7580 Fax: (605)-432-7515

Permit Approved: _____

Permit Denied: _____

Variance Granted: _____

<p>FEES: No fees</p>	<p>Explanation: In addition to structural development, a permit for development in the floodplain includes but is not limited to mining, filling, grading, excavating, roads, bridges, culverts, altering or relocating stream channels, storage of materials including gas or liquid storage tanks, and placement of water and septic/sewer systems.</p> <p>Any structural development in the floodplain may be required to be studied by a Registered Professional Engineer at the landowner's expense.</p>
<p>Step 1 Fill Out this Form and Provide Data as required.</p>	<p>The following shall be provided as part of this application:</p> <ol style="list-style-type: none"> 1. Plans drawn to scale showing the nature, location, dimensions and elevations of the area in question; 2. A map showing FEMA's effective FIRM overlay on the proposed action (i.e. structure; culverts; etc) 3. Existing or proposed structures, fill, storage of materials, drainage facilities; 4. Description of flood-proofing methods (e.g., elevated on compacted fill; flood proofing using bulkheads, sealers' elevated on poles or columns or concrete walls); 5. If development is a mobile home describe anchoring techniques; 6. A description of the extent to which any watercourse will be altered or relocated; 7. Attach all relevant engineering data and certificates by a Registered Professional Engineer.(If this includes an Elevation Certificate, then as-built elevations may be required after completion of the structure) 8. A written summary of the request.

Non-conversion Agreement: Accessory structures with the floor located below the flood protection level are designed to be flooded and should not be converted to uses that are incompatible with the flood hazard. Conversion to finished living space, blockage of flood vents, or installation of unprotected equipment (appliances, heating/cooling equipment, plumbing fixture. The OWNER, CONTRACTOR, OR AUTHORIZED AGENT, CERTIFIES: That he/she has read a copy of the Grant County Floodplain Ordinance and will proceed with development accordingly. That he/she will submit a post-construction Elevation Certificate on required structures. That he/she understands the limitations on future construction and use of an enclosed area and has read the Non-Conversion agreement above. That he/she certifies that the information submitted is true and correct to the best of their knowledge. That he/she authorizes the Grant County Planning Department staff and designees to enter into and inspect the above-described property. That if the signatory below is someone other than the property owner, the signatory represents and warrants they have full authority to sign this permit on behalf of the property owner and to bind the owner to all terms and conditions herein, etc) may violate the conditions of the floodplain development permit or the floodplain variance.

X _____
Signature of Property Owner/ Contractor or Authorized Agent

Date

Floodplain Development Permit

210 East Fifth Ave, Milbank, South Dakota 57252

Phone: (605)-432-7580 Fax: (605)-432-7515

Permit Approved: _____

Permit Denied: _____

Variance Granted: _____

Parcel #: _____ Project Address: _____ City: _____ State: _____ Zip: _____ Parcel #: _____ Legal Description: _____	APPLICANT/OWNERSHIP INFORMATION: Name: _____ Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Email: _____
Describe Reason for Permit: _____ _____	What Are You Building: <input type="checkbox"/> Habitable Structure <input type="checkbox"/> Porch/Decks/Lean To <input type="checkbox"/> Detached/Attached Garage <input type="checkbox"/> Carport <input type="checkbox"/> Pole Building <input type="checkbox"/> Shed <input type="checkbox"/> Non-Habitable Structure <input type="checkbox"/> Culvert <input type="checkbox"/> Other: _____
Flood Hazard Data: Panel # _____ Map Date: <input type="checkbox"/> Zone A <input type="checkbox"/> Zone X <input type="checkbox"/> Floodway Watercourse Name: _____ Base Flood Elevation & Source: _____ Existing Ground Elevation & Source: _____ Finish Ground Elevation & Source: _____ Lowest Adjacent (finished) Grade next to building (LAG): _____ Highest Adjacent (finished) grade next to building (HAG): _____ Lowest adjacent grade at lowest elevation of deck, stairs, including structural support: _____	<input type="checkbox"/> Residential <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Improvement (>50%, requires detailed improvement list and appraisal/assessment value) <input type="checkbox"/> Addition/Improvements (<50%, requires detailed improvement list and may require an appraisal/assessment value) <input type="checkbox"/> Subdivision <input type="checkbox"/> Nonresidential <input type="checkbox"/> New Construction <input type="checkbox"/> Addition/Improvements <input type="checkbox"/> Watercourse Alteration <input type="checkbox"/> Culverts/Bridge (requires "No Rise" Certification) <input type="checkbox"/> Fill (requires Placement of Fill Certificate) <input type="checkbox"/> Mobile/Manufactured Home (requires Anchoring Certificate) <input type="checkbox"/> Manufactured Home Park
50% Substantial Improvement This section will only be filled out if a determination on a That Substantial Improvement (>50%/<50%) is requested. You will need to provide a Detailed Cost List (or attached itemized bills/bids) The formula used to figure this out will be using Fair Market Value (determined / Equalization records or current appraisal by a SD licensed Appraiser) 50% of that value - the Detailed Costs if Improvements = the Remaining value left 50% Improvement Costs	Land Value Only: _____ This will be your land value only according to Grant County Equalization Records Structure Value Only: _____ This will be your structure value according to Grant County Equalization Records Supporting Documentation can be submitted via email or mailed in with this document.

Authorized Grant County Agent : _____ Date : _____

GRANT COUNTY NOTICE OF APPEAL TO ISSUE STRUCTURE PERMIT APPLICATION

DATE: _____ FEE: _____ PERMIT NUMBER: BP _____

APPLICANT (*PRINT*) _____ PHONE: _____
ADDRESS: _____

OWNER (*PRINT*): _____ PHONE: _____
IF DIFFERENT THAN APPLICANT

ADDRESS: _____
SITE LEGAL DESCRIPTION: _____

NEED 911 ADDRESS: _____ DEVELOPMENT SITE STREET ADDRESS: _____

DEVELOPMENT SITE PARCEL #: _____ EXISTING ZONING: _____

APPLICATION TYPE (CHECK ALL THAT APPLY) Type of Structure: _____

<input type="checkbox"/> NEW STRUCTURE	<input type="checkbox"/> ADDITION/ALTERATION	<input type="checkbox"/> RELOCATION ON/OFF <small>CIRCLE ONE</small>
<input type="checkbox"/> DEMOLITION	<input type="checkbox"/> REPLACEMENT	<input type="checkbox"/> DECK / PORCH <small>CIRCLE ONE</small>
<input type="checkbox"/> NON-AG FENCE	<input type="checkbox"/> SHELTERBELT	<input type="checkbox"/> TEMPORARY STRUCTURE

STRUCTURE SIZE (*IN SQ. SFT.*) _____ STRUCTURE WIDTH _____ STRUCTURE LENGTH _____

STRUCTURE EVE HEIGHT _____ FOUNDATION TYPE _____ ROOFING MATERIAL _____

BASEMENT AREA: NONE _____ PARTIAL _____ # SQ. FT. FULL _____ #SQ. FT. _____ % FINISHED

HEATING SYSTEM _____ COOLING SYSTEM _____

BATHROOMS: FULL _____ 1/2 _____ # OF BEDROOMS _____ # FIREPLACES _____ TYPE OF SIDING _____

GARAGE/S: _____ ATTACHED _____ SQ.FT.
_____ DETACHED _____ SQ. FT. Width _____ Length _____

ESTIMATED PROJECT CONSTRUCTION COST (INCLUDING LABOR) \$ _____

ADDITIONAL APPLICATION SUBMISSIONS

- RESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL ZONE – DOCUMENTATION SHOWING THAT THE BUILDING SITE MEETS THE **MINIMUM LOT REQUIREMENT OF TWO ACRES.**
- DEVELOPMENT IN COMMERCIAL/INDUSTRIAL ZONING DISTRICT – DOCUMENTATION SHOWING THAT THE BUILDING SITE MEETS THE **MINIMUM LOT REQUIREMENT OF TWO ACRES.**
- RESIDENTIAL DEVELOPMENT – **SIGNED AND FILED AGRICULTURAL EASEMENT.**
- MOVED IN BUILDINGS – SIGNATURES AS REQUIRED IN SECTION 1205 OF GRANT COUNTY ZONING ORDINANCE.
- A FLOOR PLAN OF THE PROPOSED STRUCTURE SHOWING ALL EXTERNAL DIMENSIONS.

***FLOODPLAIN DEVELOPMENT APPLICATION/PERMIT:** This permit is issued with the condition that the lowest floor (including basement) of any new or substantially improved residential building will be elevated at least 1.0 foot above the 100 year base flood elevation. If the proposed development is a non-residential building, this permit is issued with the condition that the lowest floor (including basement) of a new or substantially improved non-residential building will be elevated or flood proofed to at least 1.0 foot above the 100 year base flood elevation. The developer/owner shall provide certification by a South Dakota licensed engineer, architect or land surveyor of the “as-built” lowest floor (including basement) elevation of any new or substantially improved building covered by this permit.

FLOODPLAIN DETERMINATION

- Are there portions of the property located in a designated floodplain? **Yes / No**
- **FIRM PANEL #** _____ **DATED** _____

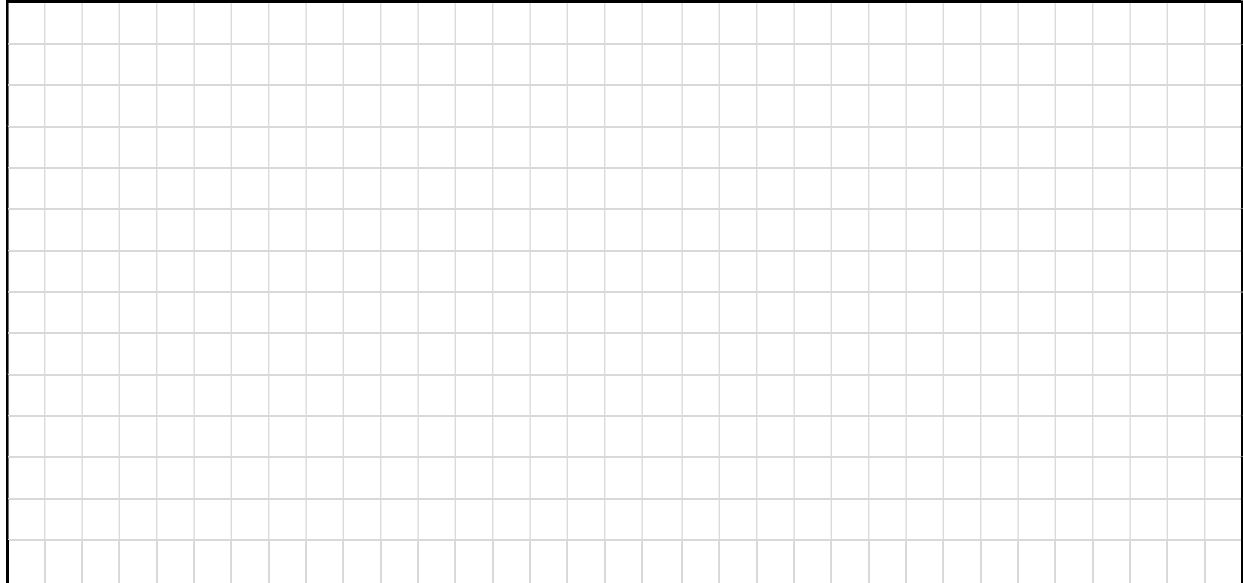
*Permitted construction located within Flood Zone A may require a special Floodplain Development Permit.

PERMIT NUMBER: BP

A SKETCH OF THE PROPOSED PROPERTY, SHALL ACCOMPANY THIS APPLICATION;

- 1. NORTH DIRECTION
- 2. DIMENSION OF PROPOSED STRUCTURE
- 3. STREET NAMES
- 4. LOCATION OF PROPOSED STRUCTURE ON LOT
- 5. DIMENSION AND LOCATION OF EXISTING BUILDINGS ON SITE
- 6. FRONT AND SIDE YARD SETBACKS
- 7. OTHER INFORMATION AS MAY BE REQUIRED

SITE SKETCH



I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE INFORMATION CONTAINED HEREIN TO BE TRUE AND CORRECT. FURTHER, IT IS HEREBY AGREED BETWEEN THE UNDERSIGNED, AS OWNER, HIS AGENT OR SERVANT, AND GRANT COUNTY THAT FOR AND IN CONSIDERATION OF THE PREMISES AND THE PERMIT TO CONSTRUCT, ERECT ALTER, INSTALL, MOVE, EXCAVATE, AND THE OCCUPANCY OF THE STRUCTURE AS ABOVE DESCRIBED, TO BE ISSUED AND GRANTED BY THE ZONING OFFICER, THAT THE WORK THEREON WILL BE DONE IN ACCORDANCE WITH THE DESCRIPTION HEREIN SET FORTH IN THIS STATEMENT, AND AS MORE FULLY DESCRIBED IN THE SPECIFICATIONS AND PLANS HEREWITH FILED; AND IT IS FURTHER AGREED TO CONSTRUCT, ERECT, ALTER, INSTALL, MOVE, EXCAVATE, AND OCCUPY IN STRICT COMPLIANCE WITH THE ORDINANCES OF GRANT COUNTY AND TO OBEY ANY AND ALL LAWFUL ORDERS OF THE ZONING OFFICER AND ALL STATE LAWS AND REGULATIONS RELATING TO CONSTRUCTION, ALTERATION, REPAIRS, REMOVAL, SAFETY AND REGULATIONS PERTAINING TO CONSTRUCTION AND INSTALLATION OF A SANITARY SEWAGE DISPOSAL SYSTEM. THIS PERMIT IS REVOCABLE FOR CAUSE. THE PERMIT SHALL BECOME VOID UNLESS SUBSTANTIAL PROGRESS HAS BEEN MADE WITHIN SIX (6) MONTHS FROM THE DATE OF ISSUANCE. IF COMPLETION DATE IS BEYOND ONE (1) YEAR, THE REASON FOR THE DELAY MUST BE SUBMITTED TO THE BOARD OF ADJUSTMENT AND A REQUEST FOR EXTENSION MADE.

THE APPLICANT ACKNOWLEDGES THE ABOVE-DESCRIBED PROPERTY IS SITUATED IN AN AGRICULTURAL DISTRICT AND MAY BE SUBJECT TO CONDITIONS RESULTING FROM COMMERCIAL AGRICULTURAL OPERATIONS ON ADJACENT LANDS. SUCH OPERATIONS INCLUDE THE CULTIVATION, HARVESTING AND STORAGE OF CROPS AND LIVESTOCK RAISING AND THE APPLICATION OF CHEMICALS, OPERATION OF MACHINERY, APPLICATION OF IRRIGATION WATER, AND OTHER ACCEPTED AND CUSTOMARY AGRICULTURAL ACTIVITIES CONDUCTED IN ACCORDANCE WITH STATE AND FEDERAL LAWS. THESE ACTIVITIES ORDINARILY AND NECESSARILY PRODUCE NOISE, DUST, SMOKE, ODOR AND OTHER CONDITIONS THAT MAY CONFLICT WITH THE USE OF THE ABOVE-DESCRIBED PROPERTY FOR RESIDENTIAL PURPOSES.

CONTRACTOR (PRINT)

SEWAGE SYSTEM INSTALLER (PRINT)

APPLICANT (PRINT)

OWNER (PRINT) IF DIFFERENT THAN APPLICANT

SIGNATURE

DATE

SIGNATURE

DATE

----- Below for office use only -----

PERMIT ISSUED ____ / ____ / 20____ ZONING OFFICER _____

Grant County Recorders Book ____ Page ____ Type of Document _____ Document Dated ____ / ____ / ____

**GRANT COUNTY NOTICE OF APPEAL
CONDITIONAL USE PERMIT/VARIANCE APPLICATION**

DATE: _____, 20____ **PERMIT NUMBER** _____

APPLICANT (PRINT): _____ PHONE: _____

ADDRESS (PRINT): _____

OWNER (PRINT): _____ PHONE : _____

IF DIFFERENT THAN APPLICANT

ADDRESS (PRINT): _____

I/WE, THE UNDER SIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF GRANT COUNTY, SOUTH DAKOTA, TO ISSUE A **CONDITIONAL USE PERMIT OR VARIANCE** FOR

(CIRCLE APPROPRIATE REQUEST)

THE PROPERTY DESCRIBED AS: LEGAL DESCRIPTION (PRINT)

PARCEL NUMBER: _____

SITE STREET ADDRESS: _____

EXISTING LAND USE: _____ EXISTING ZONING: AG C/I PD NR

(CIRCLE ONE)

SIZE OF PARCEL: ACRES _____ LOT DIMENSIONS: WIDTH (FRONTAGE) _____ DEPTH _____

SURROUNDING LAND USE: NORTH: _____

SOUTH: _____

EAST: _____

WEST: _____

CONDITIONAL USE PERMIT:

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT
(ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY).

VARIANCE:

IF YOU ARE SEEKING A VARIANCE PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE **STATE THE HARDSHIP REQUIRING RELIEF**. *(PROOF OF HARDSHIP IS ON THE APPLICANT – HARDSHIP EXAMPLES ARE ODD SIZE OR SHAPE OF THE LOT, UNUSUAL TOPOGRAPHY, ETC. ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY).*

SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT): _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- | | |
|--|--|
| 1. NORTH DIRECTION | 5. LOCATION OF PROPOSED STRUCTURE ON LOT |
| 2. DIMENSIONS OF PROPOSED STRUCTURE | 6. DIMENSIONS OF FRONT AND SIDE SETBACKS |
| 3. STREET NAMES | 7. LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4. OTHER INFORMATION AS MAY BE REQUESTED | |

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

DATE FILED WITH ZONING OFFICER _____ **FEE PAID(NON-REFUNDABLE) Y N** _____

HEARING DATE & TIME _____ **ACTION BY BOARD** _____

Conditions of permit:

From: Kim, Daniel H <daniel_kim@fws.gov>
Sent: Monday, April 1, 2024 8:43 PM
To: Baker, Becky
Cc: Hanley, Jennifer; Malkin, Devin
Subject: Re: [EXTERNAL] BSSA- USFWS Coordination Meeting

You don't often get email from daniel_kim@fws.gov. [Learn why this is important](#)

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

Hello Becky,

I may not be able to make the Wednesday meeting due to unforeseen circumstances. I hope to, but wanted to send a heads up. Basically, looking at the path, seems like the majority of the route is in row crop or row crop adjacent. It also appears that the route maybe be co-located with current lines (always a good thing). There seems to be some areas with wetland affinities, and IPaC flagged eagles. Following APLIC guidelines to minimize electrocution risk and strike risk (through marking lines within/adjacent to wetlands). As for T&E species, things look uncomplicated. I spoke with the MN office, it appears this project was handled without a biologist. SD does not have a general d key yet, but due to the previously disturbed nature of this project, I think any conversation on Wednesday should be relatively straight forward.

Dan.

Get [Outlook for iOS](#)

From: Kim, Daniel H <daniel_kim@fws.gov>
Sent: Wednesday, March 27, 2024 1:55:17 PM
To: Baker, Becky <Rebecca.Baker@hdrinc.com>
Cc: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>; Malkin, Devin <devin.malkin@hdrinc.com>
Subject: Re: [EXTERNAL] BSSA- USFWS Coordination Meeting

Hello Becky,

Thursday morning 10 - 11 CDT works best for me. Alternatively Wednesday morning 11-12 CDT

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

From: Baker, Becky <Rebecca.Baker@hdrinc.com>
Sent: Tuesday, March 26, 2024 8:45 PM
To: Kim, Daniel H <daniel_kim@fws.gov>
Cc: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>; Malkin, Devin <devin.malkin@hdrinc.com>
Subject: [EXTERNAL] BSSA- USFWS Coordination Meeting

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

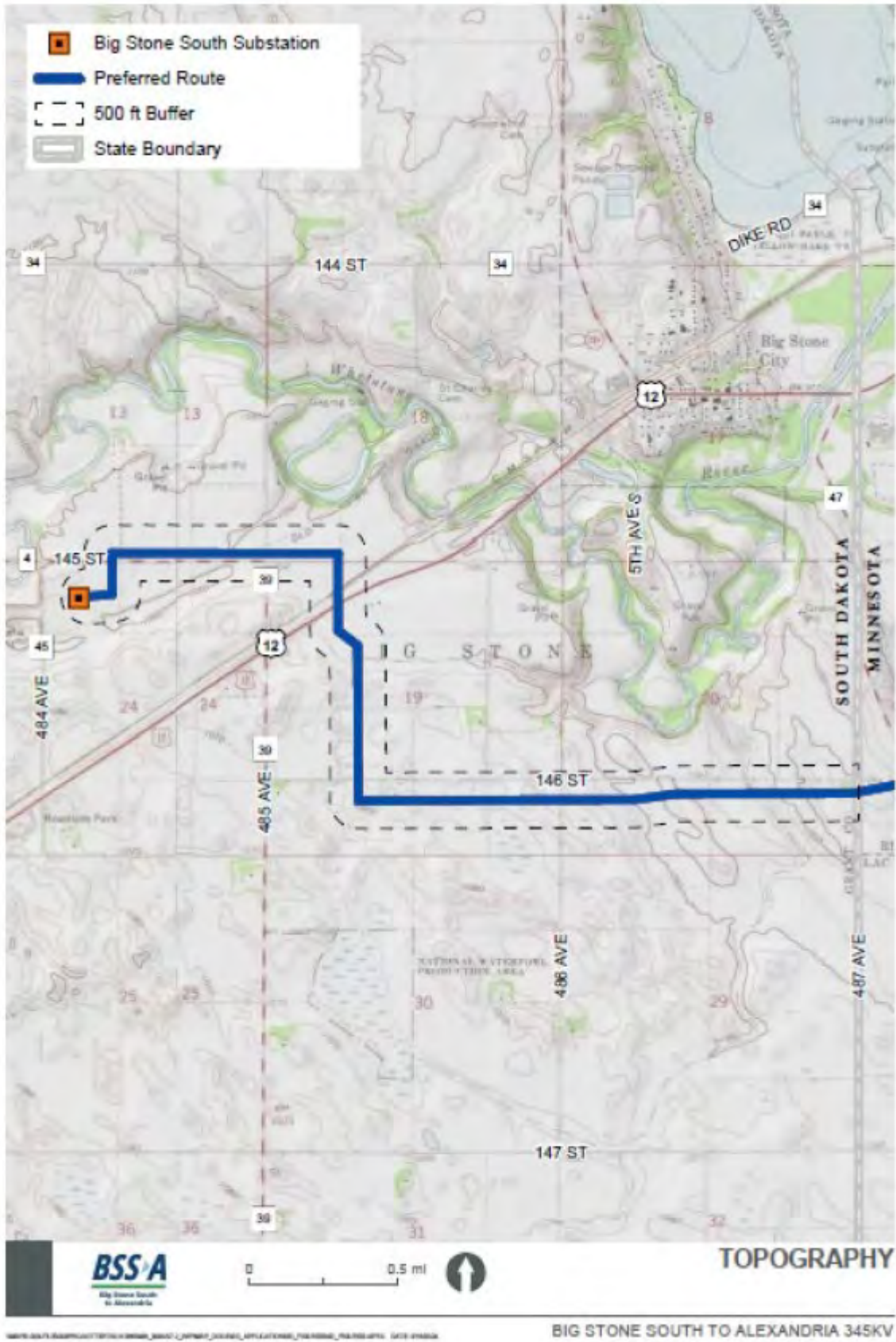
Hi Daniel,

Thank you for your response and appreciate the information. We would appreciate a discussion; below are the dates and times we are available. From our side, the people that would join include Jen Hanley (HDR project manager), Devin Malkin (HDR PUC application lead), and Kevin Scheidecker (Ottertail).

Please let me know if any of these times work for you and I will send out a meeting invite.

4/1: 11:30-12:30 pm; 2:00-3:00 pm
4/3: 11:00 am to 12:00 pm
4/4: 9:00-10:00 pm; 12:00- 1:00pm
4/5: 8:00-9:00 am; 10:00-11:00 am; 11:00 am-12:00 pm

We have also updated our project corridor that we are considering for effects. Please see the attached kmz and clip below displaying the area.



Thanks!

Becky Baker

D 605.782.8189 M 605.690.2190

hdrinc.com/follow-us

From: Kim, Daniel H <daniel_kim@fws.gov>
Sent: Monday, March 25, 2024 1:17 PM
To: Baker, Becky <Rebecca.Baker@hdrinc.com>
Subject: BSSA

You don't often get email from daniel_kim@fws.gov. [Learn why this is important](#)

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Hello Becky,

Dylan Turner sent me your message regarding the Big Stone South to Alexandria project. I am happy to meet with you. I have attached the letter sent to Jennifer Hanley as a reference to the USFWS original correspondence exchange. In addition to the threatened and endangered species associated with the 100 + square mile project area, there are 17 species of migratory birds of conservation concern, including both bald and golden eagles, as well as one Waterfowl Production area in current project footprint. Due to the lack of specific route and potential for changes in status for several threatened/endangered species, all of the USFWS recommendations will be very general. For example, decisions on the status for Monarch Butterfly are anticipated for December 2024. Decisions for Regal Fritillary and Tricolored bat are also expected this calendar year. Suggestions for transmission lines will include making sure they minimize risk of Eagle Electrocutation and marking to minimize risk of line strikes to Eagles, Waterfowl, Shorebirds, and migratory songbirds. Let me know when you wish to meet.

Dan

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

From: SD.gov Portal <contactus@sd.gov>
Sent: Tuesday, April 2, 2024 3:23 PM
To: Mueller, Megan (Englewood) <megan.mueller@hdrinc.com>; Gilmore, Kevin <kevin.gilmore@hdrinc.com>
Cc: Weiers, Jason <jweiers@otpc.com>; Hanley, Jennifer <jennifer.hanley@hdrinc.com>;
Megan.OstrengaFabricius@state.sd.us; Lynn.Griffin@state.sd.us; Cassie.Vogt@state.sd.us
Subject: ERC Review Response Letter - 240109007S - BSSA Transmission Line Project

Some people who received this message don't often get email from contactus@sd.gov. [Learn why this is important](#)

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



Dear Megan,

Staff with the South Dakota Office of the State Historic Preservation Officer (SHPO) have completed their review of the information you submitted through the Electronic Review & Compliance (ERC) Portal for comments pursuant to South Dakota Codified Law (SDCL) 1-19A-11.1. Attached, please find initial comments from SHPO regarding Otter Tail Power Company - Big Stone South to Alexandria (BSSA) Transmission Line Project (SHPO Project Number: 240109007S).

As additional efforts are made to identify cultural resources and the project's effects on those resources, please upload any relevant documentation to this existing project file in ERC so SHPO can review and comment on the project pursuant to SDCL 1-19A-11.1.

If you have any questions, please contact Jenna Carlson Dietmeier at Jenna.CarlsonDietmeier@state.sd.us or at (605)773-8370.

Sincerely,

DOE - State Historical Society Request

This email was sent to you by South Dakota Citizen Services
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Ref:MSG0755558_WY8n3B0YbdMzIJ9Ajr7w



April 2, 2024

Kevin Gilmore
HDR, Inc.
369 Inverness Parkway, Suite 325
Englewood, CO 80112

SDCL 1-19A-11.1 Consultation

Project: 240109007S – Otter Tail Power Company - Big Stone South to Alexandria (BSSA) Transmission Line Project

Location: Grant

PUC - South Dakota Public Utilities Commission

Dear Mr. Gilmore,

Thank you for the opportunity to comment on the above referenced project pursuant to South Dakota Codified Law (SDCL) 1-19A-11.1. SDCL 1-19A-11.1 outlines a specific process that must be followed prior to any governmental action that may harm any historic property that is included in the National or State Registers of Historic Places. The South Dakota Office of the State Historic Preservation Officer (SHPO) would like to provide the following comments concerning effect of the proposed project on the non-renewable cultural resources of South Dakota.

On March 7, 2024, SHPO received your letter, the report titled "A Level III Cultural Resource Survey for the Big Stone South to Alexandria 345-kV Transmission Line Project" by Lars Boyd of HDR, updated site forms, and shapefiles. Previously, Otter Tail Power Company had notified SHPO of the proposed Big Stone South to Alexandria (BSSA) Transmission Line Project, and SHPO responded in an email dated November 13, 2023, and a letter dated January 19, 2024. SHPO's January 19, 2024, letter included recommendations for meeting the requirements outlined in the Administrative Rules of South Dakota (ARSD) at 20:10:22:23 for the South Dakota Public Utilities Commission (PUC) Facility Permit Application.

Your current letter confirms that there is no federal involvement in the proposed transmission line project and requests comments from SHPO under SDCL 1-19A-11.1. Your letter and the HDR report also indicate that only a portion of the study area in South Dakota has been subject to intensive field survey at this time. As access to additional parcels of land is granted and/or if the route of the proposed transmission line corridor changes, additional surveys will be conducted. Your letter also indicates that an analysis of the proposed project's visual effects has not been completed and that additional information on the effects of the proposed project on any Traditional Cultural Properties associated with American Indian Tribes and/or properties of religious and cultural significance to American Indian Tribes will be forthcoming along with future survey reports.

The HDR report indicates that qualified archaeologists have surveyed 156 acres of the project area. During the survey efforts, a previously recorded segment of 39GT2007 was revisited and an additional segment was newly recorded. 39GT2007 remains Eligible for listing in the National Register of Historic Places, and the two segments discussed in the report are integral to the site's overall eligibility. Two



segments of 39GT2042 also were previously recorded within the study area. However, the results of the current survey indicate that these segments of 39GT2042 have been completely obliterated and are not integral to 39GT2042's overall Eligibility to the National Register of Historic Places. During the current survey, the mapped location of 39GT0399 also was revisited, but no evidence of the previously recorded site remains. In letter 150904001S dated February 13, 2019, SHPO had agreed that 39GT0399 did not meet any of the National Register criteria.

Based upon the information provided, there are no properties listed in the National or State Registers of Historic Places within the currently identified study area. The report indicates that the transmission line will span across 39GT2007 but will not cause ground disturbance within the site boundary and will not adversely affect the eligibility of the site to the National Register of Historic Places.

As additional efforts to identify cultural resources and how they will be affected by the proposed project are completed, please provide the results of the efforts so SHPO can provide additional comments on the project under SDCL 1-19A-11.1 and its effects on the non-renewable cultural resources of the state.

Should you require any additional information, please contact Jenna Carlson Dietmeier at Jenna.CarlsonDietmeier@state.sd.us or at (605)773-8370.

Sincerely,

A handwritten signature in blue ink that reads "Jenna Carlson Dietmeier".

Jenna Carlson Dietmeier, PhD
Interim State Historic Preservation Officer, Review & Compliance Coordinator

CC: Megan Mueller - HDR, Inc.
Jennifer Hanley - HDR, Inc.
Jason Weiers - Otter Tail Power Company
Megan Ostrenga Fabricius - Archaeological Research Center, Rapid City
Lynn Griffin - Archaeological Research Center, Rapid City
Cassie Vogt - Archaeological Research Center, Rapid City
Jon Thurber - PUC
Darren Kearney - PUC

From: Hanley, Jennifer
Sent: Tuesday, April 2, 2024 2:49 PM
To: daniel_kim@fws.gov
Cc: Weiers, Jason; Humburg, Joshua; Brian Zavesky; Richard Dahl; Scheidecker, Kevin J.; Thoma, Mark; Malkin, Devin; Baker, Becky
Subject: Big Stone South to Alexandria (BSSA) 345 kV Transmission Line South Dakota USFWS Discussion
Attachments: BSSA SD USFWS meeting agenda survey plan 20240403.docx

Dan,

Thank you for the heads up that you may not be available for tomorrow's meeting. Attached is an agenda and our survey plan for the South Dakota portion of BSSA. We have prepared the agenda this way so that you can review the survey plan and respond without a meeting. Just let me know if you'd like me to cancel our scheduled call.

We would appreciate your comments or concurrence by Monday, March 8 if possible. We plan on submitting the Facility Permit Application to the SD PUC and would like to include USFWS's concurrence with our plan.

Thank you in advance! We look forward to either meeting with you tomorrow or getting an email from you.

Jen

Jennifer Hanley, PE*
Senior Environmental Project Manager

HDR
51 North Broadway, Suite 550
Fargo, ND 58102
D 701.353.6139
jennifer.hanley@hdrinc.com

[hdrinc.com/follow-us](https://www.hdrinc.com/follow-us)

*MN, ND, SD, MT and TX

Memo

Date: Wednesday, April 03, 2024

Project: Big Stone South to Alexandria (BSSA) 345kV Transmission Line

To: U.S. Fish & Wildlife Service - SD

From: Otter Tail Power Company and Missouri River Energy Services

Subject: BSSA South Dakota call agenda and proposed Survey Plan

Proposed agenda for BSSA South Dakota call scheduled for Wednesday, April 3 2024:

1. Introductions
2. Project Background

The Project is part of the BSSA Project, which would consist of new 345 kV transmission facilities between the existing Big Stone South Substation near Big Stone City, South Dakota, and the existing Alexandria Substation near Alexandria, Minnesota.

The Project consists of an approximately 3.5-mile long 345 kV transmission line between the existing Big Stone South Substation located west of Big Stone City to the South Dakota – Minnesota border at a location south of Big Stone City in Big Stone Township, as well as associated upgrades at the Big Stone South Substation. The Project will be located entirely within Grant County, South Dakota. Project components would include:

- double-circuit transmission structures typically constructed on steel, single pole (monopole) structures (potential for use of H-frame structures where needed);
- initial installation of a single-circuit 345 kV transmission line and associated communication lines, with a second 345 kV circuit and associated communication lines added when conditions warrant;
- expansion of the existing Big Stone South Substation and modifications to accommodate new breaker positions and additional reactive power equipment; and
- temporary laydown, staging, and stringing areas.

The Project ROW would be 150 ft wide, with 20-23 transmission structures planned, and largely follows existing transmission corridors.

3. Proposed Survey Plan

Migratory Birds and Birds of Conservation Concern – Preconstruction surveys to be conducted for activities within the identified construction limits during primary nesting season (February 15-July 15). Surveys to use visual searches for nests, recording any nest locations using a GPS.

Bald eagle, Golden eagle & other Raptors – No raptor nests were observed during 2023 wetland reconnaissance. Preconstruction surveys will be conducted for raptor nests, recording any nest locations using a GPS.

Northern Long-eared Bat & Tricolored Bat – Very limited tree cover is present in the proposed route or in the vicinity. Applicants will restrict tree removals, if required, to outside the April 1 - October 31 timeframe. No surveys are proposed unless tree removal would need to occur within of the identified timeframe, trees greater than 3-inch diameter at breast height (DBH) will be surveyed for suitable habitat prior to removal.

Rufa Red Knot – The Rufa Red Knot is not expected to breed within the Project vicinity and suitable habitat for use during migration is limited. No designated critical habitat is present in the Project vicinity. No surveys are proposed.

Dakota Skipper – There is no critical habitat identified in the Project ROW or in the vicinity. There are no occurrences of potentially undisturbed grasslands present in the Project ROW or surrounding area that would be impacted by construction activity, the majority of which is in cultivation. No surveys are proposed.

Monarch Butterfly – The Project ROW and Flexibility Area contain cultivated lands and utility and roadway disturbed corridors. The possibility of and suitable habitat for use is limited. No surveys are proposed.

4. Avian Power Line Interaction Committee (APLIC)

The Project will be designed in accordance with APLIC's *Suggested Practices for Avian Protection On Power Lines: State of the Art in 2006*.

5. Revegetation methods

Applicants propose to use seed mix recommended by NRCS or USFWS unless otherwise agreed to with landowner.



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:

04/03/2024 17:56:53 UTC

Project Code: 2024-0072277

Project Name: Big Stone South to Alexandria Transmission

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 IPaC 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/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

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 [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

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/library/collections/threats-birds>.

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/partner/council-conservation-migratory-birds>.

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.

Note: IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

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

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

Minnesota-Wisconsin Ecological Services Field Office

3815 American Blvd East
Bloomington, MN 55425-1659
(952) 858-0793

PROJECT SUMMARY

Project Code: 2024-0072277
Project Name: Big Stone South to Alexandria Transmission
Project Type: Distribution Line - New Construction - Above Ground
Project Description: The Project consists of an approximately 3.5-mile long 345 kV transmission line between the existing Big Stone South Substation located west of Big Stone City to the South Dakota – Minnesota border at a location south of Big Stone City in Big Stone Township, as well as associated upgrades at the Big Stone South Substation.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.275873399999995,-96.48761408318518,14z>



Counties: Minnesota and South Dakota

ENDANGERED SPECIES ACT SPECIES

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

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 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 Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

MAMMALS

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

BIRDS

NAME	STATUS
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

INSECTS

NAME	STATUS
Dakota Skipper <i>Hesperia dacotae</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1028	Threatened
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

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

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, 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. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

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

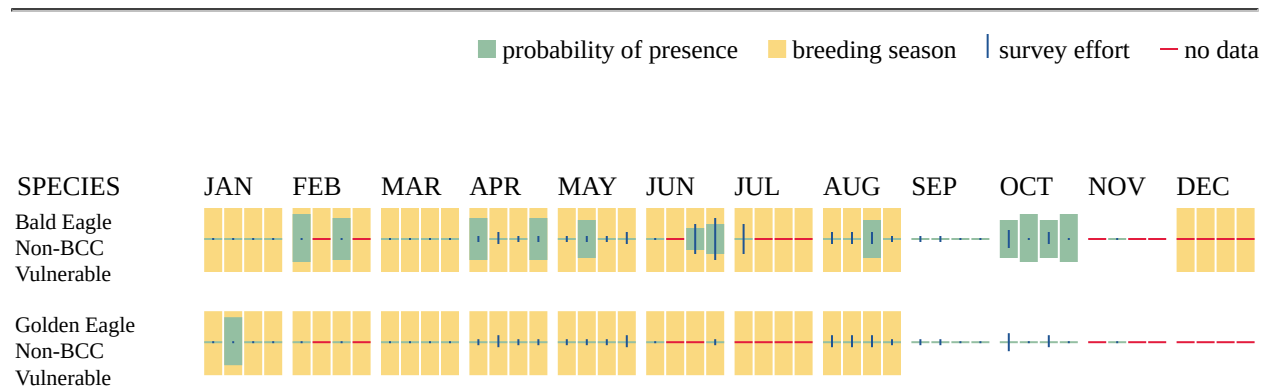
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

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 Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ 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
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10561	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Franklin's Gull <i>Leucophaeus pipixcan</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10567	Breeds May 1 to Jul 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

NAME	BREEDING SEASON
<p>Lesser Yellowlegs <i>Tringa flavipes</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9679</p>	Breeds elsewhere
<p>Marbled Godwit <i>Limosa fedoa</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9481</p>	Breeds May 1 to Jul 31
<p>Northern Harrier <i>Circus hudsonius</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/8350</p>	Breeds Apr 1 to Sep 15
<p>Pectoral Sandpiper <i>Calidris melanotos</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9561</p>	Breeds elsewhere
<p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9398</p>	Breeds May 10 to Sep 10
<p>Western Grebe <i>aechmophorus occidentalis</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/6743</p>	Breeds Jun 1 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

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

Breeding Season (■)

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

Survey Effort (|)

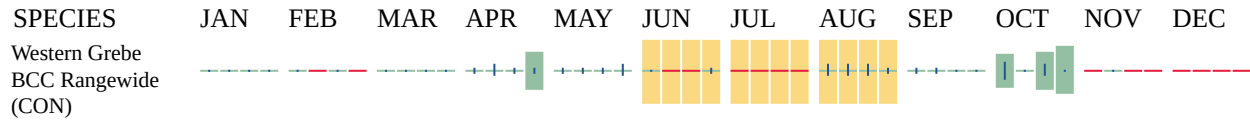
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (-)

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



BCC Rangewide
(CON)



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.

FRESHWATER EMERGENT WETLAND

- PEM1F
- PEM1Af
- PEM1Cx
- PEM1A
- PEM1B
- PEM1C

FRESHWATER POND

- PUBF
- PUBHx
- PABF

Project code: 2024-0072277

RIVERINE

- R4SBC

FRESHWATER FORESTED/SHRUB WETLAND

- PSS1A

Meeting Summary

Project: Big Stone South to Alexandria Transmission Line

Subject: Grant County (SD) Commission Meeting

Date: Tuesday, April 02, 2024

Location: Milbank, SD

Attendees: Marty Buttke, Grant County - Commissioner Jason Weiers, OTP
Mike Mach, Grant County - Commissioner Josh Humburg, OTP
Doug Stengel, Grant County - Commissioner Kris Koch, OTP
William Street, Grant County -
Commissioner
William Tostenson, Grant County –
Commissioner (Chair)
Karen Layher, Grant County - Administrator
Steve Berkner, Grant County – Planning &
Zoning Administrator
Jackson Schwandt, Grant County – State’s
Attorney

Josh Humburg provided a presentation of the Big Stone South – Alexandria 345 kV project to the Grant County Commissioners. As part of the presentation, he noted that: (1) the project is part of a larger portfolio of new transmission projects identified by the Midcontinent Independent System Operator (MISO) needed to maintain reliability of the transmission system; (2) the structures proposing to be used for the project will be steel monopole structures on concrete foundations; (3) the routing efforts performed to date for the project with the current draft of the route corridors; and (4) the high level schedule for the project involves construction starting in 2027 with an in-service date of either 2030 or 2031.

Josh also highlighted the characteristics of the project in South Dakota as being approximately 4-5 miles in length and being located entirely within Grant County. He noted that the Minnesota portion of the project is expected to be 90-100 miles in length and is still being refined by the project team. Josh reported that two narrower route corridors in Minnesota are planning to be shared through another

round of public meetings on June 24 – 27 with the closest meeting to South Dakota being held in Ortonville on June 27th.

Following the presentation, Josh answered the following questions from the Commissioners:

1. How many structures are expected in South Dakota? (~20 structures)
2. Will this line carry power east? (This line will carry power east or west depending on system conditions)
3. Why is Big Stone an endpoint of the project? (This endpoint performed the best of all the alternatives that were tested by MISO)
4. What is Big Stone Plant's expected closing date? (Otter Tail Power Company has Big Stone Plant as part of its future resource plan for the next 20 years)
5. Will Otter Tail Power Company be adding more solar or wind projects in the future? (Yes, Otter Tail's recently filed integrated resource plan with the State of Minnesota includes more solar and wind projects, but the exact location, size and schedule are not known at this time.)
6. What is the tax revenue expected from the project? (Otter Tail will need to follow-up with this information)

Following the presentation, Jason exchanged contact information with Karen and committed to following up with an estimate of the estimated tax revenues expected from the project by the end of April.

From: Hanley, Jennifer
Sent: Wednesday, April 3, 2024 3:38 PM
To: daniel_kim@fws.gov
Cc: Weiers, Jason; Humburg, Joshua; Brian Zavesky; Richard Dahl; Raine, Katie; Scheidecker, Kevin J.; Thoma, Mark; Malkin, Devin; Baker, Becky
Subject: Big Stone South to Alexandria (BSSA) 345 kV Transmission Line South Dakota USFWS Meeting Summary_20240403
Attachments: 20240403 NE Consistency NLEB_RW.pdf; 20231129_USFWS to HDR_IPAC Review Letter.pdf; BSSA SD USFWS_Meeting Summary_20240403.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Daniel,

Thank you again for your time this morning. The meeting summary is attached and we have also included the Dkey for the bats. A few things:

- We said yes to the federal nexus for the Dkey due to the USACE Section 10 Minnesota River crossing south of Ortonville, MN. We assume this is a more conservative approach in completing the Dkey. We will be addressing the USACE Section 10 crossing in the Minnesota Public Utilities Route Permit application.
- Emails have been added to the meeting attendees and all attendees are cc'd on this email.
- I added the Western Fringed Prairie Orchid to the list of survey items since it was included in the original letter sent by USFWS to the project (20231129 letter attached).
 - **Western Prairie Fringed Orchid** – The Project ROW and Flexibility Area contain cultivated lands and utility and roadway disturbed corridors. Potential for western prairie fringed orchid for potential habitat identified in the Project ROW and Flexibility Area is limited. No surveys are proposed.
- Added a note under Revegetation methods that USFWS recommends use of milkweed in the seed mix non-agricultural areas if the landowner agrees.

Please let me know if you have any edits to the meeting summary.

If you agree and can concur with our survey plan as discussed by end of day Thursday, April 4 that would be appreciated!

Jen

Jennifer Hanley, PE*
Senior Environmental Project Manager

HDR
51 North Broadway, Suite 550
Fargo, ND 58102
D 701.353.6139
jennifer.hanley@hdrinc.com

hdrinc.com/follow-us

*MN, ND, SD, MT and TX

Meeting Summary

Date: Wednesday, April 03, 2024

Project: Big Stone South to Alexandria (BSSA) 345kV Transmission Line

To: U.S. Fish & Wildlife Service - SD

From: Otter Tail Power Company and Missouri River Energy Services

Subject: BSSA South Dakota call agenda and proposed Survey Plan

Attendees:

- Daniel Kim (USFWS: daniel.kim@fws.gov)
- Josh Humburg (OTP: jhumburg@otpc.com)
- Mark Thoma (OTP: mthoma@otpc.com)
- Kevin Scheidecker (OTP: kscheidecker@otpc.com)
- Jen Hanley (HDR: Jennifer.hanley@hdrinc.com)
- Devin Malkin (HDR: Devin.malkin@hdrinc.com)
- Jason Weiers (OTP: jweiers@otpc.com)
- Brian Zavesky (MRES: brian.zavesky@mreenergy.com)

1. Introductions

2. Project Background

The Project is part of the BSSA Project, which would consist of new 345 kV transmission facilities between the existing Big Stone South Substation near Big Stone City, South Dakota, and the existing Alexandria Substation near Alexandria, Minnesota.

The Project consists of an approximately 3.5-mile long 345 kV transmission line between the existing Big Stone South Substation located west of Big Stone City to the South Dakota – Minnesota border at a location south of Big Stone City in Big Stone Township, as well as associated upgrades at the Big Stone South Substation. The Project will be located entirely within Grant County, South Dakota. Project components would include:

- double-circuit transmission structures typically constructed on steel, single pole (monopole) structures (potential for use of H-frame structures where needed);
- initial installation of a single-circuit 345 kV transmission line and associated communication lines, with a second 345 kV circuit and associated communication lines added when conditions warrant;
- expansion of the existing Big Stone South Substation and modifications to accommodate new breaker positions and additional reactive power equipment; and

- temporary laydown, staging, and stringing areas.

The Project ROW would be 150 ft wide, with 20-23 transmission structures planned, and largely follows existing transmission corridors.

Project schedule:

- SD Facility Permit Application: April 2024
- MN Route Permit Application: Q4 2024
- Construction: Late 2026/Early 2027
- Line Energization: 2030 or 2031

3. Proposed Survey Plan

Migratory Birds and Birds of Conservation Concern – Preconstruction surveys to be conducted for activities within the identified construction limits during primary nesting season (February 15-July 15). Surveys to use visual searches for nests, recording any nest locations using a GPS.

Bald eagle, Golden eagle & other Raptors – No raptor nests were observed during 2023 wetland reconnaissance. Preconstruction surveys will be conducted for raptor nests, recording any nest locations using a GPS.

Northern Long-eared Bat & Tricolored Bat – Very limited tree cover is present in the proposed route or in the vicinity. Applicants will restrict tree removals, if required, to outside the April 1 - October 31 timeframe. No surveys are proposed unless tree removal would need to occur within of the identified timeframe, trees greater than 3-inch diameter at breast height (DBH) will be surveyed for suitable habitat prior to removal. Dkey completed and included.

Rufa Red Knot – The Rufa Red Knot is not expected to breed within the Project vicinity and suitable habitat for use during migration is limited. No designated critical habitat is present in the Project vicinity. No surveys are proposed.

Dakota Skipper – There is no critical habitat identified in the Project ROW or in the vicinity. There are no occurrences of potentially undisturbed grasslands present in the Project ROW or surrounding area that would be impacted by construction activity, the majority of which is in cultivation. No surveys are proposed.

Monarch Butterfly – The Project ROW and Flexibility Area contain cultivated lands and utility and roadway disturbed corridors. The possibility of suitable habitat for use is limited. No surveys are proposed.

Western Prairie Fringed Orchid – The Project ROW and Flexibility Area contain cultivated lands and utility and roadway disturbed corridors. Potential for western prairie fringed orchid for potential habitat identified in the Project ROW and Flexibility Area is limited. No surveys are proposed.

4. Avian Power Line Interaction Committee (APLIC)

The Project will be designed in accordance with APLIC's *Suggested Practices for Avian Protection On Power Lines: State of the Art in 2006*.

Revegetation methods

Applicants propose to use seed mix recommended by NRCS or USFWS unless otherwise agreed to with landowner.

USFWS recommends use of milkweed in the seed mix in non-agricultural areas if the landowner agrees.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Assistant Regional Director-Ecological Services
5600 American Blvd. West
Bloomington, MN 55437-1458
Phone: (612) 713-5350 Fax: (612) 713-5292

In Reply Refer To:
Project code: 2024-0072277
Project Name: Big Stone South to Alexandria Transmission

04/03/2024 18:23:01 UTC

Federal Nexus: yes
Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Record of project representative's no effect determination for 'Big Stone South to Alexandria Transmission'

Dear Tyler Riendeau:

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 April 03, 2024, for 'Big Stone South to Alexandria Transmission' (here forward, Project). This project has been assigned Project Code 2024-0072277 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

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, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed

action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

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:

- Dakota Skipper *Hesperia dacotae* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Rufa Red Knot *Calidris canutus rufa* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Assistant Regional Director-Ecological Services and reference Project Code 2024-0072277 associated with this Project.

Action Description

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

1. Name

Big Stone South to Alexandria Transmission

2. Description

The following description was provided for the project 'Big Stone South to Alexandria Transmission':

The Project consists of an approximately 3.5-mile long 345 kV transmission line between the existing Big Stone South Substation located west of Big Stone City to the South Dakota – Minnesota border at a location south of Big Stone City in Big Stone Township, as well as associated upgrades at the Big Stone South Substation.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.275873399999995,-96.48761408318518,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

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.

No

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>

Yes

PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

No

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Tyler Riendeau
Address: 75 John Roberts Rd, Unit B1
City: South Portland
State: ME
Zip: 04106
Email: tyler.riendeau@hdrinc.com
Phone: 2072393822

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers

From: Kim, Daniel H <daniel_kim@fws.gov>
Sent: Wednesday, April 3, 2024 5:02 PM
To: Hanley, Jennifer
Subject: Re: [EXTERNAL] Big Stone South to Alexandria (BSSA) 345 kV Transmission Line South Dakota USFWS Meeting Summary_20240403
Attachments: BSSA South Dakota Proposed Survey plan signedDHK.pdf

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

Hello Jennifer,

Please find the memo stamped and signed. Please consider this stamped memo as UFWS position "no comments or concerns" on the proposed survey plan in South Dakota part of the Big Stone south to Alexandria project. As the Northern Long-eared Bat Dkey from IPaC was a "no effect" the consultation for the bat ends there, as long as any tree clearing occurs outside the active season for the species (November 1- March 31).

If you have any questions or comments, please feel free to contact me.

Dan

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

From: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>
Sent: Wednesday, April 3, 2024 2:38 PM
To: Kim, Daniel H <daniel_kim@fws.gov>
Cc: Weiers, Jason <jweiers@otpc.com>; Humburg, Joshua <jhumburg@otpc.com>; Brian Zavesky <brian.zavesky@mrenergy.com>; Richard Dahl <richard.dahl@mrenergy.com>; Raine, Katie <Katie.Raine@hdrinc.com>; Scheidecker, Kevin J. <kscheidecker@otpc.com>; Thoma, Mark <mthoma@otpc.com>; Malkin, Devin <devin.malkin@hdrinc.com>; Baker, Becky <Rebecca.Baker@hdrinc.com>
Subject: [EXTERNAL] Big Stone South to Alexandria (BSSA) 345 kV Transmission Line South Dakota USFWS Meeting Summary_20240403

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Daniel,

Thank you again for your time this morning. The meeting summary is attached and we have also included the Dkey for the bats. A few things:

- We said yes to the federal nexus for the Dkey due to the USACE Section 10 Minnesota River crossing south of Ortonville, MN. We assume this is a more conservative approach in completing the Dkey. We will be addressing the USACE Section 10 crossing in the Minnesota Public Utilities Route Permit application.
- Emails have been added to the meeting attendees and all attendees are cc'd on this email.
- I added the Western Fringed Prairie Orchid to the list of survey items since it was included in the original letter sent by USFWS to the project (20231129 letter attached).
 - **Western Prairie Fringed Orchid** – The Project ROW and Flexibility Area contain cultivated lands and utility and roadway disturbed corridors. Potential for western prairie fringed orchid for potential habitat identified in the Project ROW and Flexibility Area is limited. No surveys are proposed.
- Added a note under Revegetation methods that USFWS recommends use of milkweed in the seed mix non-agricultural areas if the landowner agrees.

Please let me know if you have any edits to the meeting summary.

If you agree and can concur with our survey plan as discussed by end of day Thursday, April 4 that would be appreciated!

Jen

Jennifer Hanley, PE*
Senior Environmental Project Manager

HDR
51 North Broadway, Suite 550
Fargo, ND 58102
D 701.353.6139
jennifer.hanley@hdrinc.com

hdrinc.com/follow-us

*MN, ND, SD, MT and TX

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.

South Dakota Ecological Services

Date

Meeting Summary

Date: Wednesday, April 03, 2024

Project: Big Stone South to Alexandria (BSSA) 345kV Transmission Line

To: U.S. Fish & Wildlife Service - SD

From: Otter Tail Power Company and Missouri River Energy Services

Subject: BSSA South Dakota call agenda and proposed Survey Plan

Attendees:

- Daniel Kim (USFWS: daniel.kim@fws.gov)
- Josh Humburg (OTP: jhumburg@otpc.com)
- Mark Thoma (OTP: mthoma@otpc.com)
- Kevin Scheidecker (OTP: kscheidecker@otpc.com)
- Jen Hanley (HDR: Jennifer.hanley@hdrinc.com)
- Devin Malkin (HDR: Devin.malkin@hdrinc.com)
- Jason Weiers (OTP: jweiers@otpc.com)
- Brian Zavesky (MRES: brian.zavesky@mrenergy.com)

1. Introductions

2. Project Background

The Project is part of the BSSA Project, which would consist of new 345 kV transmission facilities between the existing Big Stone South Substation near Big Stone City, South Dakota, and the existing Alexandria Substation near Alexandria, Minnesota.

The Project consists of an approximately 3.5-mile long 345 kV transmission line between the existing Big Stone South Substation located west of Big Stone City to the South Dakota – Minnesota border at a location south of Big Stone City in Big Stone Township, as well as associated upgrades at the Big Stone South Substation. The Project will be located entirely within Grant County, South Dakota. Project components would include:

- double-circuit transmission structures typically constructed on steel, single pole (monopole) structures (potential for use of H-frame structures where needed);
- initial installation of a single-circuit 345 kV transmission line and associated communication lines, with a second 345 kV circuit and associated communication lines added when conditions warrant;
- expansion of the existing Big Stone South Substation and modifications to accommodate new breaker positions and additional reactive power equipment; and

From: [Hanley, Jennifer](#)
To: Hilary.morey@state.sd.us
Cc: [Scheidecker, Kevin J.](#); [Thoma, Mark](#); [Weiers, Jason](#); [Humburg, Joshua](#); [Malkin, Devin](#); [Raine, Katie](#); [Baker, Becky](#); [Smith, Mollie](#); [Duffus, Bridget](#)
Subject: Big Stone South to Alexandria 345 kV Transmission Line (BSSA) SD SDGFP Follow Up_20240404
Date: Thursday, April 4, 2024 5:01:50 PM
Attachments: [20240228_SDGFP_to_HDR_BSSA_SD_Recommendation_Letter.pdf](#)
[20240115_SDGFP_to_HDR_2024_Environmental_Review_Report.pdf](#)
[BSSA_South_Dakota_Proposed_Survey_plan_signedDHK.pdf](#)

Hilary,

Thank you for providing SDGFP recommendations via the Environmental Review Tool and your February 28, 2024 letter. Below are responses to the recommendations, which include an update on our consultation with the USFWS:

- Environmental Review Tool Report (dated January 15, 2024)
 - The report states that no environmental conflicts were detected for the proposed Project by the SDGFP.
 - As recommended, the Project will be marked in accordance with APLIC recommendations, wetland disturbance will be avoidance or minimal and riparian areas will be reseeded in accordance with applicable USACE Nationwide Permit Program requirements, a site-specific sediment and erosion control plan will be prepared, and the Project will comply with USFWS nest removal requirements, as needed.
 - Regarding the SDGFP Game Production Area (GPA) located on Otter Tail Power Company-owned property), no Project structures will be located on the GPA.
 - As recommended, the BSSA Project team has coordinated with the USFWS, as discussed further below.

- February 28, 2024 Letter
 - Recommendation to consult with GFP and USFWS early and often during the development of the project.
 - Our BSSA Project team was able to meet with Daniel Kim, USFWS, to discuss and plan our approach to the wildlife species that are under their jurisdiction. These species were identified within the SDGFP February 28, 2024 letter (attached). USFWS has concurred with our plan and has no comments or concerns about this Project as described (see BSSA South Dakota Proposed Survey plan signed DHK.pdf).
 - Recommendation to make annual data requests from the South Dakota NHD or the ERT
 - A request was made for 2024. We will continue to make data requests through the development of the Project.
 - Recommendation to conduct appropriate desktop and field surveys to assess wildlife habitat and wildlife use including but not limited to:
 - Desktop assessment of grasslands and cover types located within the project area

- We have referenced GIS layers from Bauman et al. for potentially undisturbed grasslands. No potentially undisturbed grasslands are within the proposed route and none will be affected by Project activities. A large portion of this route is located in cultivated areas and along existing roadway/utility corridors.
- Bat acoustic surveys
 - Through coordination and concurrence with USFWS: Very limited tree cover is present in the proposed route or in the vicinity (fewer than five trees in one unnamed drainage dominated by herbaceous species). Applicants will restrict tree removal to be outside of the April 1 – October 31 timeframe. No surveys are proposed unless tree removal would need to occur within of the identified timeframe – if so, trees greater than 3-inch diameter at breast height (DBH) would be surveyed for suitable habitat prior to removal. Dkey completed and included in the BSSA South Dakota Proposed Survey plan signed DHK.pdf.
- Avian use surveys
 - Through coordination and concurrence with USFWS: Preconstruction raptor/eagle nest surveys to be conducted for activities within the identified construction limits during primary nesting season (February 15- July 15). Surveys to use visual searches for nests, recording any nest locations using a GPS.
- Raptor and eagle nest surveys
 - Through coordination and concurrence with USFWS: No raptor nests were observed during 2023 wetland reconnaissance. Preconstruction surveys will be conducted for raptor/eagle nests, recording any nest locations using a GPS.
- NHP species that could occur within the project vicinity include:
 - American Spikenard: The Project ROW and vicinity contain cultivated lands and utility and roadway disturbed corridors. Potential for American Spikenard in the Project ROW and Flexibility Area is limited. No surveys are proposed.
 - Carmine Shiner: The Project would not place a structure in open water streams or rivers. No impact to the Carmine Shiner is anticipated. No surveys are proposed.
 - Eastern Grey Squirrel: The Project ROW and vicinity contain cultivated lands and utility and roadway disturbed corridors. No surveys are proposed.
 - North American River Otter: The Project ROW and vicinity contain cultivated lands and utility and roadway disturbed corridors. The Project would not place a structure in open water streams or rivers. No surveys are proposed.
- Use results of wildlife field surveys to inform project siting (e.g. if a project identifies sensitive wildlife, sensitive habitats or a resource rich area, the project should consider relocation).
 - See discussion above. Data has been considered in Project design and

routing.

- Avoid siting of project infrastructure in grassland, especially undisturbed grasslands
 - As noted above, we have pulled and evaluated the grasslands data layers Bauman et al. 2014, Bauman et al. 2016, and Bauman et al. 2018. No potentially undisturbed grasslands will be impacted by the Project.
- Site project infrastructure in previously disturbed areas as much as possible and existing rights-of-way
 - The Project ROW and vicinity are sited in primarily in cultivated lands and along utility and roadway disturbed corridors.
- Avoid siting project infrastructure in a wetland, as well as in wetland complexes.
 - Based on the current design, potential impacts to wetlands would either be temporary or minor and within the threshold for authorization under the USACE Nationwide Permit program without pre-construction notification.

Thank you for your engagement with this project! Please let me know if you have any questions or want to discuss further.

Jen

Jennifer Hanley, PE*
Senior Environmental Project Manager

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*MN, ND, SD, MT and TX



April 2, 2024

Kevin Gilmore
HDR, Inc.
369 Inverness Parkway, Suite 325
Englewood, CO 80112

SDCL 1-19A-11.1 Consultation

Project: 240109007S – Otter Tail Power Company - Big Stone South to Alexandria (BSSA) Transmission Line Project
Location: Grant
PUC - South Dakota Public Utilities Commission

Dear Mr. Gilmore,

Thank you for the opportunity to comment on the above referenced project pursuant to South Dakota Codified Law (SDCL) 1-19A-11.1. SDCL 1-19A-11.1 outlines a specific process that must be followed prior to any governmental action that may harm any historic property that is included in the National or State Registers of Historic Places. The South Dakota Office of the State Historic Preservation Officer (SHPO) would like to provide the following comments concerning effect of the proposed project on the non-renewable cultural resources of South Dakota.

On March 7, 2024, SHPO received your letter, the report titled "A Level III Cultural Resource Survey for the Big Stone South to Alexandria 345-kV Transmission Line Project" by Lars Boyd of HDR, updated site forms, and shapefiles. Previously, Otter Tail Power Company had notified SHPO of the proposed Big Stone South to Alexandria (BSSA) Transmission Line Project, and SHPO responded in an email dated November 13, 2023, and a letter dated January 19, 2024. SHPO's January 19, 2024, letter included recommendations for meeting the requirements outlined in the Administrative Rules of South Dakota (ARSD) at 20:10:22:23 for the South Dakota Public Utilities Commission (PUC) Facility Permit Application.

Your current letter confirms that there is no federal involvement in the proposed transmission line project and requests comments from SHPO under SDCL 1-19A-11.1. Your letter and the HDR report also indicate that only a portion of the study area in South Dakota has been subject to intensive field survey at this time. As access to additional parcels of land is granted and/or if the route of the proposed transmission line corridor changes, additional surveys will be conducted. Your letter also indicates that an analysis of the proposed project's visual effects has not been completed and that additional information on the effects of the proposed project on any Traditional Cultural Properties associated with American Indian Tribes and/or properties of religious and cultural significance to American Indian Tribes will be forthcoming along with future survey reports.

The HDR report indicates that qualified archaeologists have surveyed 156 acres of the project area. During the survey efforts, a previously recorded segment of 39GT2007 was revisited and an additional segment was newly recorded. 39GT2007 remains Eligible for listing in the National Register of Historic Places, and the two segments discussed in the report are integral to the site's overall eligibility. Two



segments of 39GT2042 also were previously recorded within the study area. However, the results of the current survey indicate that these segments of 39GT2042 have been completely obliterated and are not integral to 39GT2042's overall Eligibility to the National Register of Historic Places. During the current survey, the mapped location of 39GT0399 also was revisited, but no evidence of the previously recorded site remains. In letter 150904001S dated February 13, 2019, SHPO had agreed that 39GT0399 did not meet any of the National Register criteria.

Based upon the information provided, there are no properties listed in the National or State Registers of Historic Places within the currently identified study area. The report indicates that the transmission line will span across 39GT2007 but will not cause ground disturbance within the site boundary and will not adversely affect the eligibility of the site to the National Register of Historic Places.

As additional efforts to identify cultural resources and how they will be affected by the proposed project are completed, please provide the results of the efforts so SHPO can provide additional comments on the project under SDCL 1-19A-11.1 and its effects on the non-renewable cultural resources of the state.

Should you require any additional information, please contact Jenna Carlson Dietmeier at Jenna.CarlsonDietmeier@state.sd.us or at (605)773-8370.

Sincerely,

A handwritten signature in blue ink that reads "Jenna Carlson Dietmeier".

Jenna Carlson Dietmeier, PhD
Interim State Historic Preservation Officer, Review & Compliance Coordinator

CC: Megan Mueller - HDR, Inc.
Jennifer Hanley - HDR, Inc.
Jason Weiers - Otter Tail Power Company
Megan Ostrenga Fabricius - Archaeological Research Center, Rapid City
Lynn Griffin - Archaeological Research Center, Rapid City
Cassie Vogt - Archaeological Research Center, Rapid City
Jon Thurber - PUC
Darren Kearney - PUC

April 4, 2024

Jenna Carlson Dietmeier, Interim State Historic Preservation Officer
South Dakota State Historic Preservation Office
700 East Broadway Ave
Pierre, SD 5750157501

RE: Response to April 2, 2024, SHPO Review of Draft Level III Report for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Dr. Carlson Dietmeier,

Thank you for your review of the Level III report, titled *A Level III Cultural Resource Survey for the Big Stone South to Alexandria 345-kV Transmission Line Project* (HDR Engineering, Inc. [HDR]). The Level III survey and report were completed in support of Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), new 345-kV high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA).

We acknowledge that based on the background research on the currently identified study area and the area intensively surveyed for archaeological resources presented in the reviewed Level III report, there are no properties listed in the National or State Registers of Historic Places within the study area, and the transmission line spans across site 39GT2007 and therefore will not adversely affect its eligibility. Per the *Supplement Guide for Submitting Reports and Data to the South Dakota State Historical Society Archaeological Research Center* (Updated March 2023), HDR will mail the required hard copy versions of the Level III report and site forms, and a CD with a digital copy of the report, site forms, and associated spatial data to the South Dakota Archaeological Research Center. We also acknowledge that any sites documented during additional cultural resource survey efforts will be subject to additional SHPO review.

HDR will conduct additional archaeology survey within areas that we did not previously have landowner permission to access or have been added to the study area since the Level III report was submitted on March 7, 2024. HDR will complete the survey the week of April 8, 2024, weather permitting. The additional archaeological survey will use the same methods used during the surveys completed in November 2023 and February 2024. An addendum Level III cultural resource report documenting the results of the additional survey will be completed and submitted to your office through the South Dakota ERC portal under SHPO Project Number 240109007S.

HDR will also complete a reconnaissance field survey of previously recorded architectural sites listed or eligible for listing on the National and State Registers of Historic Places within a 1-mile buffer surrounding the study area. Data collected will include photos taken of the listed or eligible sites from the study area, and photos taken from the eligible or listed site towards the study area as a way to document the view shed of the historic properties. No new site forms will be completed for these previously recorded architectural sites. No 3D Visualization figures will be completed for the visual effects analysis. The data collected during the reconnaissance field survey will be used

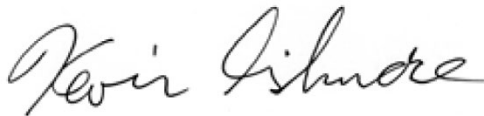
to analyze potential visual effects on listed or eligible architectural sites within a 1-mile area. This visual effects analysis will be included in the addendum cultural resource report.

In addition, Otter Tail and HDR will provide assistance as needed to representatives from two Tribal organizations during their field surveys, which will also be completed the week of April 8, 2024. The two participating Tribes are the Flandreau Santee Sioux Tribes of South Dakota and Sisseton-Wahpeton Oyate of the Lake Traverse Reservation. The results of these surveys will be documented either in a Traditional Cultural Properties report(s) or in an addendum Level III survey report and any collected spatial data from these surveys will be used to assist Otter Tail with planning purposes. Otter Tail acknowledges that any information gathered from the Tribes and shared with Otter Tail is sensitive and confidential and will treat that data as such. The results of the Tribal surveys will not be available to the public and will be protected to the fullest extent possible.

If you require additional information regarding the upcoming Level III cultural resource survey or the Tribal surveys, please contact me at 303-754-4288 or kevin.gilmore@hdrinc.com. If you require additional information regarding the proposed project, please contact the transmission line project development manager, Jason Weiers of OTP at 218-739-8311 or jweiers@otpc.com or HDRs supervising environmental permitting specialist, Jennifer Hanley at 701-353-6139 or jennifer.hanley@hdrinc.com.

We appreciate and value your input in our on-going efforts to avoid and minimize effects to cultural resources and look forward to your feedback and continued coordination.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Gilmore".

Kevin Gilmore, PhD, RPA
Archaeology Program Manager