



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE Mountain-Prairie Region Office of Conservation Investment

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June 10, 2024

## **FINDING OF NO SIGNIFICANT IMPACT**

### *South Dakota Department of Game, Fish and Parks Proposed Federal Land Disposal and Replacement of Hydro #2 Game Production Area in Lawrence County, South Dakota*

The U.S. Fish and Wildlife Service (Service) has prepared this document in accordance with the procedures for compliance with the National Environmental Policy Act (NEPA) of 1969, as amended and as it applies to the Pittman-Roberson (PR) Wildlife Restoration Act of 1937 (16 U.S.C. Sec. 669 et. Seq.). The South Dakota Department of Game, Fish and Parks (SDGFP) has requested the Service's Office of Conservation Investment concurrence to dispose of the existing Federal encumbrance (PR grant #15AF00029, W-27-L-3) on the 32.251-acre Hydro #2 Game Production Area (GPA). To maintain compliance with the original grant, SDGFP will replace the disposed property by placing a new Federal encumbrance on the 320-acre Hepler GPA, a property solely owned by SDGFP located in Lawrence County, South Dakota. The Service's approval of this land disposal constitutes a Federal action subject to provisions of the NEPA, including the preparation of an Environmental Assessment (EA) to evaluate potential impacts of the proposed action on the human environment.

The Service prepared and posted a draft EA that was released for a 30-day public review and comment period from March 19, 2024 to April 19, 2024 (<https://www.fws.gov/carp/press-release/2024-03/seeking-public-comments-draft-environmental-assessment-south-dakota>). No comments were received regarding the proposed Federal land disposal and replacement of the Hydro #2 Game Production Area. Therefore, a final EA entitled Final Environmental Assessment, Federal Land Disposal and Replacement of Hydro #2 Game Production Area in Lawrence County, South Dakota, May 3, 2024, and attached Appendices, have been prepared to comply with NEPA requirements and to assist in the Service's decision-making to determine whether to prepare an Environmental Impact Statement.

A Preferred Alternative and a No Action Alternative were analyzed in the EA. The Proposed Action is to dispose of the Federal encumbrance in Hydro #2 GPA and replace it with a new Federal encumbrance with the Hepler GPA. SDGFP has determined public use and public expectations of SDGFP supported services and amenities at Hydro #2 GPA have expanded beyond those anticipated

by SDGFP at the time of purchase and will increase over time to a point that it may be unfeasible to continue to meet the original Federal Grant purpose. Over time these activities will affect the wildlife resources currently located on this property due to the increased public use of the area. If no action is taken in the near future, the habitat will no doubt be negatively impacted by the increasing public use of the area and will likely no longer serve the purpose for which it was acquired. Upon evaluating the effects of the proposed disposal of the Federal encumbrance, SDGFP has determined that any wildlife resources and existing public interests would only be temporarily affected by building the infrastructure needed to minimize a larger area of habitat erosion and protect wildlife resources from disturbance.

Under the No Action Alternative, SDGFP will continue to own and manage both the Hydro #2 GPA and the Helper GPA, the Federal encumbrance will remain in the Hydro #2 GPA property, and the potential to adequately and effectively respond to expanded public uses and the associated demand for additional services and amenities associated with those public uses will likely be unfeasible due to the strict regulations that dictate eligible use of PR Federal funding. If no action is taken, SDGFP will be unable to build the infrastructure that will limit or control public use of the area and will be less successful in protecting the habitat from user impacts. The public safety issues related to the inability to accommodate the number of visitors will remain in place on this GPA and will increase over time.

In accordance with the National Historic Preservation Act (NHPA) of 1966, Class I and Class III surveys were conducted at the site to determine any impacts to cultural resources. The State Historic Preservation Office (SHPO) determined that the proposed action would constitute an undertaking that would have **adverse effects** on the historic properties identified. On July 23, 2022, the agreement entitled, 'Memorandum of Agreement Among United States Fish and Wildlife Service, South Dakota State Historic Preservation Officer, and South Dakota Department of Game, Fish, and Parks Regarding the Hydro #2 Game Production Area, Lawrence County, South Dakota', was fully executed pursuant to 54 U.S.C. 306108, also known as Section 106 of the NHPA, to resolve the adverse effects of the undertaking on historic properties. Additionally, in accordance with Section 106 and its implementing regulations, 36 CFR Part 800, South Dakota Tribal Governments were invited to consult on the project and were provided with a copy of the Class III Intensive Cultural Resources Survey both by email and hard copy letter (dated March 14, 2022). However, no responses were received.

Biological data was also reviewed to identify possible occurrences of any Federally listed, candidate, or proposed species in accordance with the Endangered Species Act (ESA) of 1973. Species considered per the Information for Planning and Consultation (IPaC) tool, identified Northern long-eared bat, Tricolored bat (proposed endangered), Red knot, and Monarch butterfly in Lawrence County. However, according to the South Dakota Natural Heritage Database, there were no known occurrences of these species, nor was any critical habitat present within the project area. Therefore, it was determined that the project will have "No Effect" to listed or proposed protected species or their designated critical habitats.

Based on review of the Final Environmental Assessment and evaluation of the effects of the Preferred Alternative, I find that the **proposed action is not a major Federal action** which would significantly impact the quality of the human environment within the meaning of Section 102(2)(c) of the NEPA. I also find that all reasonable alternatives were considered in the evaluation of the proposed project and that the project also complies with the intent of the NHPA, Executive Order 11988 "Floodplain Management", and Executive Order 11990 "Protection of Wetlands". Pursuant to Section 7 of the Endangered Species Act, the project will have **no effect on any listed species or critical habitat**. Consequently, I have determined that an **Environmental Impact Statement will not be prepared**. The Final EA is on file at the Office of Conservation Investment, U.S. Fish and Wildlife Service, Denver Federal Center, 1 Denver Federal Center, Building 25, Room W1911, Denver, Colorado, 80228, and is also available online at: <https://www.fws.gov/press-release> (June 10, 2024).

Signature	Date June 10, 2024
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Regional Director, U.S. Fish and Wildlife Service, Region 6 | Date

*References:*

Final Environmental Assessment, Federal Land Disposal and Replacement of Hydro #2 Game Production Area, Lawrence County, South Dakota. 2024. SDGFP & U.S. Fish and Wildlife Service.

Intensive Level III Cultural Resources Survey of Hydro No.2 Game Production Area for Game, Fish and Parks, Lawrence County, South Dakota. 2020. Archaeological Research Center, Rapid City, South Dakota.