



**Sisseton-Wahpeton Oyate  
Veterans Cemetery**

***Environmental Assessment  
Draft***

**Prepared For:  
South Dakota Department of Veterans Services**

**Prepared By:  
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## EXECUTIVE SUMMARY

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The Sisseton-Wahpeton Oyate (SWO) of Lake Traverse Reservation, is responsible for the future construction and operation of a veterans' cemetery on 20 acres of land owned by SWO. In order to construct the project, federal grant funding is needed. This project is funded by National Cemetery Administration (NCA) through their Cemetery Grants Program. Since it is federally funded, it will need to meet federal project requirements. All projects must comply with the National Environmental Policy Act and the National Historic Preservation Act. Since this is a new cemetery, the applicant is required to perform an Environmental Assessment (EA) to determine whether a more in-depth Environmental Impact Statement (EIS) is required. The EA should progress toward a Finding of No Significant Impact (FONSI). Funding and construction of this proposed cemetery constitute the Proposed Action reviewed in this document. The purpose of the Proposed Action is to allow SWO's current and future veterans to have a place to rest in peace on their homelands.

The facility would be located on land currently owned by SWO, located approximately 4 miles west of Sisseton, South Dakota immediately south of State Highway 10. The NCA grant will allow for the master plan to be realized. The master plan process will determine the maximum internment capacity of this site as well as all other features of this site, including but not limited to: entry features, roads, utilities and parking infrastructure, an avenue of flags, an assembly area, full casket gravesites in pre-placed crypts, committal service shelter, columbarium niches and in-ground cremain burial sites, memorial walk, administration and public information buildings, public restroom, maintenance building and service yard and irrigation system. The master plan shall determine appropriate quantities sufficient enough to support number of projected burial needs.

## Chapter 1

# INTRODUCTION

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## 1.1 PROJECT BACKGROUND

A new veterans' cemetery facility is proposed to be located on property within the Sisseton-Wahpeton Oyate (SWO) of Lake Traverse Reservation, located in Roberts County, South Dakota, approximately 4 miles west of Sisseton, South Dakota, south of State Hwy 10. The project area is undeveloped and lies between vacant grassland to the south and west with State Hwy 10 to the north (paved) and Long Hollow Twp. Rd. (unpaved) to the west. The project area consists of approximately 40 acres of land owned by SWO.

SWO approval of a federal grant application through the U.S. Department of Veterans Affairs (VA) is the action prompting compliance with the National Environmental Policy Act of 1969 (NEPA) (38 Code of Federal Regulations [CFR] 39). Funding and construction of the proposed cemetery constitute the Proposed Action. The general vicinity of the project area is depicted in Figure 1, and the precise boundaries of the project area are shown in Figure 2.

Construction will be funded by the VA's National Cemetery Association (NCA) Veterans Cemetery Grants Program, subject to meeting all of the requirements of availability and approval of the design. The cemetery would require connections to service for water, wastewater, electricity, natural gas, and communication, all currently available in the vicinity of the site.

The new cemetery master plan and design process will be in close cooperation with OWS and VA State Cemetery Grant Program Master Plan requirements and guidelines as well as all other Veterans Cemetery Grants Program design criteria.

Although the lead agency for an environmental assessment (EA) is usually a federal agency, the VA, NCA Veterans Cemetery Grants Program defers the preparation of the EA and the decision whether to issue a Finding of No Significant Impact (FONSI), pursuant to 38 CFR 39.9 and 38 CFR 39.6.

## 1.2 PURPOSE AND NEED

The mission of the SWO is respecting and improving the lives of veterans and their families through education, encouragement and service. The purpose of the Proposed Action is to provide high quality burial facilities to eligible veterans within the SWO Lake Traverse Reservation. The need is generated by the projected death rates associated with the estimated current population of 13,177 tribal members located throughout the United States and overseas along with the need to accommodate the average annual number of veterans who choose to be buried in a veterans' cemetery.

## 1.3 ENVIRONMENTAL ASSESSMENT

NEPA requires federal agencies to evaluate and consider environmental impacts for all federal projects. The level of documentation required depends on the level of impacts. A categorical exclusion is for minor actions that have been previously determined to have no significant environmental impact. An EA is used to determine if a federal project would significantly affect the environment. An environmental impact statement is prepared for actions that are anticipated to significantly impact the environment.

It was determined that an EA is the appropriate level of documentation for the grant approval supporting the proposed new veterans' cemetery facility. An EA is intended to be a concise public document that analyzes the environmental impacts of a proposed action.

This EA was prepared in compliance with NEPA, the President's Council on Environmental Quality (CEQ)'s regulations implementing NEPA (40 CFR 1500–1508), and the VA's NEPA regulations (38 CFR 26).

In carrying out its mission, the VA intends to:

- ensure that all practical means and measures are used to protect, restore, and enhance the quality of the human environment;
- avoid or minimize adverse environmental consequences;
- preserve historical, cultural, and natural aspects of our national heritage; and
- achieve a balance between the use and development of resources within the sustained capacity of the ecological system involved.

## 1.4 REGULATORY CONTEXT

### **Compliance with Applicable Laws, Executive Orders, Regulations, Policies, and Community Ordinances**

The following is a summary of selected statutes, regulations, and executive orders applicable to this project.

**National Environmental Policy Act of 1969. Public Law (PL) 91-190, 42 United States Code 43214370(e), as amended.** NEPA requires federal agencies to take into consideration the environmental consequences of proposed actions as well as input from state and local governments, Indian tribes, the public, and other federal agencies during their decision-making process. The CEQ was established under NEPA to ensure that all environmental, economic, and technical considerations are given appropriate consideration in this process. This EA complies with NEPA statutes and regulations, the U.S. Department of the Interior Manual, and the Bureau of Indian Affairs NEPA Handbook (59 IAM 3H).

**Clean Water Act of 1977, as amended.** Section 404 of this act identifies conditions under which a permit is required for construction projects that result in the discharge of dredged or fill material into waters of the U.S. There are no jurisdictional waters of the U.S. within the project area.

**Safe Drinking Water Act of 1974, as amended.** Section 1424 of this act regulates underground injection into an aquifer, which is the sole or principal drinking water source for an area. One well will be installed for the proposed facilities, but no dry wells, injection wells, or other features that interact with the local aquifer will be constructed.

**Executive Order (EO) 11988, Floodplain Management, May 24, 1977.** EO 11988 requires avoiding or minimizing harm associated with the occupancy or modification of a floodplain. The project area is not located within any designated floodplain; therefore, no modification would take place.

**EO 11990, Protection of Wetlands, May 24, 1977.** EO 11990 requires federal agencies or federally funded projects to restrict uses of federal lands for the protection of wetlands through avoidance or minimization of adverse impacts. The order was issued to “avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative.” No wetlands will be affected by this project; therefore, this EO does not apply.

**Wild and Scenic Rivers Act of 1968.** This act requires consideration of wild and scenic rivers in planning water resources projects. Developing water resources projects is prohibited on any river designated for study as a potential component of the national wild and scenic river system. There are no rivers in the area that would be affected by this project.

**Fish and Wildlife Coordination Act of 1934, as amended.** This act requires coordination with federal and state wildlife agencies (U.S. Fish and Wildlife Service [USFWS] and South Dakota Department of Environment and Natural Resources) for the purpose of mitigating losses of wildlife resources caused by a project that impounds, diverts, or otherwise modifies a stream or other natural body of water.

**Endangered Species Act of 1973, as amended.** Section 7 of this act requires federal agencies to consult with the USFWS to ensure that undertaking, funding, permitting, or authorizing an action is not likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Critical habitat, as defined under the act, exists only after USFWS officially designates it. Critical habitat is 1) within the geographic area, features essential to the conservation of the species and that may require special management consideration or protection; and 2) those specific areas outside the geographic area, occupied by a species at the time it is listed, essential to the conservation of the species.

**The Bald and Golden Eagle Protection Act of 1940, as amended.** This act prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The proposed project construction will not involve destruction of suitable foraging or nesting habitat in the project area.

**Clean Air Act of 1963, as amended.** This act requires any federal entity engaged in an activity that may result in the discharge of air pollutants to comply with all applicable air pollution control laws and regulations (federal, state, or local). This act directs the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for six different criteria pollutants, including carbon dioxide, ozone (O<sub>3</sub>), particulate matter (PM), sulfur oxides, nitrogen oxides, and lead.

**EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, February 11, 1994.** This order directs federal agencies to identify and address, as appropriate, disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority populations and low-income populations. The project would not introduce disproportionately high and adverse human health and environmental effects on the surrounding population; there would be no adverse effect as defined by this EO.

**EO 13007, Indian Sacred Sites, 1996.** EO 13007 requires that all Executive Branch agencies having responsibility for the management of federal lands will, where practicable, permitted by law, and not clearly inconsistent with essential agency functions, provide access to and ceremonial use of Indian sacred sites by Indian religious practitioners and will avoid adversely affecting the integrity of such sacred sites. The order also requires that federal agencies, when possible, maintain the confidentiality of sacred sites.

**National Historic Preservation Act of 1966, as amended.** Federal undertakings must comply with

Section 106 of National Historic Preservation Act, which mandates that potential effects on historic properties be considered prior to approval of such undertakings. Historic properties are defined as sites, districts, buildings, structures, and objects eligible for or listed on the National Register of Historic Places

(NRHP). Consideration of these resources is to be made in consultation with the State/Tribal Historic Preservation Office and other interested agencies and parties.

**Native American Graves Protection and Repatriation Act (1990) (25 United States Code 3001– 3013).** This act requires protection and repatriation of Native American cultural items found on, or taken from, federal or tribal lands, and requires repatriation of cultural items controlled by federal agencies or museums receiving federal funds. Should previously unidentified cultural resources, especially human remains, be encountered during construction, work will stop immediately at that location and Bureau of Indian Affairs's Cultural Resources staff will be notified to ensure proper treatment of these resources.

**National Cemetery Act of 1867.** This was the first major piece of legislation to provide funds for, and directives about, national cemeteries.

**National Cemetery Act of 1973 (PL 93-43).** Transferred custody of national cemeteries from the U.S. Army to VA's newly established National Cemetery System. VA cemeteries were elevated to national cemetery status. The U.S. Army retained control of Arlington National Cemetery and the cemetery at the U.S. Soldiers' and Airmen's Home.

**Veterans' Housing Benefits Act of 1978 (PL 95-476).** Authorized a program of grant assistance to states to establish, expand, and improve state veterans' cemeteries.

**State Cemetery Grants Program (Public Law 95-476).** The VA's Veterans Cemetery Grants Program was established in 1978 to complement VA's National Cemetery Administration. The program assists states, territories, and federally recognized tribal governments in providing gravesites for veterans in those areas where VA's national cemeteries cannot fully satisfy their burial needs. State veterans' cemeteries enhance VA's ability to meet the burial needs of America's veterans.

**Veterans Programs Enhancement Act of 1998 (PL 105-368).** Redesignated the National Cemetery System as the National Cemetery Administration, and designated the position of Director of the National Cemetery System as the Under Secretary for Memorial Affairs. Authorizes the federal government to pay all costs of establishing, improving, or expanding State-owned and -operated veterans' cemeteries. States, however, retain responsibility for costs associated with acquiring land, and operational costs.

**Veterans Millennium Health Care and Benefits Act (PL 106-117).** Directed the VA Secretary to contract with one or more qualified organizations to conduct independent studies for improvements to veterans' burial benefits and for improvements to veterans' cemeteries. Mandated the Secretary to establish national cemeteries in the six U.S. areas where they are most needed.

**Veterans Benefits Act of 2003 (PL 108-183).** Expanded eligibility for burial in a national cemetery to remarried surviving spouses of deceased veterans. Permanently authorized the State Veterans' Cemeteries Grant Program under the VA.

**Veterans' Benefits Act of 2010 (PL 111-275).** Expanded eligibility for burial in a national cemetery to parents of certain interred veterans. Required a new study for establishing cemeteries in five designated areas.

**38 United States Code Section 2406: Acquisition of lands.** States that as additional lands are needed for national cemeteries, they may be acquired by the Secretary by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other federal agencies, exchange, or otherwise, as the Secretary determines to be in the best interest of the United States.

**38 CFR Part 26 — Environmental Effects of the Department of Veterans Affairs Actions.** The purpose of this part is to implement NEPA in accordance with regulations promulgated by the CEQ (CEQ Regulations, 40 CFR 1500–1508), and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. This part shall provide guidance to officials of the VA on the application of the NEPA process to VA activities. It states that the VA must act with care in carrying out its mission of providing services for veterans to ensure it does so consistently with national environmental policies. Specifically, VA shall ensure that all practical means and measures are used to protect, restore, and enhance the quality of the human environment; to avoid or minimize adverse environmental consequences, consistently with other national policy considerations.

**38 CFR Part 38 — National Cemeteries of the Department of Veterans Affairs.** The purpose of this part, among other details, is to describe naming conventions, who may or may not be buried, and the types of headstones and markers which may be used.

**38 CFR Part 39 — Aid for the establishment, expansion, and improvement, or operation and maintenance, of Veterans Cemeteries.** This part sets forth the mechanism for a State or Tribal organization to obtain a grant to establish, expand, or improve a veterans' cemetery that meets VA's national shrine standards of appearance that is or will be owned by the State, or operated by a Tribal organization on trust land, or to obtain a grant to operate or maintain a State or Tribal veterans' cemetery to meet VA's national shrine standards of appearance.

## **1.5 AGENCY SCOPING AND PUBLIC INPUT**

An agency scoping notice was mailed to federal, State and local agencies. A public scoping notice was also mailed to adjacent landowners.

All notices provided a 30-day comment period. A copy of the generic scoping notice is located in Appendix A. Since there were no responses to any of the notices, the adjacent property owners were contacted by phone to see if they wished to comment on the notice. The Valley View Country Club supplied a comment letter which is also located within Appendix A.

### **Adjacent Property Owners**

Due to lack of comment, two adjacent property owners were contacted by phone: Valley View Country Club (East – Southeast Adjacent property owner) & Mr. Gregg Christensen (South Adjacent Farmstead)

Valley View Country Club's main concern was that the proposed project would "have little or no change to the rate at which ground and storm waters flow to the golf course from the cemetery property and to have little or no change to the point of entry for these waters onto the Valley View property." The Valley View Country Club also anticipates being good neighbors with the adjacent cemetery. A copy of their letter can be found in Appendix A.

Mr. Gregg Christensen's main concern was if the development on the cemetery property would cause more snow drifting onto the Long Hollow Twp. Rd, which already has some issues with snow drifts on the road. Mr. Christensen had no other concerns regarding the cemetery development. Mr. Christensen's comments were obtained verbally by way of phone call.

## Chapter 2

# PROPOSED ACTION AND ALTERNATIVES

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NEPA requires that environmental consequences associated with the Proposed Action and the alternatives to the Proposed Action be identified in this document. The following chapter describes the two alternatives evaluated in this document: the Proposed Action Alternative and the No Action Alternative. Included in the Proposed Action Alternative is a description of the intended uses of the project area. Also included in this chapter is a discussion of the alternatives considered but eliminated from further consideration.

## 2.1 PROPOSED ACTION ALTERNATIVE

This project is funded by the National Cemetery Administration (VA) through their Cemetery Grants Program. Since it is federally funded, it will need to meet federal project requirements. Therefore this project must comply with the National Environmental Policy Act and the National Historic Preservation Act. With new cemeteries, an Environmental Assessment (EA) is required to be performed to determine whether a more in-depth Environmental Impact Study (EIS) is required.

### Proposed Facilities

The SWO proposed facility is to be located on a 40 acre property owned by SWO and located immediately southwest of the intersection between State Hwy 10 and Long Hollow Twp Rd, approximately 4 miles west of Sisseton, South Dakota. Site access will be from the north (Hwy 10).

The project would include pre-placed crypts, in-ground cremains and columbarium niches. The site is planned to maximize interment for as many years as possible with each phase supporting approximately 10 years of service. The first phase of development includes the following numbers of interment types:

- pre-placed crypts – 506
- in-ground cremains – 197
- columbaria niches – 64

Preserving and incorporating this site's features into the landscape design would serve to emphasize the undeveloped surroundings. The overall design would provide burial options for local veterans in a serene landscape that is blended into the natural landscape of the area. Visitors would enter the subject property through an ornamental fence and gate along State Hwy 10. The cemetery administration & maintenance building would be located near the

entrance with a visitor parking lot to the south. In addition, the cemetery would include an avenue of flags, a committal shelter, public gathering space, assembly area and committal shelter. A depiction of the proposed veterans' cemetery is shown in Figure 3.

The master plan process will determine the maximum interment capacity of this site as well as all other details and features of the facility, including but not limited to: entry features, roads, utilities and parking infrastructure, an avenue of flags, an assembly area, full casket gravesites in pre-placed crypts, committal service shelter, columbarium niches and in-ground cremain burial sites, memorial walk, administration and public information buildings, public restroom, maintenance building and service yard and irrigation system.

### **Infrastructure**

Currently, the project area is undeveloped and has no infrastructure. The proximity of utilities to the proposed project varies.

Construction of the Proposed Action would require key utilities to support the subject property. The potable water supply will be connected through an easement acquired by BDM Rural Water Systems coming from southeast of the property. An irrigation well will be installed west of the administration building along with a 25,000-gallon water tank. A 1,000-gallon septic tank will be connected to a leach field located northwest of the building. The leach field will be installed in accordance with Department of Natural Resources specifications. Electricity will be bored underneath State Hwy 10 from the existing overhead power located north of State Hwy 10. A propane tank will be installed west of the building for heating purposes.

### **Construction**

Construction is expected to last from 12 to 18 months. Construction would entail grading portions of the project area, including the locations of proposed roadways and foundations. Following installation of infrastructure such as electricity and water, foundations would be poured for structures and roads would be paved. Structures would be constructed using conventional methods, and columbarium niches and other ancillary structures would be installed. Outdoor lighting fixtures will comply with local guidelines and ordinances to minimize the effects of light pollution. Exposed areas of soil would be stabilized as they are presented, and final landscaping would finish construction. Heavy equipment would include road graders, dump trucks, loaders, roller compactors, excavators, backhoes, bulldozers, and paving equipment. Construction activities would primarily occur during daytime hours.

### **Operation and Maintenance**

Daily operation of the facility would include routine maintenance such as mowing grass, watering vegetation, and facility repairs. Visitors to existing gravesites would quietly come and go throughout the day. Funerals would take place intermittently throughout the year, weather permitting.

## **2.2 NO ACTION ALTERNATIVE**

Under this alternative, the SWO would not develop the proposed facility at the proposed or any location. Veterans would continue to bury with the local church or tribal ceremonial ground cemeteries. The closest tribal cemetery is near Rosebud, South Dakota, which is approximately 360 miles and 5 hours' drive to the southwest.

## **2.3 ALTERNATIVES CONSIDERED BUT ELIMINATED**

A second location within the Lake Traverse Reservation was considered but located within a valley and wouldn't suffice. Therefore, this located was eliminated from consideration. Additionally, one of the primary goals of the Proposed Action is to provide a high quality view. This alternative site did not provide a high quality view.

## Chapter 3

# AFFECTED ENVIRONMENT

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The purpose of this chapter is to describe 1) the existing environment that may be affected by either of the project alternatives, and 2) the type and magnitude of impacts anticipated to occur from each alternative's implementation. Impacts were identified and quantified to the extent practicable, given the scope of the project and reasonably attainable data. The resources considered include the following:

- Aesthetics and Noise (Section 3.1)
- Air Quality (Section 3.2)
- Cultural Resources (Section 3.3)
- Geology and Soils (Section 3.4)
- Hydrology and Water Quality (Section 3.5)
- Living Resources (Section 3.6)
- Land Use (Section 3.7)
- Floodplains and Wetlands (Section 3.8)
- Socioeconomics (Section 3.9)
- Solid Waste and Hazardous Materials (Section 3.10)
- Transportation and Parking (Section 3.11)
- Utilities and Community Services (Section 3.12)
- Environmental Justice (Section 3.13)
- Cumulative Impacts (Section 3.14)
- Potential for Generating Substantial Controversy (Section 3.15)

## 3.1 AESTHETICS AND NOISE

### Noise and Light

The Noise Control Act of 1972 gives the U.S. Environmental Protection Agency (EPA) the authority to establish noise regulations to control major sources of noise, including transportation vehicles and construction equipment. The most widely accepted land use-related noise standards are those of the U.S. Department of Transportation's Federal Highway Administration and the U.S. Department of Housing and Urban Development. The most significant existing ambient noise sources is the adjacent State Hwy 10.

Sensitive noise receptors are considered to be residences, hospitals, libraries, recreation areas, churches, and other similar uses. The nearest occupied structure to the proposed facility is the Valley View Country Club located approximately 100 yards southeast of the construction site. The next nearest sensitive receptor would be a farmstead located nearly 275 yards south of the construction site. A cluster of residential properties are located between 600 to 1000 yards east of the construction site.

Noise generated during construction would be equivalent with any construction site with typical earth-moving equipment, and cemeteries generally produce very low noise levels during operation.

Light pollution (obtrusive or unwanted nighttime lighting) is a side effect of human-occupied areas. Lighting at the proposed facility would comply with local guidelines and ordinances to minimize the effects of light pollution from the facility.

### **Visual Resources**

Landscapes and their scenic quality vary according to the diversity of landforms, vegetation, and cultural or human-made features present. In general, landscapes with greater diversity of features are considered to be of higher scenic quality.

The project area and immediately adjacent lands offer rolling topography with vegetation consisting of grasslands and trees along with manicured grass and trees associated with the golf course to the east.

## **3.2 ENVIRONMENTAL CONSEQUENCES**

### **Proposed Action Alternative**

The development of the Proposed Action Alternative would result in no significant long-term increase in noise or light over that presently occurring in the project area. Construction noise would be intermittent and temporary. Operational noise would be virtually silent. Outdoor lighting would comply with local guidelines and ordinances to minimize the effects of light pollution.

Similarly, the development of the Proposed Action Alternative would result in no significant decrease in the scenic quality of the landscape, and would not obstruct or detract from valuable views of the San Francisco Peaks. The Proposed Action would only include low structures which would minimize the obstruction of views in the area.

### **No Action Alternative**

Under the No Action Alternative, ambient noise and light in the area would not be expected to change. Likewise, under the No Action Alternative, no additional construction would occur and thus there would be no impact on visual resource conditions.

### 3.3 AIR QUALITY

#### Climate

The Sisseton, South Dakota area, where the project is located, has a humid continental climate typical of eastern South Dakota featuring four very distinct seasons. Sisseton averages approximately 24.56 inches of precipitation per year, and 44 inches of average annual snowfall.

#### Regulatory Standards and Governing Agencies

Since 1970, the federal Clean Air Act (CAA) and subsequent amendments have provided the authority and framework for EPA regulation of emission sources and the establishment of requirements for the monitoring, control, and documentation of activities that will affect ambient concentrations of certain pollutants that may endanger public health or welfare. Under the CAA, each State or delegated permitting authority has the responsibility to achieve and maintain air quality that meets the NAAQS. EPA regulates activities affecting air quality on federal lands and most Indian lands.

The EPA has promulgated primary and secondary NAAQS for six criteria pollutants: carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), two size categories of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), O<sub>3</sub>, sulfur dioxide (SO<sub>2</sub>), and lead. The primary standards are concentration levels of pollutants in ambient air, averaged over a specific time interval, designed to protect public health with an adequate margin of safety. The secondary standards are concentration levels judged necessary to protect public welfare and other resources from known or anticipated adverse effects of air pollution. The SD Ambient Air Standards are listed in Table 1.

**Table 1.** South Dakota Ambient Air Standards

<b>Sulfur Dioxide</b>			
Annual	0.03 0	ppm	Secondary Standard: 0.5 ppm, 3- hour averaging time, not to be exceeded more than once per year.
24 hour	0.14	ppm	
1 hour	75	ppb	Primary Standard: based upon the annual 99th percentile averaged over a three year period.

**Table 1.** South Dakota Ambient Air Standards (cont.)

<b>Carbon Monoxide</b>			
8 hour	9.0	ppm	Primary Standard: (10 milligrams per cubic meter of air), maximum 8-hour average concentration not to be exceeded more than once per year.
1 hour	35.0	ppm	Primary Standard: (40 milligrams per cubic meter of air), maximum 1-hour average concentration not to be exceeded more than once per year.
<b>Ozone</b>			
8 hour (2008)	0.075	ppm	Primary and Secondary Standard: Fourth highest maximum 8-hour average concentration averaged over a three year period.
8 hour (1997)	0.080	ppm	Primary and Secondary Standard: Fourth highest maximum 8-hour average concentration averaged over a three year period.
<b>Nitrogen Dioxide</b>			
Annual	53	ppb	Primary and Secondary Standard: maximum annual arithmetic mean concentration.
1 hour	100	ppb	Primary Standard: based upon the annual 98th percentile averaged over a three year period.
<b>Lead</b>			
Rolling 3 month average	1.5	ug/m3	Primary and Secondary Standard: annual maximum rolling 3 month average averaged over a three year period.

### **Criteria Pollutant Nonattainment Areas in the Project Vicinity**

EPA identifies “attainment” areas as those regions within the country where the concentration of one or more criteria pollutants is below the NAAQS. “Nonattainment” areas are regions within the country where the concentration of one or more criteria pollutants exceeds the NAAQS. Roberts County is not a designated nonattainment area for the Clean Air Act’s NAAQS (EPA 2012a).

## **Particulate Matter**

Particulate matter consists of small solid and liquid particles 10 microns in diameter or smaller, also called PM<sub>10</sub>. Roberts County is not a designated nonattainment area for PM<sub>10</sub> (EPA 2012b). Although additional standards have been promulgated for PM<sub>2.5</sub>, Roberts County is not a designated nonattainment area (EPA 2012c).

## **Environmental Consequences**

### ***Proposed Action Alternative***

Under the Proposed Action Alternative, earth-moving and construction activities associated with development of the project would necessarily result in unquantifiable short-term increases in level of dust (PM<sub>10</sub> emissions), both as a direct result of construction work and from worker traffic to, from, and around the project area on dirt roads. Potential impacts from these operations would be very minor and would vary from day to day depending on meteorological conditions such as wind or rain.

### ***No Action Alternative***

Under the No Action Alternative, no construction would occur and there would be no changes in air quality.

## **3.4 CULTURAL RESOURCES**

According to a letter date May 15, 2015, the Tribal Historic Preservation Office of the Sisseton-Wahpeton Oyate have reached a determination of “No Historic Properties Affected”. A copy of this letter has been included in Appendix B.

## **3.5 GEOLOGY AND SOILS**

The project area is located on the east slope of the Coteau des Prairies, which is the plateau left behind by the paths of two streams of glacial ice during the Wisconsin glacialiation of North America. The Des Moines Lobe migrated along the eastern slope of the plateau. Therefore, the underlying geology associated with the project area consists primarily of glacial till with seams of glacial outwash mixed throughout. Glacial till, which is heterogeneous mixture of clay, silt, sand, gravel and boulders, can be found to a depth of over 600’ below ground. Glacial outwash, which consists of sand and gravel deposits from flowing glacial meltwater, can be found at various levels within the glacial till. The depth to bedrock (Pierre Shale) in the project area is estimated at 600-700 feet.

Soils data from the General Soil Map of Roberts County, South Dakota indicates that the project area has soils consisting of the Forman, Aastad and Buse series. The Forman series consists of very deep, well drained, moderately slowly permeable soils formed in calcareous till. These soils are on till plains and moraines and have slopes ranging from 0 to 30 percent. The Aastad series consists of very deep, moderately well drained soils that formed in calcareous till on moraines

and till plains with slopes ranging from 0 to 6 percent. The Buse series consists of very deep, well drained soils that formed in loamy glacial till on moraines. They have slopes of 3 to 60 percent.

## **Environmental Consequences**

### ***Proposed Action Alternative***

Under the Proposed Action Alternative, the SWO would construct and operate a veterans' cemetery. Impacts to earth resources would be minimal. Local geology and topography would not be affected, and although on-site soils would be disturbed, they do not contain any high-value earth resources. No impacts to geology or topography would occur under the Proposed Action Alternative, and no significant impact to soils would occur.

### ***No Action Alternative***

Under the No Action Alternative, the project area would remain in its current condition. No impacts to geology, topography, or soils would occur under the No Action Alternative.

## **3.6 HYDROLOGY AND WATER QUALITY**

### **Hydrology**

Information indicates that the regional water table, occurring in the Dakota aquifer, is encountered between 850 – 1,000 feet below ground surface. However, shallower glacial outwash may be found less than 200 feet below the ground surface. The shallow groundwater is estimated to flow from the west to the east. The outwash material may supply enough water to supply the subject property for its irrigation needs. Because of the great depth to the Dakota aquifer, it was determined to supply the project area with a potable water supply from BDM Rural Water Systems currently located southeast of the project area.

The nearby city of Sisseton, SD relies primarily on the Dakota aquifer for its municipal drinking water. The depth to the aquifer in the Sisseton area ranges from 700 to 1,000 feet below the ground surface. However, Sisseton has some of its wells completed within an outwash deposit.

The project area is located along the eastern slope of the Coteau des Prairies. The immediate project area slopes primarily from west to the east. The project area elevation ranges from 1,804' in the west to 1,718' in the east. The project area is included within the Minnesota River drainage basin with overall surface flow from the northwest to the southeast.

The nearest wells located in the vicinity of the project area are primarily to the east. Water levels of wells in the vicinity of the project area were reported to range from 40 to 250 feet below ground surface. These wells are obviously not located within the Dakota Aquifer but are located within glacial outwash material.

There are no surface water features within the project area. However, according to the aerial photographs, a shallow pond was observed sporadically from 1984 to 2007 on the adjacent

property immediately south of the project area. During the site inspection in 2015, no water was found within the pond. According to the USFWS, the adjacent pond is listed as a freshwater pond. No drainages maintain defined channels within the project area; infiltration and overland sheet flow dominate.

### **Water Quality**

Currently, there is no known contamination of groundwater below the project site, as there are no drinking or monitoring wells on the site.

For burial grounds, underground resources would be checked to verify that the proposed use of the site does not interfere with spring water or groundwater. Burial grounds generally need to be isolated from underground water resources.

### **Environmental Consequences**

#### ***Proposed Action Alternative***

Because of landscape watering needs, future water use under the Proposed Action Alternative would be higher than current use. However, rural water would be used for all potable water needs.

Groundwater quality would not be impacted; no wells exist within the project area. However, one well is planned for the Proposed Action, which would provide water for only irrigation needs. The well would be pumped into a 25,000-gallon holding tank so that there will always be water present for irrigation needs.

Existing drainage from the property does not carry large storm flows and has no direct connection with washes or streams. There are no plans to impact the feature; there would be no measurable impact on existing surface water resources in the vicinity of the project area as a result of the Proposed Action Alternative.

Impacts to groundwater capacity would be minimal from development of the single well, as water demands in the area are low. No impact to surface water quality or groundwater quality would be associated with the Proposed Action Alternative.

#### ***No Action Alternative***

As no development would take place, there would be no impact to the quantity or quality of existing water resources in the vicinity of the project area as a result of the No Action Alternative.

## **3.7 LIVING RESOURCES**

### **Ecological Overview**

The project area occurs along the eastern edge of the Coteau des Prairies within a temperate grasslands biome. The elevation of the project ranges from approximately 1,804' above mean

sea level in the west to 1,718' above mean sea level in the east. The project area is bordered by State Hwy 10 on the north, Long Hollow Twp. Rd. to the east with the south and west bordered by grassland and trees.

## **Vegetation**

The project area consists primarily of grasslands with a small number of trees throughout. However, a thick area of trees is located near the southwest portion of the project area. The trees in the project area are deciduous and are dominated by American Elm (*Ulmus Americana*).

## **Species Evaluation**

None of the 5 species listed for Roberts County are likely to occur in the project area. According to the IPAC Trust Resource Report, there are no critical habitat within this project area. Habitat requirements, potential for occurrence, and possible effects on these species are summarized in **Appendix C**.

According to USFWS, there are no occurrence records for any ESA-listed species associated with the subject property or adjacent properties.

## **Environmental Consequences**

### ***Proposed Action Alternative***

Direct adverse impacts to vegetation communities resulting from operation are not anticipated to occur. Marginal indirect adverse impacts to animal communities may result from increased visitor traffic within the project area. Ground disturbance from construction may cause temporary loss of habitat, and constructed areas will cause permanent loss of habitable area on a de minimis scale, when taken in context with the available surrounding habitat. No plants observed within the project area are subject to State or local native plant ordinances. No plants protected under the Endangered Species Act occur within the project area; therefore, the Proposed Action would not affect these resources. The project has been designed to minimize development in forested parts of the project area.

According to the US FWS IPaC Trust Resource Report (Appendix C), the proposed project potentially impacts five threatened and endangered species resources managed or regulated by the USFWS. However, the report also states "There is no critical habitat within this project area". Therefore, the Proposed Action would not affect these resources. No species of concern and no State- or federally protected plant species are known to occur within the project area; therefore, no additional impacts are anticipated.

Although some vegetation would be removed as part of the Proposed Action, migratory bird species would not be significantly affected. Large tree removal causing short-term loss of habitat will be minimal; additionally, suitable habitat for migratory species may increase in the project area via tree planting as part of the cemetery landscaping. During construction, mitigation measures, including sensitive tree removal, will help minimize inadvertent disturbance of birds, nests, or eggs.

Construction activities have potential to introduce and/or spread invasive species in the project vicinity. Non-native plants or seeds can be carried into a work area on equipment, and some invasive species are disturbance adapted and may be more successful than competing native species in disturbed areas.

To prevent the introduction of invasive species seeds, all earth-moving and hauling equipment shall be washed at the contractor's storage facility prior to entering the construction site. All disturbed soils that will not be landscaped or otherwise permanently stabilized by construction shall be seeded using species native to the project vicinity. To prevent invasive species seeds from entering or leaving the site, BMPs should include inspecting construction equipment and removing all attached plant/vegetation and soil/mud debris prior to leaving the construction site.

#### ***No Action Alternative***

Under the No Action Alternative, no impacts to vegetation or wildlife are anticipated.

### **3.8 LAND USE**

#### **Current Land Uses**

The project area is currently vacant and unused. It is located within the boundaries of the Sisseton-Wahpeton Oyate (SWO) of Lake Traverse Reservation in Roberts County. Land surrounding the project area includes State Hwy 10 to the north, followed by a deep drainage. Long Hollow Township Road and Valley View Country Club (9 hole golf course) are located east of the project area. Land surrounding the project area to the south and west consists of open grassland with trees.

#### **Planned Land Uses**

There are no known planned land uses that are being pursued near the project area. However, future development may take place within the northeast and southwest of the subject property.

#### **Environmental Consequences**

##### ***Proposed Action Alternative***

Under the Proposed Action Alternative, there would be no impacts to the current or planned uses of surrounding lands. The use of the project area would change from vacant unused land to a cemetery facility.

##### ***No Action Alternative***

Under the No Action Alternative, there would be no impact on existing land uses on or in the vicinity of the project area.

### **3.9 FLOODPLAINS AND WETLANDS**

#### **Floodplain, Drainage, and Storm Water Runoff**

Because the hillside location, its slope, and its elevation above the nearest surface waters, the project area is not located within a floodplain.

No drainages maintain defined channels within the project area; infiltration and overland sheet flow dominate. Existing drainage from the property does not carry large storm flows and has no direct connection with washes or streams.

The Proposed Action will include a dry detention area for storm water.

No other water features or wetlands are located on the project area. However, according to the aerial photographs, a shallow pond was observed sporadically from 1984 to 2007 on the adjacent property immediately south of the project area. During the site inspection in 2015, no water was found within the pond. According to the USFWS, the adjacent pond is listed as a freshwater pond.

#### **Environmental Consequences**

##### ***Proposed Action Alternative***

There would be no impacts to potential waters of the U.S. on the project area. Similarly, the project area does not include floodplains. Therefore, there would be no impact to floodplains.

##### ***No Action Alternative***

Under the No Action Alternative, there would be no impact on existing floodplains or wetlands on or in the vicinity of the project area.

### **3.10 SOCIOECONOMICS**

This section of the EA addresses socioeconomic conditions within the study area, including population and demographics, employment and income, economic development, and environmental justice. Data was collected from the US Census Bureau regarding Roberts County in South Dakota. According to the data, the county's estimated population in 2014 is 10,374. The majority population was white/Caucasian (60.5%). American Indians (35.8%) and persons of Hispanic or Latino origin (1.5%) made up most of the remainder. Median household income was \$ 47,191 with nearly 19.6% of persons were below poverty level (U.S. Census Bureau 2013).

Regarding burial options, the closest tribal cemetery is located near Rosebud, South Dakota. It is located approximately 360 miles and 5 1/2 hours' drive to the southwest.

## **Environmental Consequences**

### ***Proposed Action Alternative***

The Proposed Action would include a minimum of a one cemetery director, one foreman and one janitor.

Construction of the proposed facility would likely employ dozens of workers for the construction period, including both skilled and unskilled labor.

The construction of the proposed facility is expected to employ dozens of workers. During construction, workers would likely patronize local businesses, resulting in a direct short-term benefit to the local economy.

Although the long-term number of new jobs and possible increase in local revenue are not expected to be significant, the Proposed Action would provide a neutral to net positive economic benefit to the local area through increased revenue and job generation. The Proposed Action would not displace any residents or induce population shifts and would not affect demographic trends or changes the local or regional identity. Funeral attendees and other visitors to the proposed facility would require food and lodging, which may have a marginal increase in revenues at the local hotel and restaurant, and also to hotels and eateries in the Sisseton area.

According to PubRecords.com the 2012 death rate for Roberts County in South Dakota was 12.4 deaths per 1,000 people. With over 13,177 members, the estimated death rate would approximately 163.4 deaths per year. Since not all of the deaths each year will be buried at the SWO Cemetery, the annual need will be much less than 163.4 burials per year. By establishing a new facility, this will allow the SWO to continue to meet the needs of SWO for many decades.

Because the only projected socioeconomic changes are likely to be positive, there would be no negative impacts related to demographics, employment and income, economic development, and environmental justice.

### **No Action Alternative**

Under the No Action Alternative, the facility would not be constructed. Potential revenue and employment increases anticipated with the construction of the facility, though small, would not be realized. The No Action Alternative would leave the SWO members to continue burials with the local churches or tribal ceremonial ground cemeteries. The closest tribal cemetery is located near Rosebud, SD. It is located approximately 360 miles and 5 1/2 hours' drive to the southwest.

## **3.11 SOLID WASTE AND HAZARDOUS MATERIALS**

There is no evidence of the presence or likely presence of hazardous materials or petroleum products under conditions that indicated an existing release, a past release, or material threat of a release of any hazardous substances or petroleum products into structures on the property, or into the ground, groundwater, or surface water of the project area.

## **Environmental Consequences**

### ***Proposed Action Alternative***

The project area is not known to currently contain any hazardous materials or other safety hazards for the public. Hazardous wastes generated during construction may include small quantities of waste oil and oil filters, and other used fluids and coolants generated by equipment maintenance. However, most equipment maintenance would likely occur off-site. Additional waste could include small quantities of spent batteries, spent welding materials, solvents, cleaners, paint, or other materials. Wastes would be drummed and periodically removed and disposed of at regulated facilities; recycling of hazardous wastes would be evaluated as appropriate. Hazardous wastes generated during construction would be commensurate with any normal construction site. During operation of the veterans' cemetery, no hazardous waste generation is anticipated. Implementation of the Proposed Action Alternative would not contribute new hazardous materials or safety hazards to the project area. There would be no impacts from the use or generation of hazardous materials during construction or operation of the veterans' cemetery.

Solid wastes generated during construction would consist primarily of wood, steel, and other construction materials; cardboard and packaging materials; and vegetation and debris from site clearing and grading. All non-hazardous solid wastes generated during construction would be collected and disposed of in a properly licensed landfill. Recycling of non-hazardous solid wastes would be evaluated as appropriate. There would be no impacts from the generation of solid waste during construction or operation of the veterans' cemetery.

During construction, sanitary waste from most construction areas would be collected in portable toilets. During operations, sanitary wastes would be discharged into an underground sewer tank connected to a septic leach field. The septic and leach field would be appropriately sized and engineered to be able to process waste from the anticipated number of workers and visitors.

### ***No Action Alternative***

Under the No Action Alternative, there would be no impact to or from hazardous materials, solid waste, or sanitary waste on or in the vicinity of the project area.

## **3.12 TRANSPORTATION AND PARKING**

This section of the EA addresses transportation and access in and around the general project location. A description of the local transportation network, as well as access into the project area, is included in this section.

### **Transportation Networks**

The proposed project area is accessible from State Hwy 10 via an approach located northeast of the administration building.

The project area is currently undeveloped and hence there is no parking. Project plans include parking southeast of the administration & maintenance building, as well as on-site roads

sufficiently wide for roadside parallel parking. There are no other facilities in the vicinity with parking lots.

### **Environmental Consequences**

#### ***Proposed Action Alternative***

Additional traffic generated by the Proposed Action would not be considered a significant impact to transportation and traffic patterns on any local roadways, or on parking capacity in the vicinity of the project area. Traffic should not need to be diverted around the construction area.

#### ***No Action Alternative***

Under the No Action Alternative, there would be no impacts to transportation and traffic patterns or parking. This alternative would result in no significant impacts to traffic conditions or access.

## **3.13 UTILITIES AND COMMUNITY SERVICES**

The project area is undeveloped and currently has no infrastructure. However, electricity and rural water are available in the vicinity of the project area. The electricity will come from overhead power located north of State Hwy 10 and bored under the highway onto the project area. Potable water will be supplied by BDM Rural Water Systems coming from southeast of the project area.

Fire protection is available from the Sisseton Fire Department located approximately 4.8 miles east of the project area. The Sisseton Fire Department is a volunteer type fire department with one fire station located at 4 East Oak Street in Sisseton, South Dakota.

The Sisseton Wahpeton Law Enforcement serves and protects the Tribal members of the Lake Traverse Reservation, with support available from the Roberts County Sheriff's Office.

### **Environmental Consequences**

#### ***Proposed Action Alternative***

Sanitary wastes would be discharged into an underground septic tank connected to a septic leach field. The solids within the septic tank would regularly be pumped empty. The septic system would be appropriately sized and engineered to be able to process waste from the anticipated number of workers and visitors. Therefore, implementation of the Proposed Action would not have any impacts to the local sewer system.

Because the operations phase of the Proposed Action includes only a few personnel, the facility would use small quantities of water, propane, electricity, and other utilities. The quantities of electricity, propane, water, and other utilities utilized by the operations would be a small fraction of the supply in the surrounding area.

Local fire, rescue, and law enforcement personnel are available to serve the project area, and it is anticipated that no new police or fire personnel would be needed to satisfy the needs of the proposed facility. Implementation of the Proposed Action would not have any impacts to the local fire, rescue, and law enforcement departments.

Construction of the Proposed Action Alternative would not interfere with, interrupt service from, disrupt, or impact users of existing utilities and services. Under the Proposed Action Alternative, there would be no impacts to local utilities or services.

### ***No Action Alternative***

No new infrastructure would be installed on the project area under the No Action Alternative, and none of the existing utilities infrastructure would be used. Existing police, fire, and rescue teams would continue normal operations.

## **3.14 ENVIRONMENTAL JUSTICE**

Presidential EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (*Federal Register 59:7629*), instructs federal agencies to incorporate environmental justice as part of their mission. As such, federal agencies are directed to identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations.

For this analysis, the State of South Dakota and Roberts County were compared and contrasted to assess the significance of the low-income and minority populations within the community. Accurate census data are not available for the town of Sisseton to compare with county and state data. Within Roberts County, the minority and low-income populations are above the average for the state of South Dakota (Table 2).

**Table 2.** South Dakota Population, Income, and Employment Data

<b>Location</b>	<b>Total Population (2014 est.)</b>	<b>Minority Population (% non-white)</b>	<b>Families Below Poverty Level (%)</b>	<b>Unemployment Rate (%)</b>	<b>Elderly Population (%)</b>
State of SD	853,175	15.4	14.1	4.3	14.9
Roberts County	10,374	39.5	19.6	6.7	18.1

Sources: US Census Bureau (2014) & SD Department of Labor and Regulation (March 2015)

## **Environmental Consequences**

### ***Proposed Action Alternative***

As discussed in Section 3.9 above, the Proposed Action would have a neutral to net positive effect on the surrounding community by providing additional opportunities for employment as well as generating revenue for local hotels and eateries. Under the Proposed Action Alternative there would be no negative effects with regard to environmental justice.

### ***No Action Alternative***

Under the No Action Alternative, the facility would not be constructed and the potential for community benefits would not be realized.

## **3.15 CUMULATIVE IMPACTS**

Cumulative impacts in the immediate area also were considered in this document. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time frame. For example, one construction project may not have a measurable significant effect on the noise levels in a particular area, but if several construction projects occur at the same time, there may be a measurably significant effect on noise levels in the area. It is the combination of effects that is the focus of a cumulative impact analysis. Projects in the vicinity of the project area that have been considered in the assessment of cumulative impacts include past projects, present projects, and reasonably foreseeable future projects.

- Past Projects: None.
- Current Projects: Placement of a veterans' cemetery (this report)
- Reasonably Foreseeable Future Projects: None.

### **Utilities**

There are no known potential construction activities in the immediate area, other than the veterans' cemetery, that would cause a drain on local utilities.

The impact to existing utilities will be minimal associated with the proposed veterans' cemetery project.

### **3.16 POTENTIAL FOR GENERATING SUBSTANTIAL CONTROVERSY**

The proposed construction and operation of the SWO Veterans' Cemetery has had considerable support from state & local government agencies and the general public overwhelmingly supports veterans. Only small concerns from adjacent property owners were raised during project scoping and agency consultation in relation to the proposed project and the environmental review process. With respect to the topics discussed in above sections, no issues arose that are believed to create conflicts with humans or with the environment that would appear to be controversial. Therefore, there is no significant potential for generating substantial controversy.

## Chapter 4

# ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

## 4.1 IMPACT SUMMARY

This section describes the environmental consequences of those resources identified in Chapter 3 as having some degree of negative effects. Table 3 below concisely summarizes the findings of Chapter 3 and identifies how each resource is or is not affected.

**Table 3.** Impact Summary

<b>Resource/ Resource Use</b>	<b>Proposed Action Alternative</b>	<b>No Action Alternative</b>
Aesthetics and Noise	Temporary, short-term increase in noise during construction. No significant increase in light pollution. No significant decrease in the scenic qualities of the landscape.	No impact expected.
Air Quality	Temporary, short-term increase in PM <sub>10</sub> emissions during construction.	No impact expected.
Cultural Resources	No impact expected.	No impact expected.
Geology and Soils	No impact to geology. On-site soils would be disturbed, but they do not contain any valuable earth resources. Therefore, impacts would be minor.	No impact expected.
Hydrology and Water Quality	No impact expected.	No impact expected.
Living Resources	No impact to protected species. Vegetation would be disturbed, but no high-value vegetation exists. Trees would be protected as possible. Therefore, impacts would be minor.	No impact expected.
Land Use	No impact expected.	No impact expected.
Floodplains and Wetlands	No impact expected.	No impact expected.
Socioeconomics	Minor positive impacts are possible.	Minor impacts from unrealized revenues.
Solid Waste and Hazardous Materials	No impacts expected.	No impact expected.
Transportation and Parking	No impacts expected.	No impact expected.
Utilities and Community Services	No impact expected.	No impact expected.
Environmental Justice	No impact expected.	No impact expected.
Cumulative Impacts	No significant impact expected.	No impact expected.
Potential for Generating Substantial Controversy	No impact expected.	No impact expected.

## 4.2 MITIGATION MEASURES

For the resources identified in Chapter 3 and summarized in Table 3 above that are anticipated to have some degree of negative impacts, measures to mitigate for the effects of those potential impacts are described below.

### **Aesthetics and Noise**

Sensitive noise receptors are considered to be residences, hospitals, libraries, recreation areas, churches, and other similar uses. The nearest occupied structure to the proposed facility is the Valley View Country Club located approximately 100 yards southeast of the construction site. The next nearest sensitive receptor would be a farmstead located nearly 275 yards south of the construction site. A cluster of residential properties are located between 600 to 1000 yards east of the construction site.

Noise generated during construction would be equivalent with any construction site with typical earth-moving equipment. During construction the project will follow the most widely accepted land use-related noise standard, the U.S. Department of Transportation's Federal Highway Administration noise standard. After construction, cemeteries generally produce very low noise levels during operation. The most significant existing ambient noise source is the adjacent State Hwy 10.

Light pollution (obtrusive or unwanted nighttime lighting) is a side effect of human-occupied areas. Lighting at the proposed facility would comply with local guidelines and ordinances to minimize the effects of light pollution from the facility.

### **Air Quality**

BMPs for dust suppression would be implemented by the contractor during construction to control temporary dust emissions. This could include wetting dusty roadways and minimizing ground-disturbing activities during periods of high winds.

### **Geology and Soils**

No grading or soil disturbance would occur outside of areas necessary for construction of the facility. Although a soil reclamation plan is not required, contractors may stockpile topsoil during grading to be redistributed appropriately.

## **Living Resources**

To prevent the introduction of invasive species seeds, all earth-moving and hauling equipment shall be washed at the contractor's storage facility prior to entering the construction site. All disturbed soils that will not be landscaped or otherwise permanently stabilized by construction shall be seeded using species native to the project vicinity.

To prevent invasive species seeds from leaving the site, BMPs will be implemented to ensure all construction equipment is inspected for attached plant/vegetation and excessive soil/mud debris prior to leaving the construction site.

## **Chapter 5**

# **CONSULTATION AND COORDINATION**

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As discussed in the agency scoping summary in Section 1.5, federal, state and local agencies and adjacent landowners were contacted during project development. The contacted parties are listed below. A copy of the agency and public scoping notice is provided in Appendix C.

### **Federal Agencies**

U.S. Army Corps of Engineers  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
U.S. Federal Highway Administration

### **State Agencies**

South Dakota Department of Environment and Natural Resources  
South Dakota Game and Fish Department

### **Local Agencies**

Roberts County Commission

### **Adjacent Property Owners**

Valley View Country Club Golf Course (East – Southeast)  
Gregg Christensen (South Farmstead)

**Chapter 6**

**LIST OF PREPARERS**

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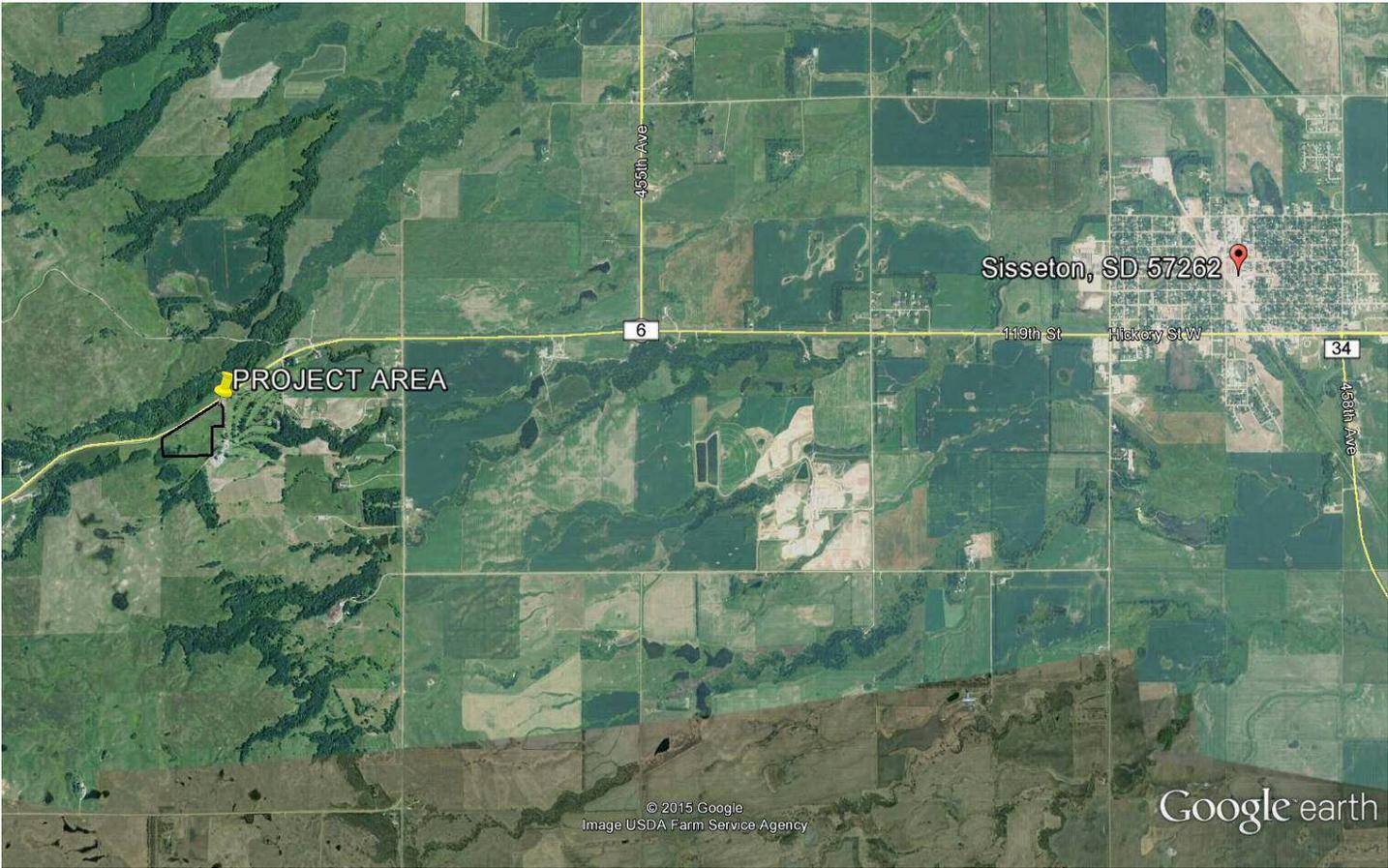
**GREAT PLAINS ENVIRONMENTAL**

Leilyn Honeyman, Professional Geologist

Terry Johnson, Environmental Specialist

**Figure #1**

**General Location of the Project Area**

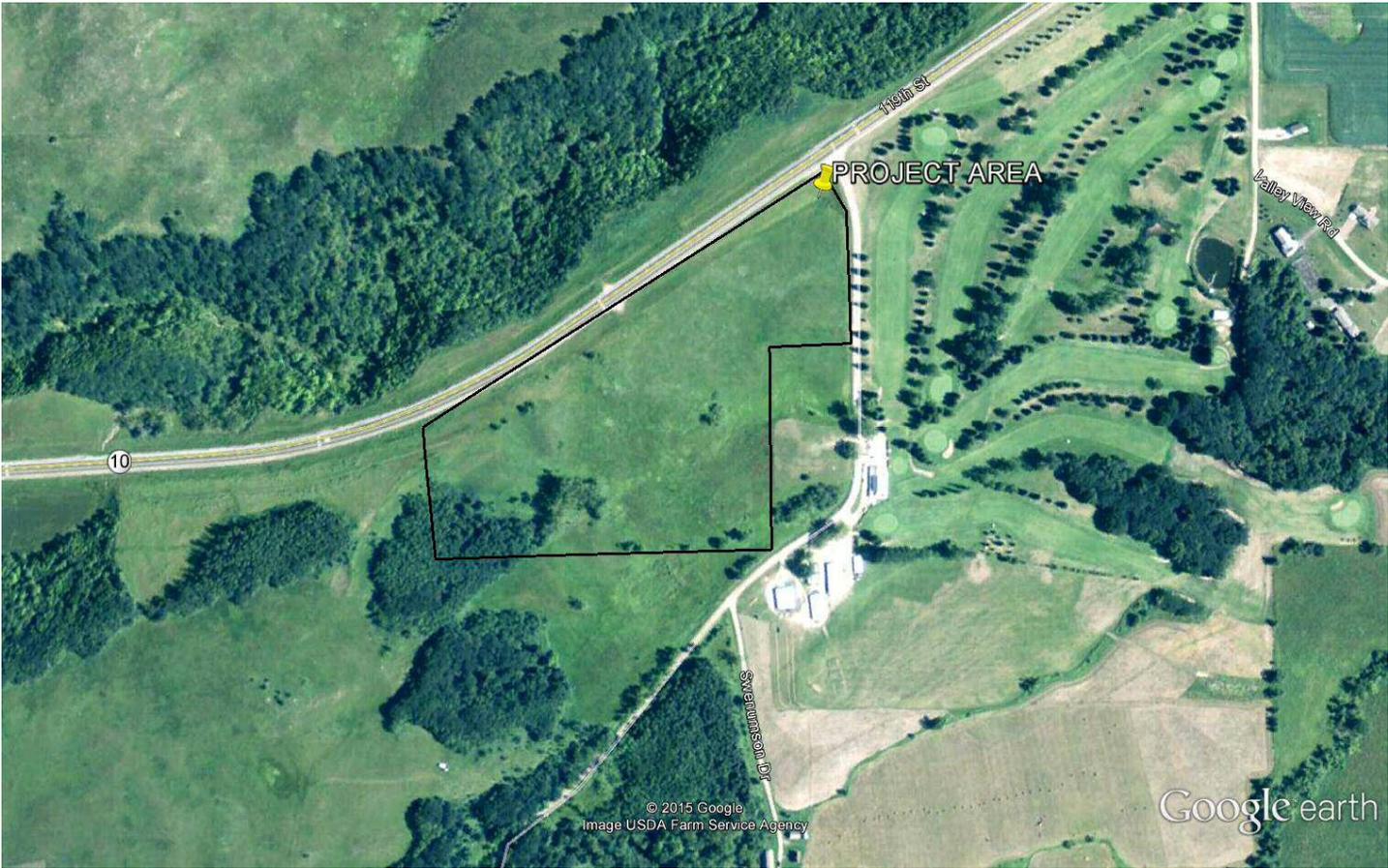


Google earth



**Figure #2**

**Project Area Location**



Google earth



**Figure #3**

**Proposed Master Plan Facilities**



**Appendix A**

**PUBLIC SCOPING NOTICE, AND COMMENTS**



Great Plains Environmental



Sisseton-Wahpeton Oyate

March 25, 2015

Dear Interested Party:

The Sisseton-Wahpeton Oyate (SWO) of Lake Traverse Reservation is preparing an Environmental Assessment to analyze the environmental effects, if any, regarding the proposed construction of a new Veterans Cemetery approximately 4 miles west of Sisseton, SD. The proposed property is located along the south side of Hwy 10, immediately west of the Valley View Country Club. Maps of the area and the proposed master plan drawing are enclosed with this letter.

During the scoping period, the SWO is soliciting input on issues, impacts, and potential alternatives that need to be addressed in an Environmental Assessment, as well as, the extent to which those issues and impacts will be analyzed. Currently, the issues identified to analyze in the EA include:

- 1) How would the proposed event impact economic and social values;
- 2) How would the proposed project impact existing uses in the area; and
- 3) How would the proposed action affect wildlife habitat and threatened species in the project area.

We would like to receive all replies by April 25, 2015. Please send all replies to: Great Plains Environmental – PO Box 9017 – Fargo, ND 58106-9017. If you have any other comments or concerns please list them as well.

Sincerely,

*GREAT PLAINS ENVIRONMENTAL*

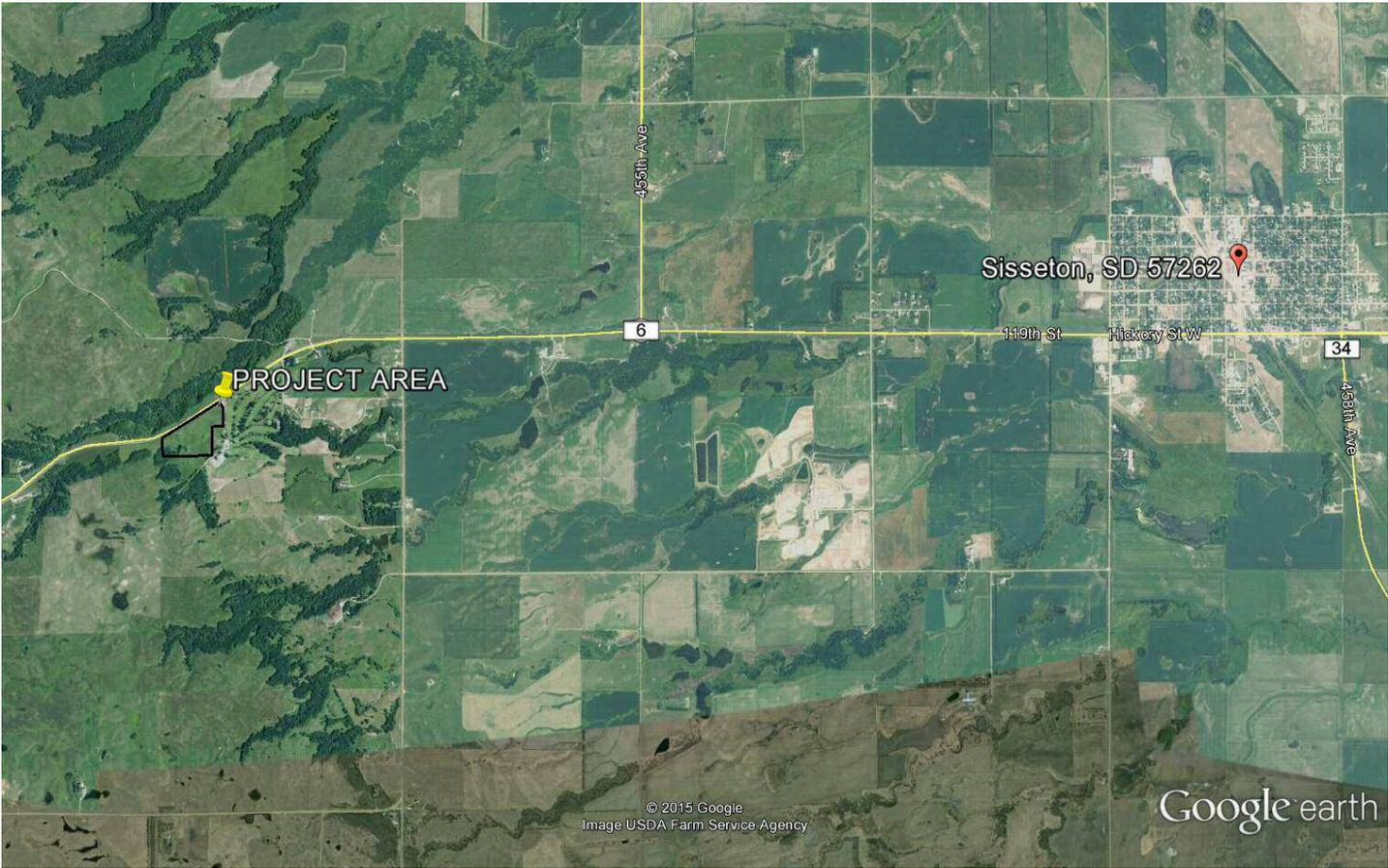
A handwritten signature in blue ink that reads "Leilyn Honeyman". The signature is written in a cursive style and is followed by a horizontal line.

Leilyn Honeyman

President

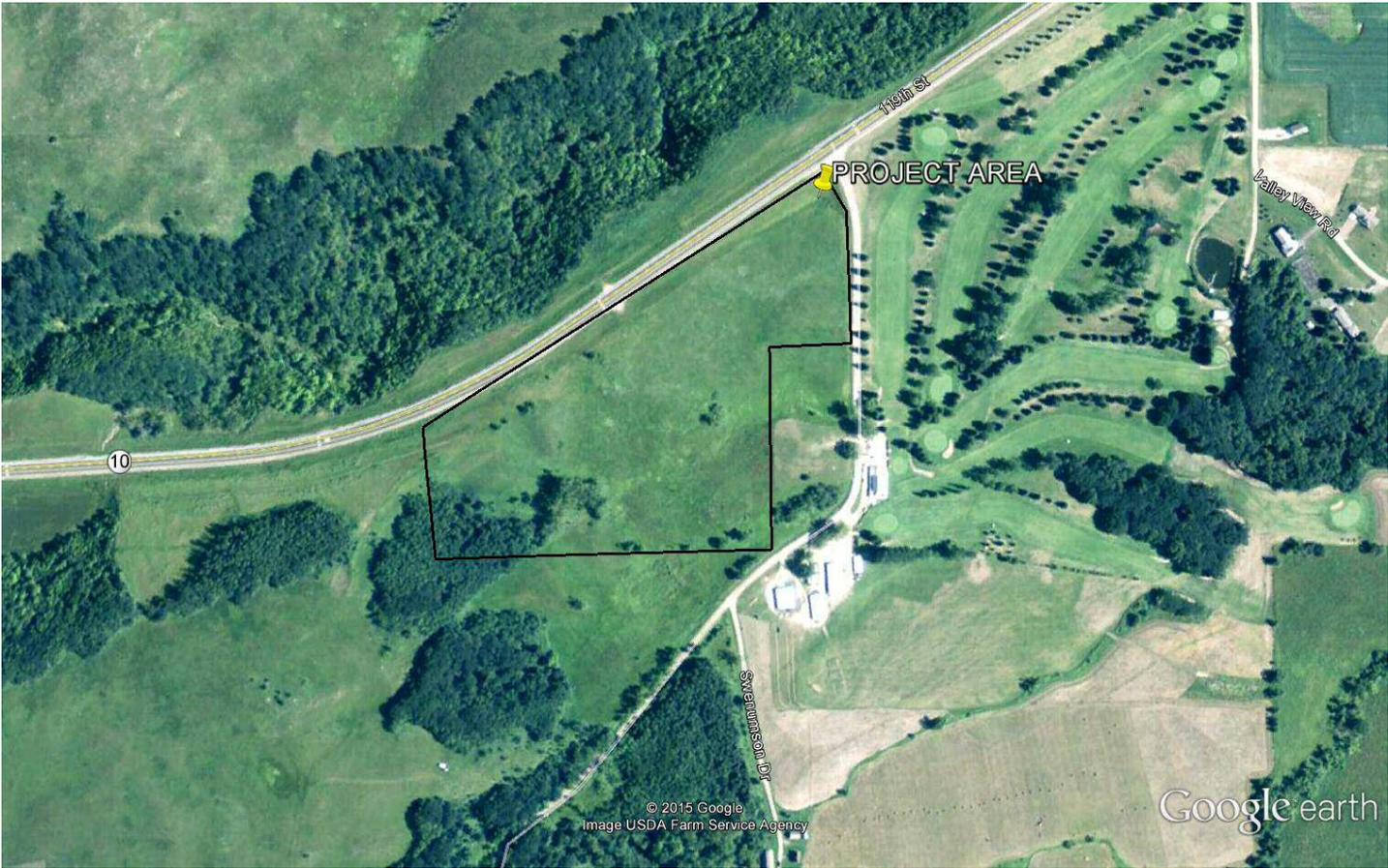
Enc.

PO Box 9017 / Fargo, ND 58106-9017 / Phone (701) 277-1612  
[www.GPEnvironmental.com](http://www.GPEnvironmental.com)



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**Valley View Country Club, Inc.**  
**P.O. Box 205**  
**Sisseton SD 57262**

May 14, 2015

Leilyn Honeyman  
Great Plains Environmental  
PO Box 9017  
Fargo, ND 58106-9017

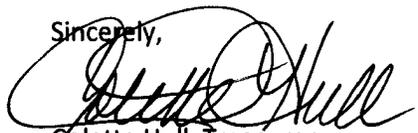
Mr. Honeyman,

Thank you for the opportunity to comment on the Veteran's Cemetery being planned for the property adjacent to our golf course. We found Kile Morrison's email of May 11<sup>th</sup> answering our questions to be generally responsive to the concerns posed by the Board of Directors.

It is important to Valley View Country Club to have little or no change to the rate at which ground and storm waters flow to the golf course from the cemetery property and to have little or no change to the point of entry for these waters onto the Valley View property. Too much or too little water flowing onto Valley View's property would be equally problematic for our current drainage and irrigation systems. We have been concerned that the proposed storm water detention basin might restrict the current water flow to our detriment. We were, however, pleased to receive a copy from Kile Morrison of GLMV Architecture's email of May 11, 2015 indicating: "There should be little or no change to the rate at which ground water and storm water flows to the golf course."

We anticipate that Valley View Country Club and the Veterans Cemetery will be good neighbors. We would welcome the opportunity to review and comment on additional information on the cemetery's development as it becomes available.

Sincerely,

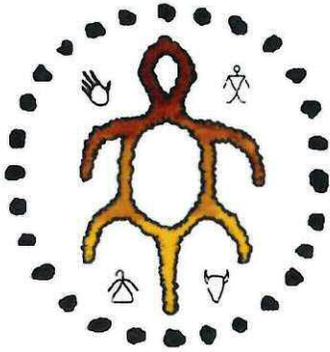


Colette Hull, Treasurer  
For Valley View Country Club, Inc  
Board of Directors

Cc: Kile R. Morrison  
Geri Opsal

**Appendix B**

**CULTURAL RESOURCES LETTER**



## Tribal Historic Preservation Office

P.O. Box 509  
Agency Village, SD 57262  
(605) 698-3584 phone  
(605) 698-4283 fax

May 15, 2015

**David Spider, Program Manager**  
**Construction Management**  
**PO Box 509**  
**Agency Village, S.D. 57262**

**RE: Archeological Clearance for the Sisseton Wahpeton Oyate Veterans Cemetery: Allotment # 5054, Sec 35, T.126N., R.52W., NE ¼ SW ¼ NW ¼, W ½ SE ¼ SW ¼ NW ¼, W ½ SW ¼ NW ¼, Long Hollow Twp. Fifth Principle Meridian, Roberts County, South Dakota. 35 Acres and**

**Allotment # 5054-A, Sec 35, T.126N., 52W., E ½ SE ¼ SW ¼ NW ¼, Long Hollow Twp. Fifth Principle Meridian, Roberts County, South Dakota. 5 Acres.**

Dear Mr. Spider,

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended) the Tribal Historic Preservation Office offers this letter of clearance for the above mentioned development project.

We have reached a determination of "No Historic Properties Affected" provided the project is of the nature stated and takes place in the location plotted in the report and correspondence. We also require with your understanding that should any cultural resources be found during construction that all construction would cease until further review by the Tribal Historic Preservation Office and other related parties, has been completed.

Should you require any additional information, please do not hesitate to contact me at (605) 698-3584.

Sincerely,



Dianne Desrosiers  
Tribal Historic Preservation Office  
Sisseton Wahpeton Oyate

Cc: John Cloud, Lake Traverse Utility Commission  
Lillian Wanna, Tribal Realty  
Gerald Thompson, BIA Realty  
Carson Murdy, BIA Archeologist  
Gerald German, Tribal Roads  
File

**Appendix C**

**BIOLOGICAL EVALUATION SPECIES LIST**

## METHODS

An Environmental Specialist conducted a field reconnaissance of the project area on March 24, 2015. A Boundary & Topographic Survey drawing provided by MKEC was used for general orientation and to locate the project area boundaries. The field reconnaissance consisted of a pedestrian survey of the project area to evaluate vegetation and landscape features considered important to the potential occurrence of special-status plant and animal species.

## Species Identification

The USFWS maintains a list of protected species and the critical habitat that is known to occur in each South Dakota County. These species are currently listed as or are proposed for listing as endangered or threatened under the ESA (16 United States Code [USC] 1531 *et seq.*). The list also includes candidate species proposed as threatened or endangered, species delisted from protection under the ESA, and species delisted from protection under the ESA but currently proposed for relisting. The ESA specifically prohibits the “take” of a listed species. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct.” Some bird species also receive legal protection under the federal Migratory Bird Treaty Act (16 USC 703–712).

Only species listed by the USFWS are afforded protection under the ESA. The special-status species evaluated in this report were based on the list of endangered, threatened, proposed endangered, and candidate species for Roberts County, South Dakota, available at the USFWS website (<http://ecos.fws.gov/ipac/>). The USFWS IPAC Trust Resource Report is provided in the attachment below.

The potential for occurrence on the property of the species addressed in this EA was based on: 1) documented records; 2) existing information on distribution; and 3) qualitative comparisons of the habitat requirements of each species with vegetation communities or landscape features in the project area. Possible impacts to these species were evaluated based on reasonably foreseeable project-related activities.

## Species Evaluation

The potential for occurrence of each species was summarized according to the categories listed below. Because not all species are accommodated precisely by a give category (i.e., category definitions may be too restrictive), an expanded rationale for each category assignment is provided. Potential for occurrence categories area as follows”

- *Known to occur*--- the species has been documented in the project area by a reliable observer.
- *May occur* --- the project area is within the species’ currently known range, and vegetation communities, soils, etc., resemble those known to be used by the species.
- *Unlikely to occur* --- the project area is within the species’ currently known range, but vegetation communities, soils, etc., do not resemble those known to be used by the species, or the project area is clearly outside the species’ currently known range.

Those species listed by the USFWS were assigned to one of three categories of possible effect, following USFWS recommendations. The effects determinations recommended by USFWS are as follows:

- *May affect, is likely to adversely affect*— the proposed project is likely to adversely affect a species if 1) the species occurs or may occur in the project site; and 2) any adverse effect on listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. In the event that the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects, then the proposed action “is likely to adversely affect” the listed species.
- *May affect, is not likely to adversely affect*—the project is not likely to adversely affect a species if 1) the species may occur but its presence has not been documented and/or surveys following approved protocol have been conducted with negative results; and/or 2) project activity effects on a listed species are expected to be discountable, insignificant, or completely beneficial.
- **Beneficial effects** are contemporaneous positive effects without any adverse effects on the species. **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs. **Discountable effects** are those extremely unlikely to occur. Based on best judgment, a person would not 1) be able to meaningfully measure, detect, or evaluate insignificant effects; or 2) expect discountable effects to occur.
- *No effect*—the project will have no effect on a species if 1) it has no likelihood of effect on a listed species or its designated critical habitat (including effects that may be beneficial, insignificant, or discountable); or 2) the species’ habitat does not occur in the project site.

Because species not listed as threatened or endangered are not protected under the authority of the ESA, impact determinations for these species do not follow the above USFWS recommendations. Instead, the impact determinations for any species listed as candidate or proposed endangered and not protected under the ESA are as follows:

- *No impact*—the project would have no impact on a species if 1) the species is considered unlikely to occur (range, vegetation, etc., are inappropriate); and 2) the species or its sign was not observed during surveys of the project area.
- *Beneficial impact*—the project is likely to benefit the species, whether it is currently present or not, by creating or enhancing habitat elements known to be used by the species.
- *May impact individuals but is not likely to result in a trend toward federal listing or loss of viability*—the project is not likely to adversely impact a species if 1) the species may occur but its presence has not been documented; and 2) project activities would not result in disturbance to areas or habitat elements known to be used by the species.
- *May impact individuals and is likely to result in a trend toward federal listing or loss of viability*—the project is likely to adversely impact a species if 1) the species is known to occur in the project area; and 2) project activities would disturb areas or habitat elements known to be used by the species, or would directly affect an individual.

Those species listed by the USFWS were assigned to one of three categories of possible effect, following USFWS recommendations. The effects determinations recommended by USFWS are as follows:

- *May affect, is likely to adversely affect*— the proposed project is likely to adversely affect a species if 1) the species occurs or may occur in the project site; and 2) any adverse effect on listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. In the event that the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects, then the proposed action “is likely to adversely affect” the listed species.
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- **Beneficial effects** are contemporaneous positive effects without any adverse effects on the species. **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs. **Discountable effects** are those extremely unlikely to occur. Based on best judgment, a person would not 1) be able to meaningfully measure, detect, or evaluate insignificant effects; or 2) expect discountable effects to occur.
- *No effect*—the project will have no effect on a species if 1) it has no likelihood of effect on a listed species or its designated critical habitat (including effects that may be beneficial, insignificant, or discountable); or 2) the species’ habitat does not occur in the project site.

Because species not listed as threatened or endangered are not protected under the authority of the ESA, impact determinations for these species do not follow the above USFWS recommendations. Instead, the impact determinations for any species listed as candidate or proposed endangered and not protected under the ESA are as follows:

- *No impact*—the project would have no impact on a species if 1) the species is considered unlikely to occur (range, vegetation, etc., are inappropriate); and 2) the species or its sign was not observed during surveys of the project area.
- *Beneficial impact*—the project is likely to benefit the species, whether it is currently present or not, by creating or enhancing habitat elements known to be used by the species.
- *May impact individuals but is not likely to result in a trend toward federal listing or loss of viability*—the project is not likely to adversely impact a species if 1) the species may occur but its presence has not been documented; and 2) project activities would not result in disturbance to areas or habitat elements known to be used by the species.
- *May impact individuals and is likely to result in a trend toward federal listing or loss of viability*—the project is likely to adversely impact a species if 1) the species is known to occur in the project area; and 2) project activities would disturb areas or habitat elements known to be used by the species, or would directly affect an individual.

# RESULTS

## Ecological Overview

The project area occurs along the east side of the Coteau des Prairies within a temperate grasslands biome. The elevation of the project ranges from approximately 1,804' above mean sea level in the west to 1,718' above mean sea level in the east. The project area is bordered by State Hwy 10 on the north, Long Hollow Twp. Rd. to the east with the south and west bordered by grassland and trees.

## Vegetation

The project area consists primarily of grasslands with a small number of trees throughout. However, a thick area of trees is located near the southwest portion of the project area. The trees in the project area are deciduous and are dominated by American Elm (*Ulmus Americana*).

## Species Evaluation

None of the 5 species listed for Roberts County are likely to occur in the project area (Table 1). According to the IPAC Trust Resource Report, there are no critical habitat within this project area. Habitat requirements, potential for occurrence, and possible effects on these species are summarized in Table 1.

According to USWF, there are no occurrence records for any ESA-listed species associated with the subject property or adjacent properties.

## Federally Listed Species Potentially Occurring in Roberts County, South Dakota

Range or habitat information is from USFWS IPaC Trust Resource Report

Common Name (Species Name)	Status*	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Red Knot Bird ( <i>Calidris canutus rufa</i> )	USFWS T	No critical habitat has been designated for this species.	Unlikely to occur.	No effect.
Western Prairie Fringed Orchid ( <i>Platanthera praeclara</i> )	USFWS T	No critical habitat has been designated for this species.	Unlikely to occur.	No effect.
Dakota Skipper ( <i>Hesperia dacotae</i> )	USFWS T	There are no critical habitats designated for this species. However, a proposed rule is in place waiting final approval.	Unlikely to occur because there are no critical habitats within this project area.	May affect, is not likely to adversely affect.
Poweshiek Skipperling ( <i>Oarisma poweshiek</i> )	USFWS E	There are no critical habitats designated for this species. However, a proposed rule is in place waiting final approval.	Unlikely to occur.	May affect, is not likely to adversely affect.
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	USFWS T	There are no critical habitats designated for this species. However, a proposed rule is in place waiting final approval. The proposed rule	Unlikely to occur.	May affect, is not likely to adversely affect.

### USFWS Status Definitions

C = Candidate. Candidate species are those for which USFWS has sufficient information on biological vulnerability and threats to support proposals to list as endangered or threatened under the ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.

CA = Conservation Agreement. A conservation agreement is an agreement between the USFWS and other federal, state, or local agencies or private landowners to take certain steps to ensure the protection of the species.

E = Endangered. Endangered species are those in imminent jeopardy of extinction. The ESA specifically prohibits the take of a species listed as endangered. Take is defined by the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct.

PE = Proposed Endangered. Proposed endangered species are those that are not currently federally protected under the ESA but are eligible to be listed as endangered under the ESA.

T = Threatened. Threatened species are those in imminent jeopardy of becoming endangered. The ESA prohibits the take of a species listed as threatened under Section 4d of the ESA. Take is defined by the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct.

# My project

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## *IPaC Trust Resource Report*

Generated May 13, 2015 01:22 PM MDT



US Fish &amp; Wildlife Service

# IPaC Trust Resource Report



## Project Description

NAME

My project

PROJECT CODE

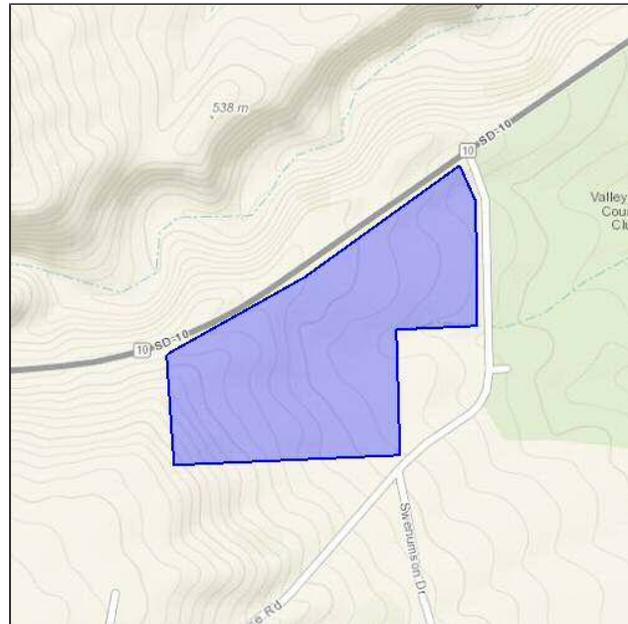
HJBY5-2REYR-FMRCA-2FH3M-YMKWUI

LOCATION

Roberts County, South Dakota

DESCRIPTION

No description provided



## U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

### South Dakota Ecological Services Field Office

420 South Garfield Avenue, Suite 400

Pierre, SD 57501-5408

(605) 224-8693

## Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the [Endangered Species Program](#) and should be considered as part of an effect analysis for this project.

## Birds

**Red Knot** *Calidris canutus rufa*

**Threatened**

CRITICAL HABITAT

**No critical habitat** has been designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0DM>

## Flowering Plants

### **Western Prairie Fringed Orchid** *Platanthera praeclara*

**Threatened**

CRITICAL HABITAT

**No critical habitat** has been designated for this species.<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=Q2YD>

## Insects

### **Dakota Skipper** *Hesperia dactotae*

**Threatened**

CRITICAL HABITAT

There is **proposed** critical habitat designated for this species.<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=I011>

### **Poweshiek Skipperling** *Oarisma poweshiek*

**Endangered**

CRITICAL HABITAT

There is **proposed** critical habitat designated for this species.<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=I0W1>

## Mammals

### **Northern Long-eared Bat** *Myotis septentrionalis*

**Threatened**

CRITICAL HABITAT

**No critical habitat** has been designated for this species.<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A0JE>

## Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

**Appendix D**

**LITERATURE CITED (Upon Request)**