



**United States Department of the Interior**  
**FISH AND WILDLIFE SERVICE**  
Ecological Services Program



South Dakota Ecological Services Field Office  
420 S. Garfield Ave, Suite 400  
Pierre, South Dakota 57501  
(605) 224-8693 (Office) / (605) 224-1416 (Fax)

Date:

To:

Project Name:

Consultation Code:

Dear Project Proponent:

Thank you for using the U.S. Fish and Wildlife Service (Service) South Dakota Ecological Services Field Office (ESFO) online project review process. By providing this letter in conjunction with your complete project review package, you are certifying that you have accurately completed the USFWS Online Project Review Process for the referenced project in accordance with all instructions provided, using the best available information to reach your conclusions. Concurrence with “not likely to adversely affect” determinations does not provide any exemption for violations of section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA) or “take” of federally-listed species. The Federal action agency is ultimately responsible for ensuring compliance with the ESA and any take that occurs due to your proposed action would be considered a violation under section 9 of the ESA.

This letter and the enclosed project review package complete the review of your project in accordance with the ESA. This letter also provides information for your project review under the National Environmental Policy Act (National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C.4321-4347, 83 Stat. 852), as amended.

A copy of this letter, with all forms completed, and the project review package must be emailed to **southdakotaprojectreview@fws.gov** for this certification to be valid. This letter and the project review package will be maintained in Service records. **Please allow the South Dakota ESFO 45 days to review your information. If the South Dakota ESFO determines that the package is not complete, or that additional coordination is necessary, we will contact you. If, after 45 days from the date of your email submittal of your project review package, please contact the South Dakota ESFO by email or phone.**

The proposed action consists of:

Project start and completion dates:

Federal agency or federal program providing a permit, grant, authorization, loan, etc. associated with the proposed project and how that agency is associated with your project:

Federal Agency/Program Point of Contact (name, phone, and email address):

The species conclusions table in the enclosed project review package summarizes your ESA conclusions. These conclusions resulted in “not likely to adversely affect/modify” determinations for listed species and critical habitat in relation to potential effects of your proposed project. We certify that the use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with determinations of “not likely to adversely affect” for listed species and critical habitat reached by proper use of this process. For projects where this particular determination is reached, additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages efforts to avoid or minimize adverse impacts to them from project effects. Some federal agencies have standing policies that grant limited protections to candidate species. Conservation of candidate species now may preclude future needs to federally list them as endangered or threatened, at which point their legal protection would become required. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of listed species or critical habitat becomes available, this determination may be reconsidered. You should re-visit the Service's Information, Planning, and Conservation (IPaC) website at <http://ecos/fws.gov/ipac/> within 90 days of project initiation to ensure species information is correct. If new species or critical habitat is identified, this letter is no longer valid and a new project package should be submitted to the Oklahoma ESFO.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Oklahoma is available at our website: <https://www.fws.gov/office/south-dakota-ecological-services> . If you have any questions, please call 605-224-8693 or send an email message to [southdakotaProjectReview@fws.gov](mailto:southdakotaProjectReview@fws.gov).

Sincerely,  
/s/ Amity Bass  
Field Supervisor

Enclosures:

1) ENTIRE PROJECT REVIEW PACKAGE (check those you are including):

- ☐ Species Conclusion Table (required)
- ☐ IPaC Species List and Action Area map (required)
- ☐ This letter (Online Concurrence Letter) (required)
- ☐ Additional maps (recommended for adequate review)

2) Other relevant project data/documents

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