

**COMPATIBILITY DETERMINATION**  
**for**  
**Xcel Energy & Otter Tail Power Request of Transmission Line**  
**Overhang of FWS Fee Lands**  
**Resulting in Temporary Impacts to a Waterfowl Production Area**

**Use:** Request to build a permanent transmission line adjacent to Grant County Waterfowl Production Area tract #84, named Jensen WPA and located at S1/2SE1/4 section 19, T 119 N, R 47 W, 5<sup>th</sup> PM, Grant County, South Dakota. The proposed line will consist of primarily single pole weathered steel structures approximately 110 – 180 feet tall spanning 600-1200 feet and supported by concrete foundations ranging from 6-12 feet in diameter. All structures will support 2 shield wires and 3 conducting cables. A 150 foot right-of-way easement is being pursued.

**Station Name:** Waubay Wetland Management District

**Establishing and Acquisition Authorities:**

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 USC Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (PL 85-585; 72 Stat. 486) for acquisition of “Waterfowl Production Areas”; the Wetlands Loan Act, October 4, 1961, as amended (16 USC 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under the provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 USC Sec. 715, 715d - 715r, as amended).

**Refuge Purpose(s):**

“...as Waterfowl Production Areas” subject to “...all of the provisions of such Act [Migratory Bird Conservation Act] ...except the inviolate sanctuary provisions...” 16 USC 718(c) (Migratory Bird Hunting and Conservation Stamp)

“...for any other management purpose, for migratory birds.” 16 USC 715d (Migratory Bird Conservation Act)

**National Wildlife Refuge System Mission:**

“The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans” (National Wildlife Refuge System Administration Act of 1966, as amended) [16 USC 668(dd)-668(ee)].

### **Description of Use:**

The Cap X 2020 project is a new transmission line. It is being constructed from the Big Stone Power plant near Big Stone South Dakota to the city of Brookings, South Dakota. The project proponents have worked with Waubay Wetland Management District to place all posts for the line outside of any federal fee-title ownership. The lines however, will overhang the western edge of Jensen Waterfowl Production Area in Grant County. The project proponents have applied for a Right of Way permit from US Fish & Wildlife Service and other landowners.

Per the attached map, there will be one pole immediately adjacent to the WPA, and one on the southwest corner of the WPA.

The impacts to Jensen WPA will be temporary during line installation. Some vehicle traffic will be necessary. The Special Use Permit that will be issued will prohibit access during the nesting period (mid-April through mid-August). There will be no storage of materials on the WPA, and no vehicle maintenance activities.

This line is not adjacent to a wetland, and not in a heavily used waterfowl flight corridor.

### **Availability of Resources:**

Financial and staff resources are sufficient at the field station to administer this request. Staff time will be needed to evaluate the proposed use, to prepare the site specific permit, and to insure compliance with the permit authorization and stipulations, as well as checking for satisfactory restoration of any disturbed sites as necessary.

No specialized equipment will be necessary, as the work requirement associated with these projects is monitoring and compliance checking only. Actual work, including restoration needs if applicable, will be completed by the applicant.

### **Anticipated Impacts of the Use:**

The impact will result in a temporary disturbance during construction to the tame grasslands under the proposed line. These impacts are considered minor with respect to the entire scope of the small wetlands program within the Prairie Pothole Region of Region 6.

The placement away from the wetland and flight corridor should minimize bird strikes.

### **Public Review and Comment:**

The period of public review and comment began June 25, 2015 and ended July 10, 2015.

Posted notices were made in a public place at Waubay National Wildlife Refuge, and on their website.

**Determination:**

**Compatibility Threshold:** Material Interference of Detraction from the Purposes and/or Mission of the NWRS.

Use is Not Compatible

Use is Compatible with the Following Stipulations

**Stipulations Necessary to Ensure Compatibility:**

1. Issuance of a special use permit, and/or right of way permit, does not preclude the requirements for obtaining necessary permits and/or approvals from other County, State, or Federal Agencies and from local landowners.
2. Line will follow line marking recommendations from Ecological Services.
3. The special use permit will require the least amount of impact to the Service fee lands as is necessary to construct the line.
4. Section 106 must be completed by the project proponent.
5. Construction will only be permitted outside of the nesting season mid-April to mid-August.
6. Site-specific stipulations may be added to the permit to address resolution of any potential secondary impacts that arise.
7. No equipment or supplies will be allowed to be stored on the Waterfowl Production Area.

**Justification:**

No long term impacts are expected from this line over hanging the Waterfowl Production Area. Vegetation will recover within one growing season. Ecological Services has approved a section 7 consultation for this activity. Archeological and Historic Properties reports have been completed for the entire length of the line.

This line is one of the areas identified by the Midcontinent Independent System Operator, Inc. (MISO) to reduce the wholesale cost of energy delivered and enable an increase of alternative energy sources.

**NEPA Compliance for Refuge Use Description:**

- Categorical Exclusion without Environmental Action Statement  
 Categorical Exclusion and Environmental Action Statement  
 Environmental Assessment and Finding of No Significant Impact  
 Environmental Impact Statement and Record of Decision

Mandatory 15-year Re-evaluation date: 2030

