



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Western South Dakota NWR/WMD Complex
Huron WMD, Lake Andes NWR/WMD, & Sand Lake NWR/WMD
39650 Sand Lake Drive
Columbia, South Dakota 57433



January 17, 2024

Environmental Law and Policy Center
35E Wacker Drive, Ste. 1600
Chicago, IL 60601

Re: For Public and Private Buried Utility Lines, Road and/or Bridge Improvements, or Temporary Road ROW Expansions Occurring on FWS Easement Properties or Fee-Owned WPAs, Sand Lake National Wildlife Refuge (NWR) and Wetland Management District (WMD).

Environment Policy & Law Center and National Wildlife Refuge Association:

I apologize for the slow response to your November 17, 2023 letter regarding the recently drafted Compatibility Determination (CD) for Sand Lake NWR/WMD. As part of the CD public review process, your comments were well received and appreciated. After reconsideration we plan to withdraw the current draft CD.

Within the Prairie Pothole Region (PPR) portion of North and South Dakota, the National Wildlife Refuge System (NWRS) manages over 262,000 acres of National Wildlife Refuges (NWRs) and through Wetland Management Districts (WMDs), over 452,000 acres of Waterfowl Production Areas (WPAs), 1,602,000 acres of wetland easements and 1,904,000 acres of grassland easements. The expansive footprint and landscape conservation benefits of this easement program, in a landscape that is predominately privately owned, is impressive to say the least. You can get some sense of the footprint of NWRS interests in the Dakotas at the following link: [National Wildlife Refuge System & Fish Hatcheries \(arcgis.com\)](https://arcgis.com).

The NWRS began acquiring wetland easements in the early 1960's and acquired the first grassland easement in 1990. The 2017 Prairie Pothole Joint Venture (PPJV) Implementation Plan recommends the NWRS protect an additional 10,000,000 acres of habitat to sustain the North American waterfowl population. These same acres are critically important to 100s of wetland and grassland dependent species in the PPR and supports the strategic growth policy of the NWRS.

The NWRS only acquires from willing landowners, the minimally restrictive easement rights needed to support conservation priorities. The other rights remain with the landowner and essentially every easement landowner is a partner and neighbor. These easement lands are intermixed with non-easement private lands, rural homes, small towns, public lands, and infrastructure that society deems important. Requests to impact easements for buried utility lines, rural water systems, and public road maintenance are common and expected with such a large conservation footprint on the landscape. Most of these projects are considered health and safety needs and if authorized, only have temporary and minor impacts to the easements and are usually not detectable to the untrained eye after a couple months. Before Refuge Managers even consider authorizing such impacts, they work with the requesters to redesign projects to avoid all impacts to NWRS interests. If a project can't avoid impacting an easement, we stipulate impacts can only be temporary and minor to ensure compatibility and to not materially interfere with or detract from the fulfillment of the mission of the NWRS or the purposes of the individual NWR or WMD.

In the future we plan to prepare a new draft CD for public comments that only addresses temporary and minor impacts to easement lands. Requests to impact fee-owned lands (NWRs and WPAs) will be evaluated separately, and if necessary, a stand-alone draft CD will be prepared for each unique project.

Thanks for your interest and comments. If you have any additional questions, please contact me at Todd_Frerichs@fws.gov or (701)460-0576.

Sincerely,

Todd Frerichs
Project Leader
Western South Dakota WMD