

**AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER**

**TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF FALL RIVER COUNTY:**

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 31<sup>st</sup> day of December, 2017.

**Total Amt of Deposit in First Interstate Bank:                    \$442,372.49**

**Total Amt of Deposit in First National Bank of Lead: \$1,000.00**

**Total Amount of Cash:    \$3,479.26**

**Total Amount of Treasurer's Change Fund:                        \$ 900.00**

**Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:                        \$27,533.63**

**SAVINGS:**

**First Interstate Bank:    \$206,431.83**

**First Nation Bank of Lead:    \$2,006,872.46**

**CERTIFICATES OF DEPOSIT:**

**First Interstate-Hot Springs:    \$3,650,237.92**

**Black Hills Federal Credit Union:                                        \$250,000.00**

**Bank of the West     \$500,000.00**

Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:

Register of Deeds Change Fund: \$500.00

Highway Petty Cash: \$20.00

Election Petty Cash: \$15.00

**RETURNED CHECKS:**

**TOTAL \$7,089,362.59**

Dated This 31<sup>st</sup> Day of December, 2017.

  
Sue Ganje, County Auditor of Fall River County.

County Monies: \$6,855,357.62

Held for other Entities: \$61,730.30

Held in Trust: \$172,274.67

**TOTAL: \$7,089,362.59**

The Above Balance Reflects County Monies, Monies Held in Trust, and Monies Collected for and to be remitted to Other ENTITIES: SCHOOLS, TOWNS, TOWNSHIPS, FIRE AND AMBULANCE DISTRICTS, AND STATE.

## Aaron Eberle

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**From:** FALL RIVER COUNTY [FallRiver.County@sdstate.edu]  
**Sent:** Friday, January 26, 2018 3:03 PM  
**To:** 'Aaron Eberle'  
**Subject:** Extension Inventory

Aaron;

The following item to surplus as junk no longer operable

#1372 Projector

The following items to be surplus:

#1053 Welbilt Microwave

#1059 Projector Screen

#1888 Desk paper folder

#939 Secretary/Reception Counter

Thank you.

Karen

*Karen Jamison*  
*Office Manager*  
*Fall River County Extension Office*  
*1031 North River Street*  
*Hot Springs SD 57747*  
*605-745-5133*  
[fallriver.county@sdstate.edu](mailto:fallriver.county@sdstate.edu)

SDSU  
  
Extension  
✿ SOUTH DAKOTA 4-H

South Dakota State University, South Dakota counties, and USDA cooperating.  
South Dakota State University adheres to AA/EEO guidelines in offering educational programs and services.

**South Dakota Association of County Commissioners**  
**County Commissioners and Welfare Officials Workshop**

**Wednesday, March 14, 2018**  
**Thursday, March 15, 2018**  
**Pierre Ramkota**

**REGISTRATION FEE:**

**County Commissioners**

Two Day Registration \$100.00  
Start time – 8:30 AM Wednesday

**Welfare Officials**

One Day Registration \$50.00  
(March 15<sup>th</sup>)

Please note this registration form is for County Commissioners and Welfare Directors

\_\_\_\_\_ County

<u>NAME</u>	<u>POSITION</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

Return with prepayment by **Friday, March 9, 2018:** SDACC  
(No refund after this date) 211 E Prospect Ave  
Pierre, SD 57501

**Room blocks have been made at the following hotels:**  
**(Blocks under "SD Counties" and will be released on February 10th, 2018)**

- Ramkota Hotel – 224-6877 - \$99.99
- ClubHouse Hotel – 494-2582 - \$134.00 - 808 W Sioux Ave
- Days Inn – 224-0411 - \$55.00 - 520 W Sioux Ave
- Governor's Inn – 224-4200 - \$85.00 - 700 W. Sioux Ave
- Quality Inn – 224-0377 - \$60.00 - 410 W. Sioux Ave
- Econolodge – 224-5951 - \$60.00 – 110 E. Sioux Ave
- River Lodge – 224-414- \$55.00 – 713 W Sioux Ave

## Tentative SDACC Agenda

### Wednesday, March 14, 2018

- 8:30 – 9:30 a.m. ID Theft and Scams  
-Jody Gillespie, Consumer Protection – AG’s Office
- 9:30 – 10:00 a.m. **Break**
- 10:00 – 10:45 a.m. SD DOT Local Government Assistance Updates  
-Doug Kinniburgh, SD DOT LGA
- 11:00 – 11:45 a.m. SD Local Transportation Assistance Program  
-Greg Vavra, SDLTAP Program Director
- 12:00 – 1:00 p.m. **Lunch – Rooms AFG**
- 1:00 – 1:45 p.m. Legislative Audit  
-Rod Fortin
- 2:00 – 2:45 p.m. Court Order Competency Fund Update  
-Bob Wilcox, SD Counties  
-Eric Erickson, Cutler Law Firm  
-Greg Sattizahn, UJS
- 2:45 – 3:15 p.m. **Break**
- 3:15 – 4:00 p.m. Tips for Boards of Equalization  
-Wendy Semmler, SD Dept Revenue
- 4:15 – 5:00 p.m. 2018 Legislative overview  
-Bob Wilcox, SD Counties
- 5:00 p.m. **Social -**

### Thursday, March 15, 2018

- 8:00 – 8:45 a.m. 911 update – Shawnie Rechtenbaugh, 9-1-1 Coordinator  
State Radio/FirstNet update – Jeff Pierce, SD BIT
- 9:00 – 9:45 a.m. SDML WC Fund Update – Brad Wilson  
SDPAA Update – Lynn Bren
- 9:45 – 10:15 a.m. **Break**
- 10:15 – 12:00 noon Parliamentary Procedure/ How to Run a Meeting  
-Todd Kays – 1<sup>st</sup> District  
-Luke Muller – 1<sup>st</sup> District
- 12:00 – 1:00 p.m. **Lunch – Rooms AFG**
- 1:15 – 3:30 p.m. Poverty Simulation – *Courtyard*

**Welfare Agenda – Amphitheatre I**  
**Thursday, March 15, 2018**

- 8:30-10:00 AM – Bill Snyder – Division Director, DSS Medical Services  
Discuss programs, legislative issues, pricing County claims,  
update on DSS resources, communication and cooperation  
between DSS and SD Counties, mental health hold payments
- 10:00-10:15 – break
- 10:15-12:00 – Discuss SDCL Chapter 28-13 revision  
Process, forming revision team, timeline, statute discussion, etc.  
Hand out and go over expenditure reports  
Discuss need for volunteers for Regional Trainers (and training topics)  
and CCPR review team
- 12:00-1:15 – noon lunch and break
- 1:15-3:30 PM – Poverty Simulation conducted by ICAP  
Welfare and Commissioners invited – up to approx. 60 to  
65 persons able to participate  
(Courtyard)

## **TIMELINE:**

**Summer 2014** – AG Land Review – Forms were sent out to all AG land owners. If we did not receive an AG form by the deadline, we changed the land to Non-AG status.

OST did not return AG form by deadline – DOE changed all 5 parcels to Non-AG status

**March 1, 2015** – Assessment Notices sent out. – all 5 parcels were classed as Non-AG

No Appeal was filed by the OST to dispute the land values or classification

**January, 2016** – Wild Horse Sanctuary called about the increase in the 2015 pay 2016 tax bill. They informed the DOE that as part of the lease agreement they had with OST, the horse sanctuary was responsible for paying the taxes. The DOE informed them that we had not received an AG form from the OST and that the AG status was removed.

**March 1, 2016** – Assessment Notices sent out. – all 5 parcels were classed as Non-AG

No Appeal was filed by the OST to dispute the land values or classification

**July 8, 2016** –DOE received a copy of the AG form from OST

**July 19, 2016** – ABATEMENT request was filed by the OST for the 2015 pay 2016 tax bill to be adjusted for the difference between Non-AG and AG status. The Commissioners agreed to the ABATEMENT with the condition the DOE received a copy of the new lease agreement.

**Minutes** from the Commissioner Meeting July 19, 2016:

Denise Mesteth, Oglala Sioux Tribe Land Director, met with the Board to discuss abatement of taxes for Oglala Sioux Tribal owned land in Fall River County at the Wild Horse Sanctuary. Mesteth explained that they had an agreement with the Sanctuary that they pay the taxes for use of the land. An Agriculture land Audit had been sent to the tribe, which was not returned so the status of the land changed to non-Ag status. Mark Van Orman, Attorney explained that the agreement had been an ongoing agreement and that a new draft was being drawn up. Motion by Russell, seconded by Ortner to approve abatements and refunds for pay 2016 taxes as follows: parcel 19000-00804-18200, abatement - \$637.02, refund - \$517.95; 19000-00804-20100, abatement - \$1,877.45, refund - \$1,269.52; 19000-00804-20300, abatement - \$1,877.45, refund - \$1,362.82; 19000-00804-21200, abatement - \$904.27, refund - \$759.07; 19000-00804-28100, abatement \$1,808.53, refund - \$1,358.75. Reason – form returned and use qualifies for ag status. Falkenburg asked that a copy of the new lease agreement be supplied to the Director of Equalization within one month. Mesteth spoke to the Board and

believes that all land owned by the tribe should be tax exempt to learn tribal history. The Board feels taxed should be paid in Fall River County, so this could be a future issue.

**October 18, 2016** – DOE informed the Commissioners we did not receive a lease agreement from OST yet. Commissioners advised DOE to keep classification as Non-AG for 2017 assessment.

**Minutes** from the Commissioner Meeting October 18, 2016:

Denise Mesteth of the Oglala Sioux Tribal Land Office did not appear for their 10:35 appointment.

Susie Simkins, Director of Equalization presented the Board a list with possible changes to abstracts. Simkins suggested changes now rather than abatements in the next fiscal year...  
...Motion by Falkenburg, seconded by Russell to leave property owned by the Oglala Sioux Tribe as Non Ag as requested information has not been turned in.

**February 27, 2017** – DOE received Lease Agreement from OST

Resolution No. 16-110 from Tribal Council – signed and dated 8-23-2016

Lease Agreement – signed and dated 1-11-2017

**March 1, 2017** – Assessment Notices sent out. – all 5 parcels were classed as Non-AG

**March 21, 2017** – ABATEMENT request was filed by the OST for the 2016 pay 2017 tax bill to be adjusted for the difference between Non-AG and AG status. The Commissioners denied this ABATEMENT request.

**Minutes** from the Commissioner Meeting March 21, 2017:

Mark Van Orman, OST Attorney, Chauncey Wilson, Tribal Councilman, Trudee Ecoffee, NRCS representative and Michael Her Many Horses met with the board to request abatements to their pay '17 tax bills to reflect agriculture status rather than non-ag on their 1247 acres they lease to the Institute of Range and the American Mustangs, (BH Wild Horse Sanctuary). Van Orman stated that the land has always been used as agriculture by grazing cattle, and is used for their winter pasture, and Her Many Horses spoke of the cultural and spiritual uses. Discussion was held on fencing of the area, and the assistance they are getting from the NRCS and whether or not it was used for ag purposes. Van Orman also noted they will ask for exempt status in the future. Motion made by Allen, seconded by Russell to approve abatement to reflect agriculture status. Discussion was held with Nabholz speaking of an issue with the timeline, reassurance

from Her Many Horse that there was a fence, and paperwork is now filed. By roll call vote, Russell and Allen voting yes, all others voting no, motion failed.

**April 4, 2017** – DOE received appeal request forms from OST to appeal the classification on all 5 parcels.



Policy #2011-01 Land Use Policy For Fall River County

As the elected government of Fall River County, South Dakota, we have a solemn duty to protect the health, safety, and welfare of our County citizens. To fulfill this duty we hereby adopt the following policies for lands publicly held in our County. Should any entity wish to deviate from these policies, they **(the entity)** must coordinate with us.

Whereas agriculture and the grazing of livestock are essential to the economic welfare of this County and of the citizens and the businesses that are supported by agriculture, we oppose reduction in grazing allotments or any other change that would hamper our agricultural industry.

Whereas tourism and recreation are critical elements in our County's economic well-being and support many local businesses and because the access to public lands is essential to tourism and recreation, we oppose reduction in public access to public lands.

Whereas access to public lands and the safety of our citizens requires an adequate system of roads, we oppose road closures or travel restrictions on public lands. This does not authorize access across private land. **(any proposed closures will be reported to the county commission)**

Whereas our wildlife community and man have developed a balance over the years since man's arrival here, we oppose the introduction or re-introduction of any species not currently present in our county. An exception to this policy would be the introduction of biological control of noxious weeds and other invasive plant species. As agriculture and the raising of livestock are major industries in our County, we oppose the introduction or re-introduction of any predator animals and support control of any existing predators.

Whereas Fall River County currently includes substantial amounts of publicly held land, we oppose further additions to public land unless an equal value of land is returned to private ownership. **(All land sales and/or trades will be reported to the county commission)**

Whereas our County contains significant archeological resources that are of interest to the public, we oppose restriction on public access to these resources.

Whereas tourism and aesthetics are important to our citizens and also important to their safety, we favor good forestry management and immediate attention to disease outbreak or infestation in the forests or grasslands. **(Any disease outbreaks including but not limited to sylvatic plague and mange will be reported to the county commission)**

Whereas usage of natural resources has been historically important in our County and is important to our citizens' economic welfare, we favor good forestry management, well managed timber sales and safe mineral extraction. **(,and management of the grass cover. Any extreme management including but not limited to controlled burning and clear cutting will not be initiated without the consent of the county commission)**

We favor agricultural and recreational activity on public land to include, but not be limited to, livestock grazing, hunting, hiking, ATV riding, rock hounding, horse-back riding, sight-seeing, photography, or camping.

Adopted by the Fall River County Commission April 5, 2011 **(revised May 2017)**

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# FALL RIVER COUNTY CODE OF THE WEST

*The Code of the West* was first chronicled by the famous western writer, Zane Grey. The men and women who came to this part of the country during the westward expansion of the United States were bound by an unwritten code of conduct. The values of integrity and self-reliance guided their decisions, actions and interactions. In keeping with that spirit, we offer this information to help the citizens of Fall River County who wish to follow in the footsteps of those rugged individualists by living outside city limits.

## **Introduction**

It is important for you to know that life in the country is different from life in the city. County governments are not able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision to purchase rural land.

## **Access**

The fact that you can drive to your property does not necessarily guarantee that you, your guests and emergency service vehicles can achieve that same level of access at all times. Please consider:

- 1.1 - Emergency response times (Sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow and expensive.
- 1.2 - There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand the easements that may be necessary when these types of questions arise.
- 1.3 - You can experience problems with the maintenance and cost of maintenance of your road. Fall River County maintains 700 miles of roads, but many rural properties are served by roads which are maintained by private road associations. There are even some county roads that are not maintained by the county - no grading or snow plowing. There are even some public roads that are not maintained by anyone! Make sure you know what type of maintenance to expect and who will provide that maintenance. Even if you have road frontage, you may require a permit to approach from the county or state to build a drive way off that road.
- 1.4 - Extreme weather conditions can destroy roads. It is wise to determine whether or not your road was properly engineered and constructed.
- 1.5 - Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.
- 1.6 - School buses travel only on maintained county roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest county road so they can get to school.

1.7 - In extreme weather, even county maintained roads can become impassable. You may need a four wheel drive vehicle with chains for all four wheels to travel during those episodes, which could last for several days.

1.8 - Natural disasters, especially floods, can destroy roads. Fall River County will repair and maintain county roads; however, subdivision roads are the responsibility of the landowners who use those roads.

1.9 - Unpaved roads generate dust. As a general rule Fall River County does not treat county system roads to suppress the dust and dust is a fact of life for most rural residents.

1.10 - If your road is unpaved, it is highly unlikely that Fall River County will pave it in the foreseeable future. Check carefully with the Fall River County Road Department when any statement is made by the seller of any property that indicates any unpaved roads will be paved!

1.11 - Unpaved roads are not always smooth and are often slippery when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.

1.12 - Mail/newspaper delivery is not available to all areas of the county. Ask the postmaster/newspaper to describe the system for your area.

1.13 - Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with the service providers as to your status.

## **Utility Services**

Water, sewer, electric, telephone and other services may be unavailable or may not operate at urban standards. Repairs can often take much longer than in towns and cities. Please review your options from the non-exhaustive list below.

2.1 - Telephone communications can be a problem, especially in the mountain areas of Fall River County. If you have a private line, it may be difficult to obtain another line for fax or computer modem uses. Even cellular phones will not work in all areas. High Speed Internet service is often not available.

2.2 - If sewer service is available to your property, it may be expensive to hook into the system. It also may be expensive to maintain the system you use.

2.3 - If sewer service is not available, you will need to use an approved on-site septic system or other treatment process. The type of soil you have available for a leach field will be very important in determining the cost and function of your system. For installation you will require a state/county certified septic installer or call 1-800-GET-DENR for the rules for installation.

2.4 - If you have access to a supply of treated domestic water, the tap fees can be expensive. You may also find that your monthly cost of service can be costly when compared to municipal systems.

2.5 - If you do not have access to a supply of treated domestic water, you will have to locate an alternative supply. The most common methods are hauling water or drilling a well. The cost for drilling and pumping can be considerable and generally requires hiring a SD licensed well driller. The quality and quantity of well water can vary considerably from location to location and from season to season. It is strongly advised that you research this issue very carefully.

2.6 - Not all wells can be used for watering of landscaping and/or livestock. If you have other needs, make certain that you have the proper approvals before you invest. It may also be difficult to find enough water to provide for your needs even if you can secure the proper permit.

2.7 - Electric service is not available to every area of Fall River County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas.

2.8 - It may be necessary to cross property owned by others in order to extend electric service to your property in the most cost efficient manner. It is important to make sure that the proper easements are in place to allow lines to be built to your property.

2.9 - Electric power may not be available in two phase and three phase service configurations. If you have special power requirements, it is important to know what level of service can be provided to your property.

2.10 - If you are purchasing land with the plan to build at a future date, there is a possibility that electric lines (and other utilities) may not be large enough to accommodate you if others connect during the time you wait to build.

2.11 - The cost of electric service is usually divided into a fee to hook into the system and then a monthly charge for energy consumed. It is important to know both costs before making a decision to purchase a specific piece of property.

2.12 - Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. You may also lose food in freezers or refrigerators and power outages can cause problems with computers as well. It is important to be able to survive for up to a week in severe cold with no utilities if you live in the country.

2.13 - Trash removal can be much more expensive in a rural area than in a city. In some cases, your trash dumpster may be several miles from your home. It is illegal to create your own trash dump, even on your own land. It is good to know the cost for trash removal as you make the decision to move into the country. In some cases, your only option may be to haul your trash to the landfill yourself. Recycling is more difficult because pick-up is not available in most rural areas.

2.14 - The State of South Dakota has laws which prohibit/restrict open burning of trash and yard debris. You will need to contact the local volunteer fire department to check the laws and permits that apply to your location of Fall River County.

## The Property

There are many issues that can affect your property. It is important to research these items before purchasing land.

3.1 - Most, but not all, lots are buildable. Smaller lots may not meet state requirements for septic system installations. Generally a state electrical inspection of new construction is required before your power will be turned on.

3.2 - Easements may require you to allow construction of roads, power lines, water lines, sewer lines, etc. across your land. There may be easements that are not of record. Check these issues carefully.

3.3 - Many property owners do not own the mineral rights under their property. Owners of mineral rights have the ability to change the surface characteristics in order to extract their minerals. It is very important to know what minerals may be located under the land and who owns them. Much of the rural land in Fall River County can be used for mining. Be aware that adjacent mining uses can expand and cause negative impacts.

3.4 - You may be provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate. The Fall River County Register of Deeds may have copies of filed plats.

3.5 - Fences that separate properties are often misaligned with the property lines. A survey of the land is the only way to confirm the location of your property lines. South Dakota law may require that you pay one-half the cost of a fence installed by your neighbor on a common border.

3.6 - Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors.

3.7 - Road taxing districts and homeowners associations are sometimes used to take care of common elements, roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.

3.8 - Dues are almost always a requirement for those areas with a HOA. The by-laws of the HOA will tell you how the organization operates and how the dues are set.

3.9 - The surrounding properties will probably not remain as they are indefinitely. The view from your property may change.

3.10 - If you have a water ditch or powerline running across your property there is a good possibility that the owners of the ditch/line have the right to come onto your property with heavy equipment to maintain the ditch/or cut trees away from their powerline.

3.11 - Water rights that are sold with the property may not give you the right to use the water from any ditches crossing your land without coordinating with a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use or require you to pay for the oversizing or other improving of the ditch.

3.12 - It is important to make sure that any water rights you purchase with the land will provide enough water to maintain fruit trees, pastures, gardens or livestock.

3.13 - The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it.

3.14 - Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible danger to your family.

3.15 - The development of lots may be affected by geological hazards, flooding, wetlands, streams, rivers, and lakes. Additionally, priority fish and/or wildlife habitats and species may limit the type and location of development you may perform on your property. Development constraints, extra costs, special studies and permits may be required for the development of lots.

3.16 - South Dakota does not have a personal income tax and as a result property taxes are often much higher than other states. It is worthwhile to visit with the Fall River Tax Assessor before buying property to determine whether a large increase in assessments and hence taxes on the property is expected. In particular, agricultural land that is subdivided and no longer meets the requirements for being agricultural can result in taxes that are many multiple times more than previous taxes.

## **Mother Nature**

Residents of the country usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

4.1 - The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but can also involve your home in a forest fire. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. Defensible perimeters are very helpful in protecting buildings from forest fire and inversely can protect the forest from igniting if your house catches on fire. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire. For further information, you can contact Fall River Emergency Management or the local volunteer fire district.

4.2 - Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.

4.3 - Expansive soils, can buckle concrete foundations and twist steel I-beams. You can determine the soil conditions on your property by reviewing the Fall River County Soil Survey.

4.4 - North facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that snow will accumulate and not melt throughout the winter.

4.5 - The topography of the land can tell you where the water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through that ravine now drains through their house.

4.6 - A flash flood can occur, especially during the summer months, and turn a dry gully into a river. It is wise to take this possibility into consideration when building. FEMA flood maps are available through Emergency Management for most of the county and help determine whether you will be able to purchase flood insurance.

4.7 - Nature can provide you with some wonderful neighbors. Most, such as deer and eagles are positive additions to the environment. However, even "harmless" animals like deer can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, mosquitoes and other animals that can be dangerous and you need to know how to deal with them. In general, it is best to enjoy wildlife from a distance and know that if you do not handle your pets and trash properly, it could cause problems for you and the wildlife.

4.8 - Many areas of Fall River County are open for hunting. Hunting, while providing recreational opportunities, is a tool for managing wildlife populations. It also involves individuals who may trespass, litter, or fire guns. Don't automatically assume your property is in a no hunting area.

## **Agriculture**

Owning rural land means knowing how to care for it. There are a few things you need to know:

5.1 - Farmers often work around the clock, especially during planting and harvest time, and hay is often swathed or baled at night. It is possible that adjoining agriculture uses can disturb your peace and quiet.

5.2 - Land preparation and other operations can cause dust, especially during windy and dry weather.

5.3 - Farmers occasionally burn their ditches to keep them clean of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.

5.4 - Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and many people actually have severe allergic reactions. Many of these chemicals are applied by airplanes that fly early in the morning.

5.5 - Animals and their manure can cause objectionable odors. What else can we say?

5.6 - Agriculture is an important business in Fall River County. If you choose to live among the farms and ranches of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agri-business neighbors.

5.7 - Portions of Fall River County are open range. This means if you do not want cattle, sheep or other livestock on your property, it is your responsibility to fence them out. In those areas, it is not the responsibility of the rancher to keep his/her livestock off your property.

5.8 - Before buying land you should know if it has noxious weeds that may be expensive to control and you may be required to control. Some plants are poisonous to horses and other livestock.

5.9 - Animals can be dangerous. Bulls, stallions, rams, boars, etc. can attack human beings. Children need to know that it is not safe to enter pens where animals are kept.

5.10 - Much of Fall River County receives less than 17 inches of precipitation per year. As a result, we have a problem with overgrazing, and fugitive dust. Without irrigation, grass does not grow very well. There is a limit to the amount of grazing the land can handle. The Fall River County Cooperative Extension office can help you with these issues.



**In Conclusion**

Even though you pay property taxes to the county, the amount of tax collected does not cover the cost of the services provided to rural residents. In general, those living in the cities subsidize the lifestyle of those who live in the country by making up the shortfall between the cost of services and the revenues received from rural dwellers.

This information is by no means exhaustive. There are other issues that you may encounter that we have overlooked and we encourage you to be vigilant in your duties to explore and examine those things that could cause your move to be less than you expect.

We have offered these comments in the sincere hope that it can help you enjoy your decision to reside in the country. It is not our intent to dissuade you, only inform you.

Adopted this 16<sup>th</sup> day of May, 2017

Fall River County Commission

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Joe Falkenburg, Chairman

**AN ORDINANCE TO ENACT THE  
HARDING COUNTY  
ENVIRONMENTAL REVIEW PLAN**

Be it ordained by the County of Harding that, the Harding County Environmental Review Ordinance shall read as follows:

**Section 1-1. DECLARATION OF PURPOSE AND INTENT**

1. The Harding County Commission realizes the Constitution of the United States guarantees that the government shall not interfere with individual rights and freedoms and has kept this fact in mind throughout the development of the Harding County Environmental Review Ordinance which is designated an Environmental Review Ordinance. The Plan is meant to respect all individual rights and freedoms and assumes that individuals, especially when developing their land, will honor the rights and freedoms of their neighbors.

2. The custom, culture and economy of Harding County is affected by plans, programs and projects initiated by federal and state governmental agencies. An effective, coordinated process of environmental review prior to implementation of such plans, programs and projects is in the best interest of the citizens of Harding County.

3. The policy of planning and review in Harding County, as it relates to plans, programs and projects initiated by federal and state governmental agencies, is designed to promote the stated

purposes and philosophy of the National Environmental Policy Act (NEPA)<sup>1</sup>

To declare a national policy which will encourage the productive and enjoyable harmony between man and his environment; to promote efforts which will eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the nation...

4. Federal statutes and presidential executive orders provide the framework for coordinated planning between Harding County and federal agencies. Federal statutes and regulations require federal agencies to coordinate their initial planning efforts with local government.<sup>2</sup> NEPA requires federal agencies to work in close consultation with local governments and coordinate plans, functions, programs and resources.<sup>3</sup> Further, it is the responsibility of the federal government to assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings;<sup>4</sup> preserve important historic, cultural, and natural aspects of our national heritage, and maintain, whenever possible, an environment which supports

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<sup>1/</sup> National Environmental Policy Act of 1969, effective January 1, 1970 (42USC 4231 et seq.). Section 2, Purpose.

<sup>2/</sup> See for example, 16 USC 1601; 43 CFR 1604 (a).

<sup>3/</sup> 42 USC 4331(a) and (b).

<sup>4/</sup> 42 USC 4331(b) (2).

diversity and variety of individual choice.<sup>5</sup>

5. Whereas H.B. 1140 adopted by the Legislature of the State of South Dakota during the 1994 legislative session and codified as SDCL 11-2-20.1, authorizes Harding County Environmental Review Ordinance with federal agencies. Presidential Executive Order 12372 requires federal agencies to coordinate actions and projects with local governments so that local impacts arising from federal projects may be identified. See also Presidential Executive Order 12866 - Regulatory Planning and Review, Sept. 30, 1993.

6. Federal and state lands make up a substantial part of Harding County. Moreover, Harding County's economy, tax base, and community stability are dependent on business activities on these federal and state lands. These activities are inseparably tied to the privately owned lands in Harding County.

7. In order to carry out these important policies and objectives for plans, programs and projects initiated by federal and state governmental agencies which may significantly affect the quality of the human environment in Harding County, it is necessary, consistent with applicable federal and state law, for all such agencies to comply with the provisions and policies of this resolution, including any rules and regulations promulgated hereunder, as well as the applicable provisions of NEPA.

8. The overriding purpose of this resolution is to assist federal and state agencies in coordinating governmental agency

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<sup>5/</sup> 42 USC 4331(b)(4).

initiated planning activities with Harding County. The nature and intent of this ordinance amendment is to protect the environment, the local community economic stability and the custom and culture of Harding County's citizens through protection of private property rights, the facilitation of a free market economy and the establishment of a process to ensure self-determination by local communities and individuals.

9. Therefore, this resolution and any rules and regulations hereunder are applicable only to federal and state agencies which initiate plan, programs and projects that affect Harding County where such governmental agencies are directed or instructed by applicable federal and state law and Executive Orders to coordinate or otherwise involve Harding County in planning for such governmental actions.

10. As used in this resolution, the terms "environment" and "environmental" include, without limitation, the physical environment as well as the custom, culture and economic resources of Harding County.

11. The Harding County Commissioners expressly provide that this ordinance is adopted pursuant to SDCL 11-2-20.1 as the Harding County effort to coordinate the Harding County Environmental Review Ordinance with federal regional forest and other resource management plans, but this ordinance is not and shall not be deemed or construed to be a zoning ordinance.

#### Section 1-2. HARDING COUNTY ENVIRONMENTAL POLICY

1-2-1. The Harding County Commissioners find and declare the

following general environmental policy:

The Protection of the custom and culture of Harding County is important to the present and future preservation of environmental quality for its people. The assurance for all Harding County citizens of a safe, healthy, productive, and culturally and aesthetically supportive environment is essential to the quality of life and human environment. There is a need to understand the relationship between the maintenance of nature and the general welfare of the people who live, work and play in Harding County, including the use of its natural resources. It is the intent of the Harding County Commissioners to maintain the quality of the environment and to protect the economic stability of the county which supports its customs and culture. Effective management of natural resources requires systematic and coordinated efforts between public and private interests to maintain environmental quality and economic stability. State and federal agencies initiating plans, programs and projects which may adversely affect private citizens who contribute to the economic stability of Harding County, should, consistent with applicable federal and state law, assure that major consideration is given to protecting the environment without depriving county citizens.

1-2-2. The Harding County Board of Commissioners further finds and declares the following specific environmental policies regarding LAND DISPOSITION AND LAND USES; WATER RESOURCES; AGRICULTURE; NON-AGRICULTURAL ENTERPRISES; GAS, OIL, MINING AND

TIMBER RESOURCES; RECREATION, WILDLIFE AND TOURISM; and NATURAL SCIENCES.

A. LAND DISPOSITION AND LAND USES: Recognizing that land is essential to local industries and residents and is certainly a consideration "in the public interest," it is the policy of this County to assist and participate in the planning, design and development of all land disposal and acquisition, including land adjustments and exchanges, initiated by federal or state agencies. To define "public interest" as required by federal law, the Commission requests consideration of the following policies:

1. POLICIES

- a. The Commission should support land disposition, uses and adjustments which increase opportunities for local economic development.
- b. The Commission shall discourage federal and state land agencies from initiating acquisition of any private lands within Harding County without first ensuring:
  - (1) That as a minimum, the stability of the local economy is maintained; and
  - (2) That private property interests are protected and enhanced in accordance with the United States Constitution and the South Dakota Constitution; and
  - (3) That such acquisitions be in the best interest of the citizens of Harding County.

- c. Consistent with applicable federal and state law, the general public, the Harding County Commission, and local Harding County communities should be notified of, consulted with, and otherwise involved in all land adjustments initiated by federal or state agencies whether it be by disposal or acquisition, exchange or change in use. It is intended that such adjustments and actions should specifically include, but are not limited to, any proposed changes in livestock grazing, recreation areas, wildlife habitat, wildlife recovery plans, timber sales volume projections, restricted access, road closures, gas, oil and mineral exploration, and primitive or wilderness study area designations. In addition, such proposed adjustments and actions, including federally proposed wild and scenic river designations, should, consistent with applicable federal and state law, be coordinated with the Harding County Commission through this Environmental Review Plan prior to adoption and implementation. It is the intent of the County to assist federal and state agencies in the planning and management of the natural, cultural, and economic resources on public lands located within Harding County.
- d. Consistent with applicable federal and state law, Harding county seeks to be involved in the planning



and determination of land withdrawals or acquisitions for hazardous and nonhazardous waste storage as well as the types and points of origin of such waste.

e. Harding County hereby establishes an Advisory Committee as follows:

- (1) The Advisory Committee shall be composed of five members, including one member from each of the following committees operating under this Ordinance: Agriculture Committee; Non-Agricultural Enterprises Committee; Gas, Oil, Mining and Timber Committee; Recreation, Wildlife and Tourism Committee; and Natural Sciences Committee. Each such member of the the Advisory Committee shall be selected by or her respective committee from that committee's membership by the majority vote of such committee.
- (2) The Advisory Committee may develop and make available local, historical and economic studies for the purposes of measuring impacts on issues of land use and withdrawal and water resources in regard to the cultural, historical and economic interests of the County through this Environmental Review Ordinance.
- (3) The Advisory Committee may also oversee

protection and recovery of all federal and state listed threatened or endangered species.

- (4) The power this, and all other committees established are purely advisory and shall have no power to pass law or order sanctions, whatsoever.

B. WATER RESOURCES: It is the policy of Harding County to recognize that the protection and development of its water resources are essential to its short and long term environmental, economic and cultural viability.

1. POLICIES

- a. The Protection of existing water rights and water uses within the County is of primary importance to the County's economic and cultural well-being. Therefore, transfers in water use should be carefully considered in relationship to the history, traditions, and culture of Harding County. Harding County may, as determined from time to time under this Ordinance, prepare or be involved in the preparation of plans for the protection of aquatic Threatened and Endangered Species within its boundaries. Federal and state agencies managing waterways and wetlands containing such species should, consistent with applicable federal and state law, coordinate their management activities and plans with the Harding County Commission through

this Environmental Review Ordinance.

- b. Harding County recognizes the historic and economic use of existing water rights and promotes future water use for agricultural, municipal, industrial, domestic, recreation and hydroelectric power purposes.
- c. Consistent with applicable federal and state law, the Harding County Commission should be notified of all actions initiated by state and federal agencies that have any impact on the water of the County prior to actions being initiated including any Wild and Scenic River designations proposed by and Federal agency through this Environmental Review Ordinance.
- d. Harding County may develop Wild and Scenic River designations of its own design and requests full federal and state compliance in the acceptance and enforcement of such designations through this Environmental Review Ordinance as is consistent with applicable federal and state law. In addition, the County may develop riparian management plans in concert and coordination with landowners, ranches and the appropriate state and federal agencies through this Environmental Review Ordinance.
- e. Harding County recognizes the principles of all water law contained in the South Dakota Codified Laws.
- f. Issues of water resources within the jurisdiction of

this Environmental Review Ordinance shall be addressed by the Advisory Committee established hereunder.

C. AGRICULTURE: The custom and culture associated with agricultural production and agribusiness in Harding County is necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of Harding County to protect agricultural pursuits by protecting private property rights, relying on self-determination and ensuring open market conditions.

1. POLICIES

- a. The County Commission shall support opportunities for grazing livestock on federal and state lands at levels consistent with environmental stewardship, custom and culture and the protection of property rights. Federal and state land managing agencies should, consistent with applicable federal and state law, coordinate with the Harding County Commissioners on all matters affecting livestock grazing on public lands through this Environmental Review Ordinance.
- b. Harding County hereby establishes an Agriculture Committee with the following duties: (1) The Agriculture Committee shall be made up of individuals, who are presently agricultural producers or who are engaged in or employed by an agricultural business or agency actively operating within the

County. (2) The Agriculture Committee may develop and make available local, historical and economic studies for the purposes of measuring impacts on the agricultural industry in regard to the cultural, historical and economic interests of the County through this Environmental Review Ordinance

(3) The Agriculture Committee shall be responsible for the development of alternatives in mitigation to federal agency proposals affecting the environment, customs, culture and community stability.

D. NON-AGRICULTURAL ENTERPRISES: The custom and culture associated with non-agricultural enterprises in Harding County is necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of Harding County to facilitate non-agricultural enterprises in Harding County and to protect non-agricultural pursuits by protecting private property rights, relying on self determination and ensuring open market conditions.

1. POLICIES

a. The County Commission shall support opportunities for non-agricultural enterprises at levels consistent with applicable federal and state law. Federal and state agencies should, consistent with applicable federal and state law, coordinate with the Harding County Commissioners on all matters affecting non-agricultural enterprises through this Environmental

Review Ordinance.

b. Harding County hereby establishes a Non-Agricultural Enterprises Committee with the following duties:

(1) The Non-Agricultural Enterprises Committee shall be made up of individuals, who are presently owners or operators of a non-agricultural enterprise actively operating within the County.

(2) The Non-Agricultural Enterprises Committee may develop and make available local, historical and economic studies for the purposes of measuring impacts on non-agricultural enterprises in regard to the cultural, historical and economic interests of the County through this Environmental Review Ordinance.

(3) The Non-Agricultural Enterprises Committee shall be responsible for the development of alternatives in mitigation to Federal agency proposals affecting the environment, customs, culture and community stability.

E. RECREATION, WILDLIFE AND TOURISM: It is the Policy of Harding County to promote and facilitate public and private recreational, cultural and wildlife opportunities compatible with environmental stewardship and local custom and culture and within the constraints of private property rights and local self-determination.

1. POLICIES

- a. Harding County hereby establishes a Recreation, Wildlife, and Tourism Committee with the following duties: (1) The Recreation, Wildlife and Tourism Committee shall be made up of individuals, who are presently a member of or are engaged in or employed by a public or private recreation or tourism business, club, organization, association or agency actively operating within the County or who are wildlife professionals.
- (2) The Recreation, Wildlife and Tourism Committee may develop and make available local, historical and economic studies for the purposes of measuring impacts on the recreation and tourism industry and wildlife in regard to the cultural, historical and economic interests of the County through this Environmental Review Ordinance, and may coordinate with Federal and state land and wildlife and recreation management and enforcement agencies on all matters regarding wildlife through this Environmental Review Ordinance.
- (3) The Recreation, Wildlife and Tourism Committee shall be responsible for the development of alternatives in mitigation to Federal agency proposals affecting the environment, customs, culture and community stability.

F. GAS, OIL, MINING AND TIMBER RESOURCES: It is the policy

of Harding County to recognize that the gas, oil, mining and timber industries are valuable and vital industries and that the development of these resources is an essential and important part of its culture, history and future economic development.

1. POLICIES

- a. Harding County supports the preservation of viable gas, oil, mining and timber industries and recognizes the role of these industries in the custom, culture and history of the county and its people.
- b. Harding County encourages mineral exploration and extraction of mineral resources, including but not limited to oil and gas.
- c. Harding County seeks to keep state and federal lands open to gas, oil and mineral exploration, logging and extraction of gas, oil, timber and mineral resources.
- d. Harding County encourages environmentally responsible gas and oil exploration and production, mining and logging on public lands as defined by state and federal regulation.
- e. Harding County seeks to assist in providing protection from events that would negatively affect the productivity and viability of the oil, gas, mining or timber industries which have historically been a significant portion of the county's custom and culture.



- f. Harding County supports the maintenance of private ownership of subsurface real property rights.
- g. Harding County encourages the education and increased awareness of its citizens regarding the gas, oil, mining and timber industries' importance to the local and national economy and their benefits to society.
- h. Harding County hereby establishes a Gas, Oil, Mining and Timber Committee with the following duties:
  - (1) The Gas, Oil, Mining and Timber Committee shall be made up of individuals who are presently engaged in or employed by a gas, oil, mining or timber business actively operating within the County.
  - (2) The Gas, Oil, Mining and Timber Committee may develop and make available local, historical and economic studies for the purposes of measuring impacts on the gas, oil, mining or timber industries in regard to the cultural, historical and economic interests of the County through this Environmental Review Ordinance.
  - (3) The Gas, Oil, Mining and Timber Committee shall be responsible for the development of alternatives in mitigation to federal agency proposals affecting the environment, customs, culture and community stability.

G. NATURAL SCIENCES: The custom and culture associated with archeology, paleontology, anthropology and geology, hereby

known as "Natural Sciences" in Harding County is necessary to the livelihood and well-being of its citizens.

Therefore, it is the policy of Harding County to protect natural science pursuits by protecting private property rights.

1. POLICIES

a. Harding County supports the preservation of all archeological, paleontological, anthropological and geological sites in the county and recognizes the role of these industries in the custom, culture and history of the county and its people.

b. Harding County hereby establishes a Natural Sciences Committee with the following duties:

(1) The Natural Sciences Committee shall be made up of individuals, who are presently engaged in or employed by an archeological, paleontological, anthropological, geological or other Natural Science business or organization actively operating within the County.

(2) The Natural Sciences Committee may develop and make available local, historical and economic studies for the purposes of measuring impacts on the industry in regard to the cultural, historical and economic interests of the County through this Environmental Review Ordinance.

(3) The Natural Sciences Committee shall be

responsible for the development of alternatives in mitigation to federal agency proposals affecting the environment, customs, culture and community stability.

### Section 1-3 OBJECTIVES OF ENVIRONMENTAL PLANNING & REVIEW

The Harding County Board of Commissioners has identified six (6) primary objectives:

1. To disclose to decision makers and the public, significant environmental consequences of proposed actions of state and federal governmental agencies on nature, society, custom and culture, property rights, and economic stability of Harding County.
2. To identify means to mitigate or eliminate adverse impacts to the environment, including nature, society, custom and culture, property rights, and the economic stability of Harding County.
3. To prevent injury to this environment by developing feasible alternatives or mitigation measures consistent with applicable federal and state law.
4. To foster and encourage intergovernmental coordination and cooperation.
5. To encourage and enhance public participation and education in the environmental review process.
6. To plan and manage natural resources consistent with environmental and community standards in Harding

County and applicable federal and state law.

Section 1-4. **CRITERIA AND PROCEDURES**

In order to achieve the objectives expressed in Section, 1-3, above, the following procedures shall apply to all plans, programs and projects initiated by state or federal agencies, consistent with applicable federal and state law;

1. Interagency agreements are necessary to a coordinated process of environmental review. Such agreements should include the development of a system involving the Harding County Commission and the committees established under this Environmental Review Ordinance in the planning process, including but not limited to the timely notification of the Harding County Commission of upcoming or anticipated agency actions, plans, programs and projects which have the potential to affect the environment. The Harding County Commission desires to participate in Federal agency decisions under NEPA and develop interagency agreements with each individual Federal and state agency which describes that specific process.
2. Public Participation. Another key component of effective environmental review is public

participation in the process. During the preparation of environmental documentation for plans, programs and projects which are subject to this ordinance, Harding County through its Commissioners and the committees operating under this Environmental Review Ordinance and the proponent federal or state agency should, consistent with applicable federal and state law, provide opportunities for the involvement of Harding County citizens, residents, local governments, schools, utilities, civic, business and other community groups. Such opportunities should be provided through noticed public hearings and meetings, or other methods calculated to give actual notice of and a meaningful opportunity to participate in the environmental review and assessment.

3. Based on conclusions and findings contained in the IAR and such other data as may be necessary to make a determination, the Harding County Commissioners through the assistance and recommendation of its committees hereunder and the federal or state proponent agency shall, within thirty (30) days of receipt of the IAR, jointly determine whether to conduct a Coordinated Environmental Review and Assessment (CERA) or find that the plan, program or project presents no significant environmental

impacts.

4. If the Harding County Board of Commissioners through the assistance and recommendations of its committees hereunder and the proponent agency determine to conduct a CERA, it shall be prepared as a written report by the proponent agency and submitted to the Joint Committee under this Environmental Review Ordinance who shall review the same and assign it for further review to a lead committee (being either the Joint Committee, Agriculture Committee; Gas, Oil, Mining and Timber Committee; Non-Agricultural Enterprises Committee; Natural Sciences Committee; or Recreation, Wildlife and Tourism Committee, depending upon which of such committees has the primary responsibility concerning a majority of the issues addressed in the CERA. The Joint Committee shall also act as an oversight committee to coordinate communication between the lead committee and the other committees hereunder for purposes of consultation on issues contained in the CERA relative to each committee's area of responsibility to ensure fulfillment of the objectives and policies of this Environmental Review Ordinance. After such consultation, the Joint Committee shall thereafter make its recommendations to the Harding County Commissioners. To avoid redundancy, the CERA may be

included as a separately titled component of other written environmental assessments, statements or reports required under NEPA. As relevant to the goals of the plan, program or project, the discussion and analysis should include the following:

- A. Impacts on county natural resources and environmental quality, including:
- (1) impacts on range or dry land crops;
  - (2) impacts on watershed resources;
  - (3) impacts on private surface and groundwater rights and irrigated cropland;
  - (4) impacts on air, water (including surface and groundwater), energy and soils;
  - (5) impacts on integrated resource planning and management in which the county, private parties and/or other public agencies are involved;
  - (6) impacts on multiple use, sustained yield and range resource laws and regulations;
  - (7) impacts on private investment in public land and resources;
  - (8) impacts on the production and enjoyable harmony between man and his environment, stimulation of the health and welfare of

man, and support of diversity and variety of individual choice as assured under NEPA;

- (9) impacts on predator control and nuisance animal control;
- (10) impacts on hunting, fishing and other outdoor recreation;
- (11) impacts on wildlife and fish; and,
- (12) impacts on mining and mineral resources,
- (13) impacts on forest and timber resources.

B. Impacts on county society, custom and culture, governance, schools and other local public services, including:

- (1) impacts on culture due to population loss;
- (2) impacts from proposed or foreseeable limitations or restrictions on cultural beliefs and practices, and maintenance of cultural and community cohesion and kinships;
- (3) impacts on cultural and community aesthetics, including historical natural resource vistas, river ways and landscapes;
- (4) impacts on the ability of local government to protect the health,



- safety, social and cultural well being of its citizens;
- (5) impacts on the ability of local government to promote local environmental values, resource protection and development;
  - (6) impacts on the ability of local government to finance local public programs and services through bonding, lending and other financing mechanisms;
  - (7) identification of tax revenue loss to local government and schools;
  - (8) impacts from identified tax revenue loss on the ability of local governments and schools to deliver public services;
  - (9) impacts on local emergency medical services, law enforcement, fire protection and nuisance abatement;
  - (10) impacts on local government infrastructure, including transportation, public community water systems, including those provided through irrigation and reclamation districts, and landfill services;
  - (11) cumulative and long term impacts on local community stability and well

being;

C. Impacts on local economy, customs, services and businesses, which shall include:

- (1) impacts on private, investment backed expectation;
- (2) impacts on the economic value of privately held water rights and real property;
- (3) direct and cumulative impacts on employment and wages;
- (4) direct and cumulative impact on agriculture and related industries;
- (5) direct and cumulative impacts on local retail and service industries;
- (6) impacts on housing and related residential services such as water, sewer, sanitation and energy;
- (7) impacts on thresholds for business demand and markets;
- (8) direct and cumulative impacts on community stability and well being related to private ability to maintain current and future debt service;
- (9) direct and cumulative impacts on timber and the timber industry;
- (10) direct and cumulative impacts on mining

and the mining industry;

- (11) direct and cumulative impacts on tourism and recreation and related industries.

D. Takings Implication Assessment. The CERA shall identify and assess impacts of the plan, program or project on private property rights in the county utilizing the criteria established in Presidential Executive Order 12630, entitled "Governmental Actions and Interference with Constitutionally Protected Property Rights". This identification and assessment shall also apply to regulatory takings. In addition, this component of the CERA shall include discussion and analysis of the following:

- (1) whether the plan, program or project constitutes an actual physical intrusion or actual taking of private property;
- (2) potential for loss of economic value or investment backed expectations;
- (3) related impacts on custom and culture;
- (4) whether the agency action conforms to constitutionally protected property rights and commonly accepted notions of fairness and due process.

E. Mitigation. For the purpose of this component

of the CERA it is the policy of the County of Harding that plans, programs or projects initiated by federal or state agencies should not be approved as proposed if feasible alternatives or mitigation measures exist which would, if implemented, reduce or eliminate significant impacts on the environment. As relevant to the goals of the plan program or project, proposed mitigation measures should:

- (1) identify each impact which the mitigation measure is intended to address;
- (2) identify the party or agency responsible for the implementation and monitoring of the proposed mitigation measure;
- (3) Specify, for each mitigation alternative, (a) how impacts may be avoided by not taking particular action; (b) how impacts may be minimized by limiting the degree or magnitude of the proposed action; (c) how impacts may be rectified through repair, rehabilitation or restoration of the affected environment; (d) how impacts may be reduced or eliminated over time through preservation and maintenance over the life of the proposed action; and (e) how

the agency could compensate for the impact by providing substitute resources of equal economic value;

- (4) Specify, for each mitigation measure, its (a) legal authority; (b) technical feasibility; (c) fiscal and economic feasibility; and (d) social, political and cultural feasibility;
- (5) Draft a detailed mitigation monitoring plan which show as to each mitigation measure specific objectives and performance standards to ensure implementation of mitigation measures during the life of the plan, program or project.

F. Cumulative Effects. Because the monitoring and maintenance efforts of state and federal agencies have, in some cases, historically proved inadequate to measure effectively the cumulative and long term effects of their plans, programs and projects, these impacts may remain unmeasured in any sense that will admit to remedial action. This can be especially true for the impacts on multiple uses of natural resources and economic stability. To assist in providing necessary tools for addressing these issues, the County may develop, or participate in the development of, and

may make available through its committees operating under the Environmental Review Ordinance, local economic studies containing unit cost and other indices for the purpose of measuring economic impacts. One of the primary reasons for enacting the procedures contained in this ordinance for the development of accurate data is to assist public agencies to identify systematically both present and cumulative impacts associated with their actions and to develop effective and feasible mitigation measures and alternatives so that these adverse impacts may be eliminated or substantially reduced.

G. Public Participation. Another key component of effective environmental review is public participation in the process. During the preparation of environmental documentation for plans, programs and projects which are subject to this ordinance, Harding County through its Commissioners and the committees operating under this Environmental Review Ordinance and the proponent federal or state agency should, consistent with applicable federal and state law, provide opportunities for the involvement of Harding County citizens, residents, local governments, schools, utilities, civic, business and other community groups. Such opportunities should be provided through noticed public hearings and meetings, or other methods

calculated to give actual notice of and a meaningful opportunity to participate in the environmental review and assessment.

Section 1-5. **GENERAL REQUIREMENTS**

1-5-1. In addition to the procedures contained in this ordinance, the County shall:

1. adopt such administrative rules and regulations deemed necessary to carry out its objectives;
2. establish an oversight committee or other organization as may be deemed necessary to assure that the intent and purposes of the procedures established by this ordinance are maintained;
3. Develop such environmental and resource related cooperative agreements, memorandums of understanding, joint policy statements, and joint letters of intent with appropriate state and federal agencies, so that the goals and objectives of this ordinance may be carried out.

1-5-2. Each member of any committee established under this Environmental Review Ordinance shall be a full-time resident of Harding County while such member is serving on a committee.

1-5-3. All committees established under this Environmental Review Ordinance shall operate and conduct their business pursuant to Roberts Rules of Order.

1-5-4. Each member of a committee established under this Environmental Review Ordinance shall be appointed by the Harding

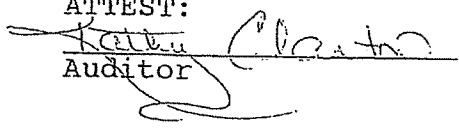
County Commission (except as otherwise provided for the Advisory Committee).

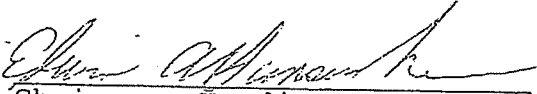
Section 1-6. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or circumstances is declared invalid or unconstitutional by the decision of a court of competent jurisdiction, that decision does not affect the validity of the remaining portions of this resolution. After passage of this ordinance, the county auditor shall cause it to be published pursuant to the South Dakota Codified Laws.

The foregoing ordinance was introduced at general meeting of the Harding County Commissioners on September 5, 1995 and adopted at a meeting held on October 3, 1995.

ATTEST:

  
Auditor

  
Chairman, Harding County  
Board of Commissioners

First Reading September 5, 1995  
Second Reading October 3, 1995  
Adopted October 3, 1995  
Published October 18, 1995  
Effective Date November 7, 1995  
Petitions to refer filed 11-6-95  
Special Election 12-21-95  
yes - 349  
no - 30  
Plan effective 12-27-95 (canvass)



From: "Joell Romick" <jromick@meadecounty.org>  
Date: March 10, 2010 9:29:03 AM MST  
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Subject: Emailing: Part I - Purpose Statement.htm

## **Part I – Purpose Statement**

### **A. Introduction**

The purpose of the Plan is to establish a process for Meade County to coordinate with federal and state agencies on their proposed actions that may potentially affect the management of private and public land and natural resource use. Meade County will coordinate on the proposed actions so Meade County citizens may preserve their custom, culture and economic stability while protecting and using their environment.

In April 2003, Meade County sent a letter to federal agencies advising them that the County was engaging in a land use planning process that would be based on coordination with those agencies. In January 2004, the county issued a related resolution that clearly states the county's expectations regarding that coordination. (Please see Attachment A, Action Supporting County Custom, Culture and Heritage in Decision Making Regarding Federal lands in Meade County, State of South Dakota.) That planning process has produced, in addition to many specific proposed actions, a natural resource plan for Meade County.

This Plan attempts to articulate the custom and culture of Meade County, identify the economic importance to the County of natural resources, their management, and their use, and establish baseline criteria - goals, guidance, objectives, policy, monitoring and evaluation - for land and natural resource use in Meade County.

Federal law and regulations allow the County to fully participate as a cooperating agency in the federal planning process. Meade County expects that federal and state agencies allow the county to participate as a cooperating agency on planning processes that are considered by the

County to be integral to Meade County and the management of its natural resources.

Through active participation in federal and state planning processes, Meade County commits itself to attempting to assure that all natural resource decisions affecting the County shall be guided by the principles of maintaining and revitalizing various uses of federally managed and state managed lands. The County also commits itself to the protection of private property rights and private property interests including investment backed expectations, protection of local historical custom and culture, protection of the traditional economic structures in the County which form the base for economic stability for the County, opening of new economic opportunities through reliance on open markets, and protection of the right of the enjoyment of the natural resources of the County by all citizens of the County and those communities utilizing those natural resources within the County. Meade County is convinced that resource and land use management decisions made in a coordinated manner between federal management agencies, state management agencies and county officials will not only firmly maintain and revitalize multiple use of federally and state managed lands in Meade County, but will enhance environmental quality throughout the County. Meade County has demonstrated, by a number of resolutions, its interest in having input into natural resource-based decision making. (Please see Attachment B, Meade County resolutions and proposals regarding natural resource issues.)

## B. The Custom and Culture of Meade County

Established as a county in 1889, Meade County was named for Fort Meade, which was an U.S. military post since 1878 and was named after General George Meade, Union Commander of the Battle of Gettysburg.

Meade County is located in western South Dakota and is the largest county in the state, with a land area of over 2 million acres, the majority of which is private farm and ranch land used for agricultural purposes.

(Please see Attachment C, statistical information on land ownership in Meade County, and Attachment D, information on Meade County custom and culture.)

Bear Butte, at an elevation of 4,426 feet above sea level, is a significant cultural site to many peoples. It was established as a state park in 1961 and a National Historic Landmark in 1965. Bear Butte was also entered in the register of Historic Places June 19, 1973 under the National Preservation Act of October 15, 1966.

### C. Economic Base of Meade County

The people of Meade County have historically and traditionally earned their livelihood from activities reliant upon natural resources. The economy of Meade County has always been, and continues to be, dependent upon activities critically and economically related to natural resources and reliant upon the availability of those natural resources and reasonably accessible water supplies.

Sturgis, the county seat of Meade County, is heavily influenced by motorcycle rally economies. The year around economy is mostly influenced by agricultural activities in the greater geographic area of the county. The wood and timber industries and the most rapidly growing population along the forest interface are heavily dependent on sound Forest Service decision making.

Visitors to Bear Butte State Park, near Sturgis, number in the thousands during the summer season, and include local, regional, national and international guests. Bear Butte holds within its boundaries a National Wildlife Refuge. Economic impacts from tourism are significant to the service industry in Meade County, and the close proximity to other natural and cultural sites in the Black Hills contributes greatly to the tourist dollars generated in the area.

Decisions governing public land in Meade County have a direct and broadly based impact on the interrelated heritage, culture, custom, environment, and economic well being and stability of the residents. A cursory review of statistics can be very misleading when reviewing the importance of federal government decision making with regard to facilities and land within the county. Ellsworth Air Force Base lies mostly in Meade County; however, the access points, off-base housing, and service providers are almost exclusively outside Meade County. Conversely, only 2% of the county is encumbered by the National Forest, but given the irregular boundary shape and the length of the perimeter interface, Forest Service decisions affect a large number of residents within Meade County's borders.

Because land and its revenue-generating ability is important to Meade County's economy, land disposition, acquisition and use policies of federal and state agencies are significant to the County. When a transfer of land from private to public ownership is being considered within Meade County, the following aspects should be considered:

- That no net loss of private property shall be the result (Please see Attachment E, Meade County Resolution opposing public land trades that reduce private property in value or acreage, dated August 1, 2002).
- That federal and/or state agencies not acquire any private lands or rights in private lands within Meade County without first ensuring that such actions will not cause adverse aggregate economic impacts to Meade County, will not adversely impact local economic development, and will not adversely impact private property interests.
- That federally and/or state managed lands that are difficult to manage or which lie in isolated tracts be considered for exchange or sale.
- That Meade County be able to review and make recommendations on proposed transfers that involve land that is known to be contaminated or impaired in a way that could compromise human and/or environmental health and safety in Meade County (i.e. hazardous materials present in soils or waterways).

- That, before federal and state agencies change land use, they conduct impact studies at the expense of the agency proposing the change to address community stability, local custom and culture, and any other area identified as a concern to Meade County.

#### D. Multiple Use and Coordination with Federal and State Agencies

Meade County recognizes that federal law mandates multiple use of National Forest and Bureau of Land Management land. The County positively supports continued multiple use for these lands - including but not limited to recreation, timbering, livestock grazing, and mining. Meade County also supports the continued economic use of private and state lands.

Meade County recognizes that dissonance can at times exist among public land users with differing philosophies about the land and its uses. If that dissonance develops into conflict, Meade County strongly advocates public land managers first ascertaining whether the dispute is truly based in physical, tangible facts. If the conflict is based solely on philosophical and/or perceived incompatibility, the manager should encourage tolerance and cooperation between users and not make management changes as a result. If the conflict is one that involves incompatible uses based on physical facts, the managers should try to mitigate those impacts and work with users to reach reasonable solutions. Closure or restriction of use should be the last options considered by public land managers for areas in which user conflict is an issue.

Meade County requests that federal and state agencies shall inform the County of all pending or proposed actions affecting local communities and citizens and coordinate with the County in the planning and implementation of those actions. These actions include, but are not limited to, proposals regarding federal or state lands located within Meade County, the listing, de-listing, or reclassification of a threatened or endangered species or critical habitat within Meade County, or any major federal or

state action significantly affecting the quality of the human environment within Meade County.

Meade County requests that, to the fullest extent required or permitted by law, all federal and state agencies shall, in all actions proposed that have the potential of affecting the use of land or natural resource in Meade County, be willing to do the following:

- “ Meet with the County to establish a process for such coordination, which may include joint planning, joint research and data collection, joint hearings or joint environmental assessments.
- “ Analyze and consider the effects those actions will have on:
  - community stability;
  - maintenance of custom, culture and economic stability;
  - conservation and use of the environment and natural resources.
- “ Coordinate with the County, to the fullest extent possible, as a cooperating agency on any federal or state action or decision.
- “ Allow the County to modify or submit a viable alternative for consideration by the agency.

Meade County believes that resource and land use management decisions made in a coordinated manner between federal management agencies, state management agencies and county government not only maintains and revitalizes multiple use of federally and state managed lands in Meade County, but enhances environmental quality throughout the County.

Nothing herein is intended to conflict with any existing federal or state statute or applicable regulation that impacts lands within Meade County. (Please see Attachment F, list of laws and regulations that impact state and federal planning processes.) Any section, paragraph, sentence, phrase or word that is found to do so as a matter of law may be severed

from this Plan without limiting the enforceability of the non-conflicting portion.

## **Part II – Goals for Natural Resource Use**

The following County resources are significant to the economic stability, livelihood and well being of Meade County's citizens and to the protection and use of their environment.

### **1. PRIVATE PROPERTY**

Laws applying to cultures on the North American continent prior to European contact were ancient indigenous laws established and enforced by the sovereign powers of distinct Nations. When colonization by people from other nations began aboriginal title to the territory was recognized. The United States Constitution states in Article VI, Section 2 that laws made from the Constitution and treaties signed by the United States are "the supreme laws of the land."

Under the Constitutional authority of Article VI, Section 2, the United States entered into approximately 371 Indian treaties with the various Indigenous Nations.

Long before the establishment of the United States Constitution, the theory of the natural rights of man was established in the common law of England. As pointed out by Professor Richard A. Epstein in "Takings, Private Property and the Power of Eminent Domain" (Harvard University Press, 1985):

"All theories of natural rights reject the idea that private property and personal liberty are solely creations of the state, which itself is only other people given extraordinary powers. Quite the opposite, a natural rights theory asserts that the end of the state is to protect liberty and property, as these conceptions are understood independent of and prior to the formation of the state. No rights are justified in a normative way

simply because the state refuses to protect them, as a matter of grace. To use a common example of personal liberty: The state should prohibit murder because it is wrong; murder is not wrong simply because the state prohibits it. The same applies to property: trespass is not wrong because the state prohibits it; it is wrong because individuals own private property. At each critical juncture, therefore, independent rules, typically the rules of acquisition, protection and disposition, specify how property is acquired and what rights its acquisition entails. None of these rules rest entitlements [to property] on the state, which only enforces the rights and obligations generated by theories of private entitlement.” Takings, Pages 5-6.

The concept of natural rights to property was long debated by political philosophers prior to establishment of the United States Constitution. Thomas Hobbes reached a solution about property and mankind, which leaned toward government control in order to protect against human greed and self interest. Hobbes felt that the price for order was “the surrender of liberty in property to an absolute sovereign.” See Takings, *supra*, page 7. The framers of the United States Constitution rejected this concept, turning toward the theories of John Locke whose writings were known to, and cited often by, the framers of the Constitution. Locke believed emphatically that individual natural rights, including the rights to obtain and hold property, were not derived from the sovereign or the government but were in fact natural rights in the nature of “the common gift of mankind.” See Takings, page 10; citing John Locke, “Of Civil Government” Chapter 5 (1690). Locke’s position was based upon a simple method of individual acquisition of property rights or property interests: “individuals are allowed to keep that which they first reduce to their own possession.”

Locke’s political philosophy set forth the view that the organization of a government does not require the surrender of all natural rights including property rights and interests to the sovereign. In accordance with that view, if the government takes a property right or a property interest then it must pay for it. As summarized by Professor Epstein:



“By Locke’s view, the State itself does not furnish new or independent rights, qua sovereign, against the person subject to its control. There is no divine right of kings which suspends the ordinary rules of right and obligation between individuals and the state of nature. The sovereign has no absolute power to generate rights. The state can acquire nothing by simple declaration of its will that must justify its claims in terms of the rights of the individuals whom it protects: ‘A State by Ipse Dixit, [which means by the state’s own bare assertion of power and authority] may not transform private property without compensation...’ See Takings, page 12 citing Webb’s Fabulous Pharmacies, Inc. vs Beckwith, 449 U.S. 155 (1980).

The framers of the United States Constitution accepted the Locke theories and, as a result, the Fifth Amendment to the United States Constitution prohibits the taking of private property for public use without just compensation.

Meade County will strive to carefully evaluate all federal or state actions relating to private property and private property interests including investment backed expectations in light of the mandate of the Fifth Amendment to the United States Constitution. In so evaluating federal and state actions, Meade County will apply also the principle established by former President Ronald Reagan in issuing Executive Order 12630 which required any and all federal agencies to prepare a Takings Implication Assessment prior to taking any action, issuing any rule, or making any decision which would constitute a taking of private property or private property interest including investment backed expectations. Meade County will also continue to recommend to the Congress that the impact of that Executive Order be enacted into law by enactment of appropriate private property legislation.

The protection of private property rights is vital to the custom and culture of Meade County. The economic stability, livelihood and well being of its citizens depend on the honoring of private property rights accord-

ing to the United States Constitution and the South Dakota state constitution. The provisions of this section shall apply fully to actions taken by federal and state agencies with respect to private property in Meade County.

#### **U.S. Constitution; Amendment IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### **U.S. Constitution; Amendment V**

(last line) nor shall private property be taken for public use, without just compensation.

#### **Goal:**

Strive to maintain and protect the private property rights of Meade County's citizens.

#### **Guidance:**

In following with the requirement of federal law and state statutes and constitutions, all federal and state agencies shall, prior to initiating or taking any action affecting private property in Meade County,

- A) notify Meade County and affected property owners of proposed actions,
- B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,
- C) consider all alternatives to the taking of such actions,
- D) return to private ownership an equal amount of property in acre for acre, or dollar for dollar value, and, (please see Appendix E, Meade County Resolution opposing public land trades that reduce private property in value or acreage, dated August 1, 2002),
- E) justly compensate the owner(s) of the property taken.

**Objectives:**

1. Maintain or improve our quality of life by enabling our citizens to feel secure on and in their private property.
2. Maintain or improve economic stability in the County by maintaining property values and promoting the productive and responsible use of private property in Meade County.

**Policy:**

Meade County seeks to ensure all of the following:

- a) That the natural and constitutional rights of all citizens are upheld without regard to race, sex, religion, or nationality,
- b) That the natural and constitutional rights of all citizens are upheld by any and all persons, including city, county, state, tribal, or federal law enforcement officers, Game, Fish and Parks officers, or Fish and wildlife officers,
- c) That private property not be taken for public use unless:
  1. the taking of this property is necessary for the safety and well being of the citizens of Meade County
  2. the public is notified by printing in the legal notices of the official county newspaper three (3) consecutive weeks
  3. the property owner and all adjoining property owners are notified six (6) months in advance
  4. the taking entity return like value in property to the private sector
  5. the taking of property be approved by a majority of the Meade County Commissioners
  6. the owner is fairly compensated and has the right to challenge the compensation in court
- d) That the use of any part of a person's property for public recreation or benefit be considered the same as a taking,
- e) That the property is returned to private ownership if the public use is no longer necessary on property that has been taken for public use. The original property owner or his/her heirs or assigns should have first right of refusal. If original property owner or his/her heirs or assigns cannot or

choose not to exercise their rights to the property, adjacent property owners should be next in line to acquire the property. The property should be returned to historical custom and cultural uses of the area.

**Monitoring:**

1. Meade County will document the number of acres in private ownership through the Tax Assessor's office.
2. Meade County will strive to resolve property rights violations through the States Attorney's office.

**Evaluation:**

Federal and state agencies are expected to meet quarterly with Meade County to review pending and planned property purchases, acquisitions, or exchanges.

**2. AGRICULTURE**

The custom and culture associated with agricultural production in Meade County is necessary to the economic stability, livelihood and well being of its citizens. Agricultural production in Meade County is primarily comprised of cattle, wheat, sheep and hay production. Approximately 75 percent of the county's economy is related to the agricultural sector.

It is the policy of Meade County to protect agricultural land and promote the continuation of agricultural pursuits by protecting private property rights, providing economic opportunity, relying on self-determination, and ensuring open market conditions. The provisions of this section shall apply fully to actions taken by federal and state agencies with respect to agricultural production in Meade County.

**Goal:**

Strive to maintain and improve agricultural production to a level that will provide long-term sustainability for the rural economies of Meade

County and promote agricultural production through active management of the County's private and public resources.

**Guidance:**

In following with the requirements of federal law and state statutes, all federal and state agencies shall, prior to initiating or taking any action affecting agricultural production in Meade County,

- A) notify Meade County and affected property owners of proposed actions,
- B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,
- C) consider all alternatives to the taking of such actions, and,
- D) to the extent permitted by law, take appropriate mitigation measures for potentially negative impacts adopted with the concurrence of Meade County.

**Objectives:**

- 1. Support agricultural programs and continued agricultural production.
- 2. Enhance wildlife habitat, water quality, and air quality through proper grazing activities.
- 3. Take actions that promote and enhance opportunities for agricultural production to be maintained at the levels consistent with the custom, culture, and economy of Meade County.

**Policy:**

Meade County seeks to ensure all of the following:

- a) That opportunities for agriculture on federal and state lands shall be continued at levels consistent with historical custom and culture and the protection of equitable property rights, and sound management practices.
- b) That federal and state governments shall not obstruct agricultural opportunities on their lands respectively managed by them.
- c) That Meade County shall reserve the right to allow for weights above state specifications for transportation of agricultural products and commerce.

- d) That Meade County requires federal and state land managing agencies to coordinate with Meade County, via its appropriate subcommittees on all matters affecting livestock grazing and farming on all federal and state managed lands.
- e) That incentives for improved grazing lands and promoting good land stewardship shall be developed through:
  - 1. Encouraging permittee ownership of range improvements;
  - 2. Appropriate fee schedules;
  - 3. Allowing subleasing of equitable private property rights;
  - 4. Allotment plan flexibility, and;
  - 5. Increasing grazing capacity or allowing other economic benefits to accrue to permittee making investments in range betterments.
- f) That incentives for improving grazing lands and promoting good land stewardship shall be developed.
- g) That Meade County advocates market and incentive systems to reduce administrative and grazing costs on federal and state lands.
- h) That, whenever possible, efforts to control noxious weed populations and animal and insect pests are coordinated among private landowners, local government, state government and federal agency entities. (Please see Attachment G, Meade County Resolution regarding prairie dogs.)

**Monitoring:**

- 1. Meade County will strive to document changes in production on a yearly basis, including specific information regarding how weather conditions, natural factors and specific management decisions on public lands may have impacted outputs.
- 2. Meade County will strive to monitor specific road upgrades within the county and document their impact on the transportation of agricultural products and commodities.

**Evaluation:**

Federal and state agencies are expected to coordinate with Meade County to annually review and analyze agricultural resources, and the impact

of management activities upon the custom, culture and economy of Meade County.

### **3. FOREST MANAGEMENT AND FOREST PRODUCTS**

The custom and culture associated with timber and wood products manufacturing in Meade County is significant to the economic stability, livelihood and well being of its citizens and to the protection and use of their environment. Therefore, it is the policy of Meade County to protect forest resources and promote the continuation of a sustainable forestry products industry by providing economic opportunity, relying on self-determination, and ensuring open market conditions. The provisions of this section shall apply fully to actions taken by the federal and state agencies with respect to sources of timber in Meade County.

#### **Goal:**

Strive to maintain or improve tree health, vegetative diversity, wildlife and watershed values, and provide a stable, non-declining flow of forest products through active management of conifer and hardwood forests in Meade County, and prevent large forest insect outbreaks and catastrophic wildfire events in these communities.

#### **Guidance:**

In following with the requirements of the National Environmental Policy Act, the National Forest Management Act and their implementing regulations (36 and 40 CFR), all federal and state agencies shall, prior to initiating or taking any action affecting timber, wood products, and other forest resource production in Meade County,

A) notify Meade County and affected property owners of proposed actions,

B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,

C) consider all alternatives to the taking of such actions, and,

D) to the extent permitted by law, take appropriate mitigation measures for potentially negative impacts adopted with the concurrence of Meade County.

The proposed actions of federal and state agencies affecting forest management and forest products should be consistent with the multiple-use mandates of the Forest Service Organic Act of 1897, the Transfer Act of 1905, the Multiple-Use Sustained Yield Act of 1960, and the National Forest Management Act of 1976.

**Objectives:**

1. Plan and implement forest management and timber harvesting programs to supply a stable, non-declining flow of forest products.
2. Enhance wildlife habitat, water quality, and air quality through forest management activities.
3. Develop and enhance a full spectrum of recreational opportunities through the course of forest management activities.
4. Plan and implement grazing management strategies designed to enhance conifer forest goals.
5. Take actions to promote and enhance opportunities for a timber and wood products industry to be maintained at the levels consistent with the custom, culture, and economy of Meade County.

**Policy:**

Meade County seeks to ensure all of the following:

- a) That multiple-use of public forest resources is promoted to realize sustainable and continuous provision of timber, forage, firewood, wildlife, fisheries, recreation and water. Such sustainable levels assume that minimal lands be given single use or restrictive designations and that the maximum areas of land be outside Wilderness, Wilderness Study, Roadless, or Research Natural Areas and be available for active and sound management.
- b) That there is detection and management of forest fires through immediate cooperative response of all fire fighting agencies.



- c) That the broadest range of forest management and harvesting tools is used, such as commercial and non-commercial thinning, overstory harvest, prescribed fire, and slash treatment.
- d) That there is prompt salvage of forest losses due to fire, insect infestation, or other events.
- e) That Forest management and timber harvesting project decisions, within the project analysis area, effect a significant decrease in both i) the acreage at moderate or high risk to mountain pine beetle infestation, and ii) the acreage currently infested with mountain pine beetle.
- f) That Forest management and timber harvesting project decisions, within the project analysis area, effect a significant decrease in the acreage classified as having moderate or high fire risk and/or hazard rating.

**Monitoring:**

1. Meade County will strive to document the presence and trends (acreage and approximate number of trees) in activity of mountain pine beetle and other forest pathogens in Meade County.
2. Meade County will strive to identify and document the balance of structural stages and corresponding mean annual increment of forest stands in Meade County.

**Evaluation:**

1. Federal and state agencies are expected to meet quarterly with Meade County and review pending and planned forest management projects, forest resources data, and the state of multiple forest uses.
2. Federal and state agencies are expected to coordinate with the Meade County to annually review and analyze forest resource inventories, and the impact of management activities upon the custom and culture of Meade County.

#### **4. MINERAL AND ENERGY RESOURCES**

Meade County recognizes that the conservation and use of mineral and energy resources are significant to preservation of the custom, culture and economic stability of its citizens and protection and use of their en-

vironment. Mineral and energy resources in the County include, but are not limited to gravel, petroleum, wind energy, solar energy, water energy, and geothermal energy. It is the policy of Meade County to protect these resources and promote the continuation of their development and use.

The Custer Expedition of 1874 confirmed the existence of gold in the Black Hills and attracted new settlers to Meade County. The General Mining Law of 1872 guaranteed certain rights, which allowed for orderly and efficient use of the public lands for commerce. The mining law was considered a supplement to the Homestead Act of 1862, which allowed settlers to survive on 160 acres.

**Goal:**

Strive to maintain, enhance and promote the responsible development and use of mineral and energy resources in Meade County.

**Guidance:**

In following with the requirements of the National Environmental Policy Act, the National Forest Management Act and their implementing regulations (36 and 40 CFR), all federal and state agencies shall, prior to initiating or taking any action affecting mineral and energy resources in Meade County and the development and use of those resources,

- A) notify Meade County and affected property owners of proposed actions,
- B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,
- C) consider all alternatives to the taking of such actions, and,
- D) to the extent permitted by law, take appropriate mitigation measures for potentially negative impacts adopted with the concurrence of Meade County.

**Objectives:**

1. Plan and implement management strategies designed to enhance development and use of mineral and energy resources.
2. Take actions to promote and enhance opportunities for mineral and energy resource development and production to be maintained at the levels consistent with the custom, culture, and economy of Meade County.
3. Promote private enterprise's development of mineral and energy resources in Meade County.

**Policy:**

Meade County seeks to ensure all of the following:

- a) That federal, state, school district or other entities must get consent from Meade County before taking any private land with mineral and/or energy resources.
- b) That opportunities for mineral and energy development and production on federal and state lands shall be continued at levels consistent with historical custom and culture.
- c) That owners of surface rights shall be fairly compensated for losses arising from the exercise of mineral rights by other parties.
- d) That public enjoyment of wildlife and scenery are not reasons to hinder, or render uneconomical, the recovery of privately-owned minerals.

**Monitoring:**

Meade County will strive to track and document the level of mineral and energy resource development and production and impacts to Meade County's custom, culture and economy.

**Evaluation:**

Federal and state agencies are expected to coordinate with Meade County to annually review and analyze mineral and energy resources, and the impact of management activities upon the custom, culture and economy of Meade County.

**5. WATER RESOURCES**

Meade County recognizes that the conservation and development of water resources are essential to preservation of the custom, culture and economic stability of its citizens and protection and use of their environment. Water rights established historically by the citizens of Meade County to support private enterprise in the pursuit of mining, livestock raising, irrigated agriculture, other industry as well as for domestic use are recognized to have the same status as “real property” (ex. real estate), and shall be protected as such.

**Goal:**

Strive to protect and enhance the quality, quantity and use of surface, ground, and deep-water resources in Meade County.

**Guidance:**

In following with the requirements of the National Environmental Policy Act, the National Forest Management Act and their implementing regulations (36 and 40 CFR), all federal and state agencies shall, prior to initiating or taking any action affecting water resources or water rights in Meade County,

A) notify Meade County and affected property owners of proposed actions,

B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,

C) consider all alternatives to the taking of such actions, and,

D) to the extent permitted by law, take appropriate mitigation measures for potentially negative impacts adopted with the concurrence of Meade County.

**Objectives:**

1. Maintain, improve and protect existing water rights within the County and the historic and current uses of water in Meade County by humans, vegetation, livestock, and wildlife.
2. Take actions to promote and protect the historic use of water that originates from sources outside of Meade County.

3. Plan and implement water management strategies at a local level that help to enhance water quality in Meade County.

**Policy:**

Meade County seeks to ensure all of the following:

- a) That Meade County has the authority to establish development regulations for point source and non-point source water pollution.
- b) That before any federal or state agency acquires or agrees to acquire any interest in water rights in Meade County, directly, indirectly or in trust, for any purpose (including for transfer to or use in any other jurisdiction), by donation, purchase, condemnation or otherwise, such agency shall fully comply with the provisions of this Plan.
- c) That any proposed definition of wetlands, any action affecting the management of river and stream flows, wells, or any source of uses of irrigation, and any other federal, state, or municipal action that has any effect on water rights or water uses within Meade County:
  - Be coordinated with the County,
  - To the extent permitted by law, shall comply with all County water plans and,
  - Shall not violate any water rights.
- d) That Meade County, to the extent permitted by law, has the authority to designate wetlands, and to the extent such authority is exercised, and otherwise in accordance with law, federal and state agencies shall act in compliance with the acceptance and enforcement of such definitions and designations.
- e) That Meade County may continue to develop, in coordination with private landowners and governmental agencies, water management plans that encompass water resources on governmentally owned and privately owned lands.

**Monitoring:**

Meade County will strive to monitor and document significant changes in water quality and quantity, and how those changes impact uses.

**Evaluation:**

Federal and state agencies are expected to coordinate with Meade County to annually review and analyze water resources, and the impact of management activities upon the custom, culture and economy of Meade County.

**6. AIR RESOURCES**

Meade County recognizes that the conservation and use of clean air resources are essential to preservation of the custom, culture and economic stability of its citizens and protection and use of their environment.

**Goal:**

Strive to protect and enhance the quality and responsible use of air resources in Meade County.

**Guidance:**

In following with the requirements of the National Environmental Policy Act, the National Forest Management Act and their implementing regulations (36 and 40 CFR), all federal and state agencies shall, prior to initiating or taking any action affecting air resources in Meade County,

- A) notify Meade County and affected land owners of proposed actions,
- B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,
- C) consider all alternatives to the taking of such actions, and,
- D) to the extent permitted by law, take appropriate mitigation measures for potentially negative impacts adopted with the concurrence of Meade County.

**Objectives:**

1. Take actions to maintain and protect air quality within the County, critically considering the historic and current use of air resources by humans, vegetation, livestock, and wildlife.
2. Plan and implement management strategies at a local level that help to enhance air quality in Meade County.

**Policy:**

Meade County seeks to ensure all of the following:

- a) That Meade County has the authority to establish development regulations regarding air pollution and develop air quality protection plans of its own design.
- b) That any proposed designation of federal or state pollution non-attainment areas and any other federal or state action that has any effect on air resources within Meade County shall be coordinated with the County and shall comply with all County air quality standards and use plans.
- c) That Meade County has the authority to continue to develop in coordination with private landowners and governmental agencies, air quality management plans that encompass clean air resources throughout Meade County.
- d) That, to the extent such authority is exercised and otherwise as permitted by law, federal and state agencies shall be subject to, and shall comply with, all Meade County administrative requirements, controls, processes, and sanctions of regulations and plans regarding air resources.

**Monitoring:**

Meade County will strive to monitor and document significant changes in air quality.

**Evaluation:**

Federal and state agencies are expected to coordinate with Meade County to annually review and analyze air resources, and the impact of management activities upon the custom, culture and economy of Meade County.

**7. CULTURAL, HISTORIC, AND PALEONTOLOGICAL RESOURCES**

Meade County has significant cultural, historic, and paleontological resources that are important to the preservation of the custom, culture and

economic stability of its citizens and protection and use of their environment.

Numerous natural as well as man-made features in Meade County have significant cultural and historic meaning to county residents and/or possess important paleontological resources (i.e. fossilized remains). Some of the sites, such as Bear Butte, are of special cultural significance to Indigenous peoples.

**Goal:**

Strive to recognize the significance and maintain and protect the integrity of cultural, historic, and paleontological resources in Meade County.

**Guidance:**

In following with the requirements of the National Environmental Policy Act, the National Forest Management Act and their implementing regulations (36 and 40 CFR), all federal and state agencies shall, prior to initiating or taking any action affecting cultural, historic, and paleontological resources in Meade County,

A) notify Meade County and affected property owners of proposed actions,

B) that fee title holders shall not be restricted from protecting, using, or selling resources,

C) allow grazing, logging, and fire fighting on public property without a paleontological study.

**Objectives:**

1. Support protection, preservation, and/or restoration of significant cultural, historic, and paleontological resources where those measures respect and do not unlawfully infringe upon the rights of affected private property owners.

2. Support future paleontological digs and subsequent findings, as long as the interests and rights of the site owner are not violated.



**Policy:**

Meade County seeks to ensure all of the following:

- a) That cultural, historic, and paleontological resources identified within the boundaries of Meade County are handled and documented responsibly and appropriately.
- b) That proper procedures are followed when measures to protect, preserve, and/or restore particular resources are planned and implemented.

**Monitoring:**

Meade County will strive to monitor and document significant paleontological findings and impacts to cultural and historic resources.

**Evaluation:**

Federal and state agencies are expected to coordinate with Meade County to review pending and planned actions that could impact Meade County's cultural, historic, and paleontological resources.

**8. RIGHTS-OF-WAY**

Access within and across public land in Meade County is a benefit to its citizens and is necessary to carry out various emergency management functions. From an historic perspective, there exists reasonable proof of the presence and location of roadways prior to the designation of public lands. Continued use of rights of way in Meade County is critical to the preservation of the custom, culture and economic stability of its citizens and protection and use of their environment.

Revised Statute (RS) 2477 became law in 1866, and grants rights of way on public land, stating in its entirety, "The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted." Congress reaffirmed the validity and intent of RS 2477 in 1976 when it passed the Federal Land Policy and Management Act (FLPMA), which specifically reaffirmed all RS 2477 grants previously made (Please see Attachment H, "Basic Truths About RS 2477 Rights-

of-Way”). Meade County recognizes its ability to assert its RS 2477 rights.

**Goal:**

Strive to maintain the historic right to travel over and across state and federally managed lands wherever necessary in pursuit of mining, grazing, logging, recreational activities, motorized vehicle use, and all other historic and cultural uses.

**Guidance:**

In following with the requirements of the National Environmental Policy Act, the National Forest Management Act and their implementing regulations (36 and 40 CFR), all federal and state agencies shall, prior to initiating or taking any action affecting rights of way in Meade County,

- A) notify Meade County and affected property owners of proposed actions,
- B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,
- C) consider all alternatives to the taking of such actions, and,
- D) to the extent permitted by law, take appropriate mitigation measures for potentially negative impacts adopted with the concurrence of Meade County.

**Objectives:**

1. Keep rights of way going to and inside of federally or state managed lands open for the enjoyment of the public.
2. Protect private property rights in Meade County, including RS 2477 rights.
3. Identify ways to help maintain the uses of rights of way in the County.

**Policy:**

Meade County seeks to ensure all of the following:

- a) That when designating road closures, area closures, roadless areas, or wilderness areas, federal agencies inventory all possible rights of way and adhere to the regulatory requirements of FLPMA.
- b) That legal utility corridors historically important to Meade County remain in place when challenged by other corridors.
- c) That access to and/or across federally or state managed lands within Meade County does not entail encumbrances or restrictions on private property (inholders).

**Monitoring:**

Meade County will strive to monitor significant historic rights of way and identify areas of concern regarding restrictions to historic access on public land.

**Evaluation:**

Federal and state agencies are expected to coordinate with Meade County to review pending and planned actions that could impact historic access and related resource uses.

## **9. WILDLIFE/WILDLIFE HABITAT AND PLANT LIFE**

Meade County recognizes the diverse species of wildlife and plant life within its borders as important natural resources, ones that are tied historically to the custom, culture and economy of the area. Big and small game species abound in Meade County as well as non-game wildlife, providing opportunities for hunting, fishing, viewing, photography, and trapping. A variety of plant life, native and non-native, also abounds and play an important role in the custom, culture and economy of the area.

Meade County opposes the recovery and/or re-introduction or introduction of, including designation of critical habitat for, any threatened or endangered species that will negatively affect the current custom, culture and economic stability of Meade County, public use, public access; and as to private property rights, may constitute a taking under the state and federal constitutions, laws and rules.

**Goal:**

Strive to have an active role in the planning and regulation of the wildlife and wildlife habitat within the borders of Meade County to balance the principles of conservation of game species, protection of private property, aesthetics and harvest.

**Guidance:**

In following with the requirements of the National Environmental Policy Act, the National Forest Management Act and their implementing regulations (36 and 40 CFR), all federal and state agencies shall, prior to initiating or taking any action affecting wildlife or wildlife habitat in Meade County,

A) notify Meade County and affected property owners of proposed actions,

B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,

C) consider all alternatives to the taking of such actions, and,

D) to the extent permitted by law, take appropriate mitigation measures for potentially negative impacts adopted with the concurrence of Meade County.

**Objectives:**

1. Promote common sense in the management of species and habitat in Meade County.

2. Maintain and improve wildlife and plant resources and wildlife habitat for long-term sustainability.

**Policy:**

Meade County seeks to ensure all of the following:

a) That predator species be managed in way that protects the rights of Meade County citizens to pursue their historic and customary livelihoods without fear of economically devastating property losses,

- b) That listing of a species under the Endangered Species Act (ESA) is based on the best scientific data relating specifically to Meade County and not generalized over a wider geographic area,
- c) That a species be listed as threatened or endangered only after taking into account the efforts of Meade County to conserve the species,
- d) That critical habitat designations be based on the best scientific data available, and, after taking into consideration economic impacts, exclude as critical habitat all impacted areas unless, based on the best scientific data available, failure to designate would result in extinction of the species,
- e) That protective regulations or recovery plans not be developed if a Meade County plan is in place to effectively protect the species within Meade County,
- f) That federal species protection, when necessary, be done through alternatives with the least impact on the custom, culture and economic stability and preservation and use of the environment of Meade County, and to the extent permitted by law, federal agencies take appropriate mitigation measures adopted with the concurrence of the County to mitigate adequately any impact on the County's custom, culture, economic stability, and protection and use of the environment, including any impact on public use and access and private property rights.
- g) that restricting use of private property to protect endangered species shall be considered a taking and shall not be done without compensation.
- h) that uncertainty of the impact of a customary activity on a species shall not be a reason to suspend that activity.

**Monitoring:**

Meade County will strive to monitor significant changes in species abundance.

**Evaluation:**

Federal and state agencies are expected to coordinate with Meade County to annually review and analyze wildlife, wildlife habitat and plant life resources, and the impact of management activities upon the custom, culture and economy of Meade County.

## 10. WILDERNESS AND OTHER SET ASIDE DESIGNATIONS

The Wilderness Act of 1964, 16 U.S.C. § 1131-1136, created a National Wilderness Preservation System to be composed of federally managed lands designated by Congress as "wilderness areas." The Act defined Wilderness as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." The definition stated that a wilderness thus was in "contrast with those areas where man and his own works dominate the landscape." See 16 U.S.C. § 1131 (c).

Examples of "other set aside designations" include, but are not limited to, Roadless and Research Natural Areas.

The custom and culture associated with multiple use of the public lands in Meade County is significant to the economic stability, livelihood and well being of its citizens and to the protection and use of their environment. Therefore, it is the policy of Meade County to promote the continuation of multiple use activities and to oppose establishment of wilderness and other set aside designations that would severely restrict or prohibit such activities.

**Goal:** Strive to have an active role in the decision-making process regarding Wilderness or other set aside designations within its borders.

### **Guidance:**

In following with the requirements of the National Environmental Policy Act, the National Forest Management Act and their implementing regulations (36 and 40 CFR), all federal and state agencies shall, prior to initiating or taking any action regarding establishment of wilderness or other set aside designations in Meade County,

A) notify Meade County and affected property owners of proposed actions,

- B) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Meade County,
- C) consider all alternatives to the taking of such actions, and,
- D) to the extent permitted by law, take appropriate mitigation measures for potentially negative impacts adopted with the concurrence of Meade County.

**Objectives:**

1. Reduce wildfire risk and bug infestation and their related costs by promoting active management of public lands in Meade County. (Please see Attachment I, Meade County resolutions regarding wildfire risk and/or bug infestation.)
2. Take actions to promote and enhance opportunities for multiple use activities to be maintained at the levels consistent with the custom, culture, and economy of Meade County.

**Policy:**

Meade County seeks to ensure all of the following:

- a) That current Wilderness or other set aside designation recommendations made by federal or state agencies shall be reviewed by the County in relation to the impacts on natural resource-based industries, on the economic stability of the County, and on the custom and culture of the Meade County.
- b) That the evaluation and subsequent recommendation from Meade County regarding proposed Wilderness be forwarded to the United States Congress.
- c) That, should the recommendation be made by Congress not to designate an area as Wilderness, the area under consideration be released from further wilderness consideration.
- d) that wilderness designations have a sunset clause with a termination date of years ending in 0.

**Monitoring:**

Meade County will strive to monitor direct effects from current Wilderness or other set aside designations (i.e. wildfire risk) to better quantify

the impacts to surrounding areas by the limited management within such designations.

**Evaluation:**

Federal and state agencies are expected to coordinate with Meade County to annually review any pending and planned actions regarding Wilderness or other set aside designations that could impact Meade County's custom, culture and/or economy.

### **Part III - Conclusion**

The Plan provides the formal outline of the planning process as it relates to the federally and state managed lands and federal and state regulation on private property. The implementation process of the Plan will be ongoing, and will require Meade County to become involved with analysis and evaluation of all stages of the planning cycles followed by federal and state management agencies, including plan development, implementation and monitoring.

Federal and state regulation action as well as management actions on federal and state lands should be carried out with integrity and in a manner reflecting accepted and applicable scientific knowledge and principles which support high expectations of success. Monitoring must provide applicable, relevant, accurate, and truthful data to unbiased scientific interpretation to guide plan amendments to assure sustained productivity of County resources for future generations.

Management plans, implementation actions and monitoring activities should adhere strictly to the laws of the United States, the State of South Dakota, Meade County, and its municipalities.



Meade County reserves the right and ability to refine and revise this Plan to best address issues of importance to the County and changing policy by managing agencies. Additional attachments may be added as new documents and findings relevant to the Plan are made available. Meade County also fully expects that the supporting documentation tiered to this plan, which provides pertinent information (i.e. current statistics) upon which portions of the plan were based, will continue to be updated.

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flation is high, or plunging rates when deflation takes hold, correspond to structural bear markets, Yamada's work shows. Reversals from those extremes support new, structural equity bull markets.

In other words, moderation in all things is a good thing. So, if interest rates rise from a historically low level, it's not necessarily a bad thing.

A modest rise in yields suggests an abatement in downward price pressures. In the event of an extreme jump in rates, Fuss argues, the Federal Reserve will resist a destabilizing surge. All of which would translate to a gradual rise in interest rates, but from historically low levels. That shouldn't be too painful for the stock market or economy.

For those who want to ride out rising rates, the Fund of Information column on page 37 points out money-market mutual funds finally paying something visible to the naked eye, over 1% in many cases, as the Fed has raised its target rate to a range of 1.25% to 1.5%.

In an interview with CNBC last week, Berkshire Hathaway CEO Warren Buffett said his firm stashed its cash in Treasury bills and estimated that Berkshire owns

about \$100 billion in T-bills. Emulating the Oracle of Omaha rarely has been a bad thing, and that goes for savers now.

One-month bills yielded 1.3% Friday, while three-month bills yielded 1.44% and six-month bills returned 1.6%. Hardly anything to send your heart aflutter, but a darned sight better than what most bank accounts, brokerages, or money funds yield.

It goes without saying that T-bills are the gold standard in terms of safety and liquidity for institutional investors such as Berkshire. And for individual investors in high-tax states, the elimination of the deduction for state and local taxes under the new tax law makes Treasuries' exemption from state and local income levies all the more attractive.

Buying government securities at auctions via its website, treasurydirect.gov, is relatively simple. Many major online brokers, including Fidelity, Charles Schwab, E\*Trade, and Vanguard, charge no fee to purchase or sell Treasury securities.

What could be more contrarian in a market melt-up than cash? ■

email: randall.forsyth@barrons.com

Above please find a Barron's article noting Treasury safety. Treasuries are now yielding enough to consider again, 2.24% - 2 yr, 2.57% - 5 yr. In March we should buy some 5-yr EDs or Treasuries for county funds to complete our ladder.

R... o ...

## Aaron Eberle

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**From:** Ganje, Sue [Sue.Ganje@state.sd.us]  
**Sent:** Thursday, February 01, 2018 4:38 PM  
**To:** Clocksin, Noel; Kinniburgh, Doug (DOT); Fall River - Randy Seiler  
**Cc:** Buscher, Nate; Schultz, Laurie (DOT); Fall River County  
**Subject:** Re: Fall River County Funding Agreement

And thank you for that Noel, we will leave off of the agenda until we hear from you guys!

Sue Ganje  
County Auditor  
Fall River/Oglala Lakota County  
605-745-5130

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**From:** Clocksin, Noel  
**Sent:** Thursday, February 1, 2018 4:24 PM  
**To:** Ganje, Sue; Kinniburgh, Doug (DOT); Fall River - Randy Seiler  
**Cc:** Buscher, Nate; Schultz, Laurie (DOT)  
**Subject:** RE: Fall River County Funding Agreement

Sue – It won't be ready for this agenda and not sure about next. Brosz has to get a quote for a sub consultant too before they submit it to us which could take them a bit longer than normal. After we approve the hours, we send it back to them for signature and then they hand it over to you. I can e-mail you when I get the proposal as after that the process moves pretty quickly.

On behalf of Doug,

*Noël Clocksin*  
SDDOT/LGA Programming & Funding Engineer  
(605)773-4256

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**From:** Ganje, Sue  
**Sent:** Thursday, February 01, 2018 5:19 PM  
**To:** Kinniburgh, Doug (DOT); Fall River - Randy Seiler  
**Cc:** Buscher, Nate; Schultz, Laurie (DOT); Clocksin, Noel  
**Subject:** Re: Fall River County Funding Agreement

Thank you Doug for your response. I only ask as someone has been inviting people to the meeting when you come, thanks again. So we have the brosz draft work order amendment on this agenda, or the next? Let me know your thoughts. Thanks, Sue

Sue Ganje  
County Auditor  
Fall River/Oglala Lakota County  
605-745-5130

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**From:** Kinniburgh, Doug (DOT)  
**Sent:** Thursday, February 1, 2018 3:27 PM  
**To:** Ganje, Sue; Fall River - Randy Seiler  
**Cc:** Buscher, Nate; Schultz, Laurie (DOT); Clocksin, Noel  
**Subject:** RE: Fall River County Funding Agreement

Hi Sue,

We are unable to attend the meeting but I could be available for questions via telephone if needed. Brosz currently has the draft work order amendment and we are awaiting their cost proposal before we can prepare it for signature. Brosz also has the list of sub-consultants and the proposal is that Brosz will hire them directly and is included on the existing work order amendment.

Thanks,

*Doug Kinniburgh*

**Local Government Engineer**  
**Office of Local Government Assistance, SDDOT**  
**700 E. Broadway, Pierre, SD 57501**  
**605-773-4284**  
**[doug.kinniburgh@state.sd.us](mailto:doug.kinniburgh@state.sd.us)**

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**From:** Ganje, Sue  
**Sent:** Thursday, February 01, 2018 3:06 PM  
**To:** Schultz, Laurie (DOT); Fall River - Randy Seiler  
**Cc:** Kinniburgh, Doug (DOT); Buscher, Nate  
**Subject:** Re: Fall River County Funding Agreement

Hi Laurie. Can you confirm if you are, or are not coming to our meeting on the 6th? I know you notified us of information you will be getting to the meeting, but I find there is confusion of your actual attendance. If you can clarify I will appreciate it. Also, I received your joint powers agreement, will you also be sending the work order for Brosz Eng, and a list of available consultants?

Thank you very much! Sue  
Sue Ganje  
County Auditor  
Fall River/Oglala Lakota County  
605-745-5130

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**From:** Schultz, Laurie (DOT)  
**Sent:** Tuesday, January 30, 2018 10:17 AM  
**To:** Fall River - Randy Seiler; Ganje, Sue  
**Cc:** Kinniburgh, Doug (DOT); Buscher, Nate  
**Subject:** FW: Fall River County Funding Agreement

Attached is the funding agreement for the Chilson bridge for your Feb 6 commission meeting. I will be sending you 2 originals in the mail today for signature. Please sign the two I send you and return them to this office.

Thanks

Laurie Schultz, PE  
Administration Program Manager  
SDDOT  
700 East Broadway  
Pierre SD 57501  
Office: 605-773-8149

**STATE OF SOUTH DAKOTA  
JOINT POWERS AGREEMENT  
BETWEEN  
DEPARTMENT OF TRANSPORTATION  
AND  
FALL RIVER COUNTY**

This Agreement is made by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and Fall River County, South Dakota, referred to in this Agreement as the "COUNTY."

**1. PURPOSE**

The STATE and the COUNTY concur in the proposal for the new construction or improvement of roads identified by South Dakota Federal Aid Construction Project Number BRO 8024(14) PCN 02E8, Structure Replacement, referred to in this Agreement as the "PROJECT." The PROJECT is located on Old Highway 18 four (4) miles east and 1.8 miles north of the city of Edgemont, South Dakota. The PROJECT will replace existing structure number 24-162-102 over the Mickelson Trail with an at-grade crossing.

The parties wish to work cooperatively to complete and fund the PROJECT work. This Agreement identifies the PROJECT work for which each party will be responsible and spells out the funding responsibilities of each party with respect to the PROJECT.

**2. JOINT POWERS**

This Agreement does not establish a separate legal entity, as contemplated by SDCL 1-24-5. The cooperative undertaking described in this Agreement will be financed and conducted under the provisions of this Agreement by the COUNTY and the STATE. Each party has responsibilities under the terms of this Agreement and no joint board or administrator will be used.

**3. PROJECT WORK RESPONSIBILITIES**

A. The STATE will be the contracting party for all aspects of the PROJECT work, except for responsibilities expressly relegated to COUNTY as set forth in paragraph 3.B. below. The STATE will perform or arrange for the performance of the following PROJECT work and will make all payments for such work:

- i. Design Engineering performed by a consultant.
- ii. Right of Way activities as follows:
  1. Title searches performed by a consultant.
  2. Real property appraisals performed by a consultant.
  3. Appraisal reviews performed by the STATE.
  4. Real property acquisition through negotiations by a consultant.
  5. Preparation and review of real property acquisition forms, making of real property acquisition payments including payment of judgments in condemnation, and recording of real property documents with the register of deeds.

- iii. Advertising for construction contract bids, letting the construction contract to bids, and awarding the PROJECT construction contract. The construction contract will include recycling the asphalt from the existing roadway, stockpiling the millings, placing the millings on the new alignment, and installing a blotter surface.
    - iv. Construction engineering and contract administration for the PROJECT.
  - B. The COUNTY will be responsible for performing or arranging for the performance of the following work and will make all payments for such work:
    - i. Relocation of any utilities within the limits of the proposed work area.
    - ii. Install permanent signing.
    - iii. Furnish gravel to be blended with the asphalt millings prior to blotter application.
    - iv. Remove existing fence, install temporary and permanent fence as necessary.
    - v. Remove silt fence, and wattles when vegetation has been established in areas where permanent seeding is required.
    - vi. If right-of-way negotiations fail, initiate and prosecute to completion any eminent domain proceedings necessary to acquire real property needed for the PROJECT.
  - C. The COUNTY will be solely responsible for the cost of all items listed in Section 3.B.i. through 3.B.v. of this Agreement, and STATE will have no responsibility to reimburse the COUNTY for the cost of any of these items. The STATE will reimburse the COUNTY for eighty percent (80%) of its actual, reasonable, and necessary attorney's fees, expert fees, and disbursements to initiate and prosecute to completion any eminent domain proceedings under Section 3.B.vi. The STATE'S total reimbursements for work pursuant to Section 3.B.vi. of this Agreement will not exceed One Hundred Thousand Dollars (\$100,000.00).

#### 4. FUNDING RESPONSIBILITIES

The STATE will be responsible for eighty percent (80%) of the total cost of the PROJECT work identified in Section 3.A. and 3.C. of this Agreement and will bill the COUNTY for reimbursement of the remaining twenty-percent (20%) share. The COUNTY will reimburse the STATE for the COUNTY'S twenty percent (20%) share within thirty (30) days of receipt of billings from the STATE. The COUNTY will be responsible for one hundred percent (100%) of any other PROJECT expenses.

#### 5. EMPLOYEE STATUS

Any officer, employee, or agent engaged in joint action under this Agreement will remain an employee with his or her agency during participation in joint action under this Agreement. Each agency will retain exclusive responsibility for its officers, agents, and employees while these officers, agents, and employees are engaged in joint action under this Agreement, including but not limited to responsibility for regular and overtime wages and salaries, unemployment benefits, workers' compensation coverage, health insurance, or other benefits, and liability coverage and indemnity, except as otherwise specifically provided in this Agreement.

#### 6. AMENDMENT

This Agreement may not be amended except in writing, which writing will be identified as a part of this Agreement and will be signed by representatives of each of the parties.

7. CONTROLLING LAW

This Agreement will be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement will be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

8. AUTHORIZATION

The COUNTY has designated its County Commission Chairperson as the COUNTY'S authorized representative and has empowered the Chairperson with the authority to sign this Agreement on behalf of the COUNTY. A copy of the COUNTY'S Commission or Council minutes or resolution authorizing the execution of this Agreement by the Chairperson as the COUNTY'S authorized representative is attached to this Agreement as Exhibit A.

By signature of their representatives below, each party certifies that approval of this Agreement by ordinance, resolution, or other appropriate means has been obtained by that party's governing body or officer pursuant to SDCL § 1-24-3 and § 1-24-6.

Fall River County, South Dakota

State of South Dakota  
Department of Transportation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: County Commission Chairperson

Its: Secretary

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

Approved as to Form:

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Special Assistant Attorney General

(COUNTY SEAL)

APPRAISER	FAX # CONTRACT #	EXPIRATION DATE	CONTRACT RATES	TAX ID #
DAL Appraisl & Land Services 4820 East 57th St. Suite A Sioux Falls, SD 57108	office CONT: 511668	open	\$250 per hr. principal \$125 per hr. associate	
Gehm Group, Ltd. 306 Walnut St. P.O. Box 102 Yankton, SD 57078 <a href="mailto:robtgehm@gmail.com">robtgehm@gmail.com</a>	office (605) 665-8810 CONT: 511615 cell (605) 661-2400	08/23/2018	\$200 per hr. principal \$150 per hr. associate	
Jerry Hulm P.O. Box 7407 Rapid City, SD 57709-7507 <a href="mailto:jhulm01@gmail.com">jhulm01@gmail.com</a>	CONT: 511624	02/08/2018	\$125 per hr.	
Alan Husby, Husby Appraisal 1100 E. Dove Trail Sioux Falls, SD 57108 <a href="mailto:aphusby@gmail.com">aphusby@gmail.com</a>	CONT: 511610	07/07/2018	\$100 per hr.	
Greg Kaschmitter Kaschmitter Appraisals, Inc. 405 W. 34th St. Sioux Falls, SD 57105 <a href="mailto:greg@kaschmitterappraisals.com">greg@kaschmitterappraisals.com</a>	CONT: 511616	09/08/2018	\$250 per hr.	503-48-8524
Charles G. King, Jr. King Appraisals 403 Bleeker St. Lead, SD 57754	CONT: 511621	12/30/2018	\$175 per hr. principal \$100 per hr. associate	20-4425638
Mid-State Appraisal Service, Inc. 412 W. Missouri Ave. Pierre, SD 57501 <a href="mailto:midstateaprsl@aol.com">midstateaprsl@aol.com</a>	CONT: 511613	07/28/2018	\$75.00 per hr. principal \$50.00 per hr. associate	
Nelson Valuation Services, LLC 2014 E. Broadway Pierre, SD 57501	office CONT: 511671	08/17/2019	\$150.00 per hr. principal associate per hr.	
Northern Plains Appraisal, LLC P.O. Box 63 Brookings, SD 57006 <a href="mailto:brian.gatzke@northernplainsappraisal.com">brian.gatzke@northernplainsappraisal.com</a>	office (605) 691-2119 CONT: 511492	08/24/2018	\$150.00 per hr. principal \$75.00 per hr. associate	
O. R. Colan Associates, LLC 22710 Fairview Center Dr. Fairview Oark, OH 44126	CONT: 511620			
Shenehon Company 88 South 10th St. Suite 400 Minneapolis, MN 55403	CONT: 511636	04/28/2020	\$250 per hr. principal \$150 per hr. associate	
Shaykett Appraisal Company, Inc. 601 N. Minnesota Ave. Sioux Falls, SD 57104	CONT: 511664	04/28/2020	\$200 per hr. principal \$150 per hr. associate \$250 hr court	
Simpson & Associates Real Estate, Inc. P.O. Box 9248 Rapid City, SD 57709	CONT: 511612	08/03/2018	\$225 per hr. principal \$150 per hr. associate	
WesDak Appraisals P.O. Box 9008 Rapid City, SD 57709	CONT: 511637	08/02/2019	Day \$200	



# State - SELECTED Real Estate Services

Name

HDR Engineering, Inc.

KLJ

SRF Consulting Group, Inc.

Ulteig Engineers, Inc.

## Esri International User Conference Proposal

I would like to attend the Esri International User Conference July 9-13, 2018, in San Diego, California. It's the best way to ensure we are getting the most from our GIS investment. I attended this conference in 2013. In many ways it was like cramming a semester of college GIS courses into a week.

For five days in one place, this conference provides over 450 hours of training, hundreds of user presentations that share best practices, and opportunities for me to get our specific technical questions answered by Esri staff. It also includes vendor and map displays from around the world and special interest group meetings that will connect me with GIS users from our region and industry.

Over 16,000 professionals across industries attend the UC, representing nearly every commercial sector, government organization, and non-profit field. This abundance of user-to-user communication opportunities is essential for learning about real-life GIS experiences, best practices, and tips.

Examples of sessions at the conference:

- 911/CAD - Dispatch
  - GIS for CAD/911 Data Management
  - GIS for Next Generation 911
  - Next Generation 911: PSAPs and GIS
- Land Records
  - Cadastral Systems
  - Parcel Fabric and the PLSS
  - Land Records Solutions
- Emergency Management
  - Foundational ArcGIS Skills for the Public Safety Agency of Tomorrow
- Software Design/ Computer Programming
  - Apps in Local Government
  - Python Scripting

Flight: \$650.00

Hotel: \$50/day = \$300 (6 days)

Conference: Complimentary Pass FREE (Standard Pass \$1,495)

Per Diem Meals: \$45/day = \$315 (7 days)

Total: \$1,265.00



2727 N Plaza Dr.  
Rapid City, SD 57702

Phone 605-348-6529 Fax 605-342-1160

**Quote**  
No.: **57474**  
Date: **11/27/2017**

Prepared for:

Lyle Jensen  
Fall River Co Auditor  
906 N River Street  
Hot Springs, SD 57747 U.S.A.

Account No.: 1889  
Phone: (605) 745-5145  
Fax: (605) 745-3530

Qty	Description	UOM	Sell	Total
1	Project Installation & Configuration	EA	\$2,100.00	\$2,100.00
1	Genetec E1A EDGE EVO EH400-K Standard Controller	EA	\$465.50	\$465.50
1	Genetec HID multiCLASS SE 13.56 MHz Readers with Standard Interpreter Licensing <i>RPK40 MULTICLASS SE REV E LF STD HF STD/SIO/SEOS WIEG BLK PIG STD-1 LED RED FLSH GRN BZR ON CSN 32-BIT MSB KPF</i>	EA	\$358.40	\$358.40
1	Door Hardware & Installation	EA	\$1,547.77	\$1,547.77

Your Price: \$4,471.67

Total: \$4,471.67

Prices are firm until 12/11/2017

**Prepared by:** Eric Eisenbraun, ericeisenbraun@goldenwest.com

**Date:** 11/27/2017

Golden West Technologies will work with NCS to install a lock on the outside door of the old ambulance shop. The door will be connected to the Genetec server at the courthouse for centralized management. Fall River county staff is going to pull cable from the network closet to the door. This quote does not include any POE switch ports or POE power supplies. It is assumed that the customer already has one in place with available ports.

**Accepted by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Disclaimer**

Unless otherwise specified, all labor is charged on a time and materials basis. Any additional service charge or travel will apply. Applicable taxes and/or additional freight charges may be added on to the invoice. Terms: 30% down payment required for sales of \$ 5,000.00 or more, with the balance due Net 15 days of invoicing.

For Lyle to go



## Disaster Operations and the Communications Center

### COURSE DESCRIPTION

The world's first comprehensive disaster operations course designed specifically for the public safety communications professional!

This course serves to educate the public safety Telecommunicator on a wide range of man-made and natural disasters, their effects on the community and its infrastructure and the response and recovery needs of each. In addition, this course will provide Telecommunicators with information on overall emergency management and homeland security and provide guidance on continuity of operations for the Communications Center in the face of a multitude of disaster situations.

#### Topics include:

- ▶ Homeland Security and Emergency Management
  - US Department of Homeland Security; Federal Emergency Management Agency
  - Emergency Management; Emergency Management on the State, Local & Regional Levels
- ▶ Natural Disasters
  - Hurricanes and Typhoons; Tornadoes; Tsunamis; Severe Weather and Temperatures
  - Severe Heat; Earthquakes; Floods; Wildland or Forest Fires; Volcanoes
  - Landslides; Pandemics
- ▶ Man-made Disasters
  - Types of Man-made Disasters and Terrorist Acts

### CO-HOST INFORMATION

**Host:** City of Alliance Police Department  
**Contact:** Jake Henion  
[jhenion@bbcpublicsafety.us](mailto:jhenion@bbcpublicsafety.us)  
 Ph. (308) 762-4955

### CLASS INFORMATION

**Class #** 48464  
**Date:** 21 March 2018  
**Time:** 8:00am – 5:00pm  
**Tuition:** **\$199.00**  
*\* APCO Full, Associate and Commercial Members receive a \$20 discount*

**Location:** Alliance Public Library  
 1750 Sweetwater Avenue  
 Alliance, NE 69301

### LODGING \*

Quality Inn	Alliance Hotel & Suites
1420 W. 3 <sup>rd</sup> Street Alliance, NE 69301 Ph. (877) 424-6423 <i>2 miles from class site</i>	117 Cody Avenue Alliance, NE 69301 Ph. (308) 762-8000 <i>2 miles from class site</i>

*\*Lodging suggested by host agency*

**Airport:** Alliance Municipal Airport  
*6 miles from class site*

### REGISTRATION

**Visit our website at:**

[http://www.apcointl.org/institute/schedule\\_registration.html](http://www.apcointl.org/institute/schedule_registration.html)

#### Registration Policy and Fees:

- Your method of payment MUST accompany your registration.
- Payments received in less than 10 days of the start date of the class will be subject to a late fee of \$25.
- Any registration received within ten (10) days of the class start date of the course is subject to a \$25.00 late registration fee.
- Registrations cancelled more than 21 days prior to the start of the scheduled course will receive a refund minus a \$25.00 administrative fee. Cancellations less than 21 days before the class will receive a 50% tuition refund.
- Only one (1) transfer or substitution is allowed. Transfer fee: \$50.00 A late fee of \$25 will apply if applicable
- Complete registration Policy is available upon request.

351 N. Williamson Blvd.  
 Daytona Beach, FL 32114-1112  
 888-272-6911 or 386-944-2485  
 FAX: 386-322-9786