



**DECISION MEMO**  
**CITY OF DEADWOOD FIREVEIL DETECTION DEVICE**  
**SPECIAL USE PERMIT RENEWAL**  
**BLACK HILLS NATIONAL FOREST**  
**NORTHERN HILLS RANGER DISTRICT**  
**LAWRENCE COUNTY, SOUTH DAKOTA**  
**T5N R3E SECTIONS 13 AND 15**

**BACKGROUND**

The City of Deadwood utilizes a series of Fireveil detection devices to detect wildfires near the city. A total of five of these devices are located on high points surrounding the city, with two of the devices located on National Forest System (NFS) land to the north and northeast of Deadwood. These sites consist of a small wood post with the Fireveil device attached. The sites located on NFS land are authorized under a special use permit that expires on December 31, 2020. The City of Deadwood has requested a renewal of the permit to utilize and maintain these devices on NFS land for an additional 30 years. No additional devices would be installed, no ground disturbance would occur, and no changes would be made to the stipulations of the existing permit.

**DECISION**

I have decided to approve the renewal of the special use permit to the City of Deadwood as described above.

These actions are categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The proposed actions fall under two categorical exclusions. Installation of the utility line falls under 36 CFR 220.6(e)(15): "Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization."

I find that no extraordinary circumstances exist that would warrant further analysis and documentation in an EA or EIS. I considered resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – For Region 2 Sensitive Species, the district wildlife biologist determined that the proposed activities would have no effect. One Threatened or Endangered Species, the northern long-eared bat (NLEB; threatened), occurs within the project area. The proposed activities have been previously consulted on.
- Flood plains, wetlands, or municipal watersheds – None present.
- Congressionally designated areas such as wilderness, wilderness study areas, or national

- recreation areas – None present.
- Inventoried roadless areas or potential wilderness areas – None present.
  - Research natural areas – None present.
  - American Indians and Alaska Native religious or cultural sites, archeological sites, or historic properties or areas – None present.

## DESIGN CRITERIA

### Heritage

- The area in which permitted activities are authorized to take place has been surveyed for cultural resources. During permitted activities, should anyone locate any bones, artifacts, foundations, or other indications of past human occupation of the area, he or she must notify the District or Forest archeologist immediately to determine an appropriate course of action.

### Wildlife

- Should any activity result in the discovery of an active bat roost or hibernacula, do not disturb, harm or harass bat(s) and report the location of the sighting to the Forest Service wildlife biologist.
- If any permitted activity results in the discovery of a raptor nest or defensive behavior by a raptor that suggests a nest may be nearby, vacate the area immediately and notify the Forest Service wildlife biologist as soon as possible.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Black Hills National Forest Land and Resource Management Plan (Forest Plan).

This decision is consistent with the National Historic Preservation Act (NHPA). The proposed activities have been evaluated and consulted on previously. Because no new ground disturbance would occur, no additional consultation is necessary.

This decision is consistent with the Endangered Species Act (ESA). The Forest biologist analyzed the impacts of routine, ongoing activities that do not occur near known northern long-eared bat hibernacula across the Black Hills National Forest and consulted on those activities with the US Fish and Wildlife Service. This activity was among those previously consulted on. No additional consultation is necessary.

## ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

The Agricultural Act of 2014 (the Farm Bill) repealed the Appeals Reform Act and eliminated the appeal regulations at 36 CFR 215. As a result, categorically excluded projects are no longer subject to appeal. The Farm Bill also directed that categorically excluded projects were exempt from the pre-decisional review process at 36 CFR 218. Therefore, this decision is final.





## IMPLEMENTATION DATE

The issuance of the special use permit renewal may occur immediately.

## CONTACT

For additional information concerning this project, please contact Callie Ackerman-Jasper, Lands Specialist, (605) 443-3077.

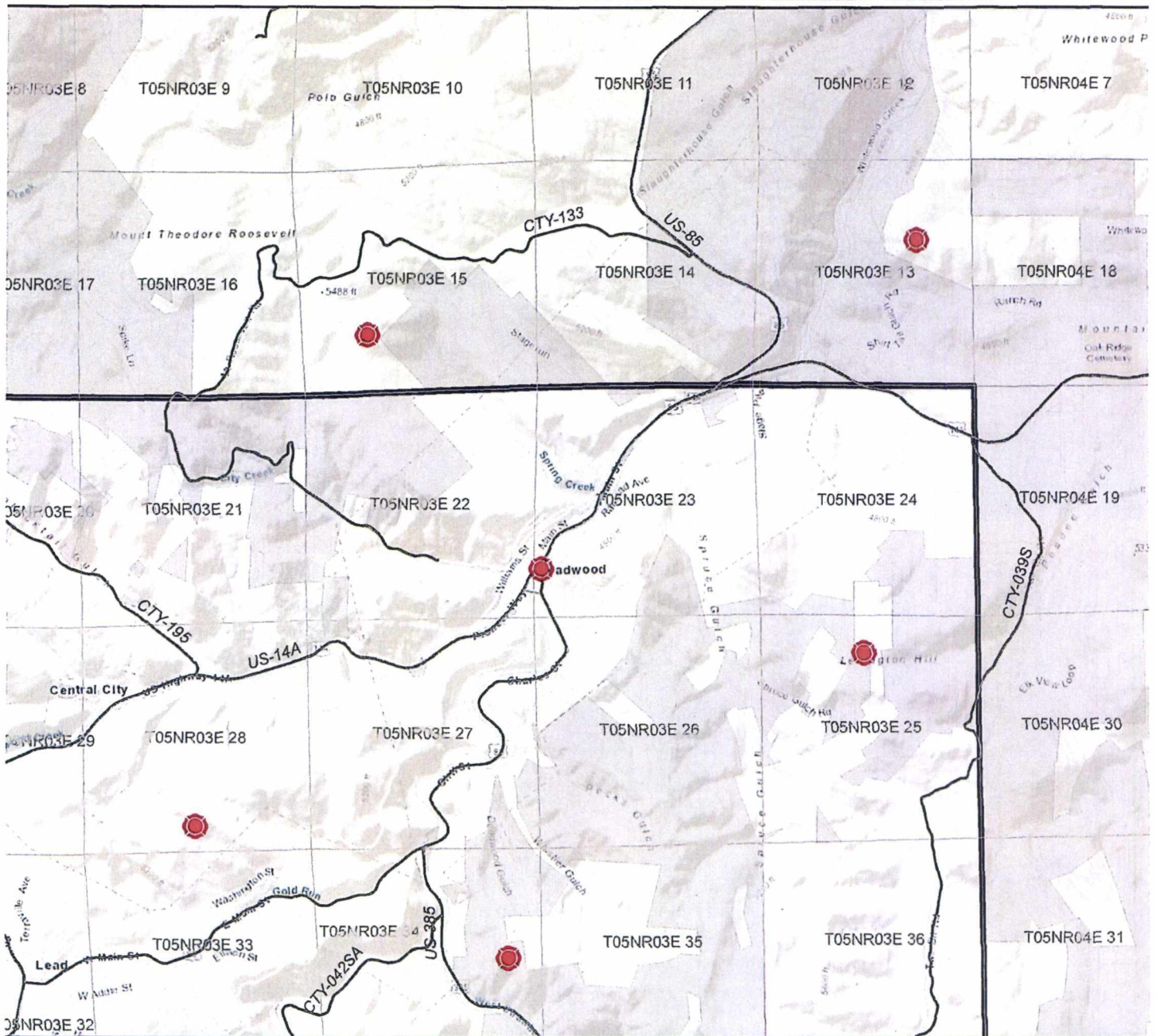
  
JEROME KRUEGER  
Acting Forest Supervisor






  
Date

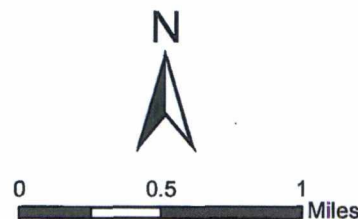
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# Exhibit A

## SFN726 Fireveil Detection Device Locations



-  Fireveil Locations
-  Open NFS Roads
-  Private Ownership
-  sections
-  Forest Boundary



Map Author: C. Ackerman-Jasper  
Map Creation Date: 10/14/2020

SFN726

City of Deadwood - DVFD  
Fireveil Device Locations

T5N R3E Sections 13 and 15

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