



USFWS INFORMATION MEMORANDUM

DATE: September 13, 2019

TO: Noreen Walsh, Regional Director, U.S. Fish and Wildlife Service, Mountain-Prairie Region, Department of Interior Unified Regions 5 and 7.

FROM: Scott Larson, Field Supervisor, North and South Dakota Ecological Services Field Office.
Scott Larson

SUBJECT: Whitewood Creek NRDAR Funds to Booth Society

I. STATEMENT OF ISSUE/KEY FACTS

The U.S. Fish and Wildlife Service (Service) South Dakota Ecological Services Field Office requests authorization to provide settlement funds to the Booth Society from the Whitewood Creek Natural Resource Damage Assessment and Restoration (NRDAR) case. These funds will purchase real estate adjacent to the D.C. Booth Historic National Fish Hatchery and Archives in Spearfish, South Dakota. The Authorized Official for South Dakota (Secretary Hepler) has signed his concurrence for this expenditure in a letter to you dated September 3, 2019 (see attached).

II. BACKGROUND AND FWS POSITION

A consent decree settling NRDAR liability among the Whitewood Creek NRDAR natural resource trustees (Trustees) and the potentially responsible party (Homestake Mining Company) was issued in 1999. The Department of the Interior participated in this NRDAR legal action and the Service Regional Director, DOI Unified Region 5 and 7, was designated as the federal AO. Pooled monies from the settlement of NRDAR liability were deposited into a South Dakota Game, Fish and Parks Fund to restore, replace and/or acquire equivalent trust natural resources and lost services in accordance with the Restoration Plan. The Restoration Team (made up of South Dakota and DOI representatives) recently scored (see attached) and unanimously approved a proposal from the Booth Society to expend the remaining restoration funds for this case (~\$173,000).

III. POSITION OF AFFECTED PARTIES/PUBLIC LANDS AFFECTED

This acquisition is consistent with the provisions of the Restoration Plan and we recommend that you concur with the expenditure of Whitewood Creek NRDAR settlement funds to acquire the property. Expenditure of these funds requires Authorized Official (AO) signatures from the South Dakota Game, Fish and Parks (GFP) Secretary and the Service's Regional Director for Unified Regions 5 and 7. The D.C. Booth Historic National Fish Hatchery and Archives will benefit from the acquisition and has plans to use the acquired land to improve the public services they administer (see attached proposal).

IV. POTENTIAL ISSUES

The Booth Society took a bank loan to acquire the property and are interested in saving donor money by paying their loan off as quickly as possible. Delay in paying the loan will cost the Booth Society by requiring more payment towards interest. The restoration funds they receive from us will pay a large part of the loan and will likely help with fund raising efforts. No other issues are expected based on the attached letters of concurrence and support (see attached proposal).

V. TIMELINE/NEXT STEPS

A draft letter transmitting DOI AO concurrence to the Secretary, South Dakota Game, Fish and Parks, has been prepared (see Attachments) for your signature. Once we have obtained your signature, we can issue our congratulations letter and payment of funds to the Booth Society. They plan to immediately use the funds to make a payment on the loan they took to purchase the land.

ATTACHMENTS

Supplemental information attached includes the following:

1. Final Restoration fund grant application from Booth Society (includes letters of support from Lawrence County and the City of Spearfish).
2. Whitewood Creek Restoration Team scores for the Booth Society application.
3. State AO concurrence signature letter (dated Sept. 3, 2019) from the South Dakota Game, Fish and Parks.
4. Draft letter from you to Secretary Hepler for DOI AO concurrence signature.

Prepared by: Matt Schwarz, South Dakota Ecological Services Field Office.

☒ **FYI** or ☐ **Requested by:**