



REGION 8

DENVER, CO 80202

December 1, 2025

PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT (FONSI)

To all interested federal agencies, Tribes, other governments, public groups, and individuals:

In accordance with the Clean Water Act, the National Environmental Policy Act (NEPA) and the U.S. Environmental Protection Agency's regulations for implementing NEPA (40 C.F.R. Part 6), the EPA has completed an environmental review of the following proposed action:

Issuance of the National Pollutant Discharge Elimination System Permit for Maher Cattle Company, LLC

The EPA is proposing to issue a “new source” Clean Water Act (CWA) section 402 National Pollutant Discharge Elimination System (NPDES) permit for discharge of pollutants into waters of the U.S. from Maher Cattle Company, LLC (the Facility). The issuance of a CWA NPDES permit to a “new source” is subject to environmental review pursuant to NEPA (42 U.S.C. § 4321 et seq.; CWA section 511 (c), 33 U.S.C. § 1371). The environmental review process, which is documented by the enclosed Environmental Assessment (EA), indicates that no potential significant adverse environmental impacts are anticipated from the proposed action to issue an NPDES permit to Maher Cattle Company, LLC. The EA analyzed the potential environmental impacts to resources of concern associated with the EPA’s issuance of the NPDES permit, consistent with the requirements of 40 C.F.R. § 6.205. The EPA issued the Draft EA for public comment and the EPA has responded to comments received in this process. See Appendix E of the EA. As documented in the EA, issuing an NPDES permit likely improves impacts on the environment from the Facility. If an NPDES permit is not issued by the EPA, the Facility could continue to operate and impacts to relevant resources likely would be more adverse than if the EPA issues an NPDES permit with the specified conditions and requirements. Based on the environmental impact analysis in the EA, and pursuant to 40 C.F.R. § 6.206, the EPA has determined that no significant environmental impacts are anticipated from the issuance of the NPDES permit and the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, making the preparation of an Environmental Impact Statement (EIS) unnecessary. Therefore, I am issuing this preliminary finding of no significant impact (FONSI) to document this determination. The EPA did not find any mitigation is essential to render the impacts of the proposed action not significant. The NPDES permit conditions are likely to reduce the environmental impact of the Facility.

Copies of the EA and this preliminary FONSI are available on the EPA's website at <https://www.epa.gov/npdes-permits/south-dakota-npdes-permits> under the facility name "Maher Cattle". Comments regarding this preliminary decision may be sent to Qian Zhang at Zhang.Qian@epa.gov using subject line "Maher SD-0034768 Preliminary FONSI". If you are unable to adequately address comments via email, please reach out to Mr. Zhang at (303) 312-6267 to discuss alternative arrangements. In accordance with 40 C.F.R. 6.203(b), the deadline for submitting comments is 30 days after the date of this notice. After evaluating any comments received, the EPA will make a final decision. The preliminary decision and finding will then become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Stephanie DeJong, Manager
Clean Water Branch

Enclosure