

South Dakota Department of Transportation
Categorical Exclusion Checklist
CE2 and CE3 Activities

Project: IM 0293(106)77

PCN: 03RA

Env. Initiation Date: 06/14/2016

County: MINNEHAHA

CE: CE3(d)

EPC: Consultant

771.117(c) cat.

771.117(d) cat. (13) Actions described in (c)26, c(27), & c(28) that don't meet the constraints in paragraph (e) of this section

Location Description - from C2C (ensure description reflects scope amendments)

I-29-Exit 77 (41st Street Interchange) in Sioux Falls

Purpose & Need - from C2C

Improve the traffic capacity and safety of the I-29 Exit 77 (41st Street) interchange and signalized intersections along 41st Street, and provide ADA compliant pedestrian facilities along the 41st Street corridor.

Logical termini and segmentation review

Y N

- ☒ Does the project have independent utility?
- ☒ Does the project connect logical termini?
- ☒ Does the project allow further consideration of alternatives for other reasonably foreseeable transportation improvements?

*If 'N' (no) is checked for any of the above questions, the project does not qualify as a CE under the PCE.
Consultation between SDDOT and FHWA is required.*

Attached maps identify the project location and resources of concern [select all that apply and that have been attached]

- ☒ General project location map **Attachment A**
- ☒ General location of wetlands, jurisdictional streams, channels, rivers **Attachment A**
- ☒ All Section 4(f) resources located in and near the study area
- ☒ The location of historic structures or historic districts directly adjacent to the project or farther if impacted.
- ☒ Impacted noise receptor locations and any proposed noise abatement feature locations
- ☒ The location of any known Hazardous Materials sites within the environmental study area
- ☒ Proposed detour map, when applicable.

A. NEPA Clearance Actions

Federally Threatened and Endangered Species (Section 7) [select all that apply]

- ☒ SDDOT review resulted in a "No Effect" determination to listed species.
- ☒ USFWS concurred with a "Not Likely to Adversely Affect" determination for listed species. **Att. B1**
- ☒ USFWS concurred with the biological assessment through individual informal consultation.
- ☒ Complies with the national USFWS / FHWA programmatic ESA consultation.
- ☒ Project has been appended to the USFWS / FHWA / SDDOT Programmatic Biological Opinion.

Concurrence Date: 09/27/2017

- ☒ USFWS Concurred with "May Affect, Is Likely to Adversely Affect" determination for Federally listed species not discussed in the Biological Opinion.

Concurrence Date:

New Listed Species:

Species:

Effect Determination:

Parks, Recreation Areas, Wildlife & Waterfowl Refuges, & Historic Sites (Section 4(f))

Land and Water Conservation Act Properties (Section 6(f) - 36 CFR 59)

- ☒ No Section 4(f) or 6(f) properties will be affected. **Att. B2**
- ☒ 6(f) nonconforming use determination.
- ☒ Section 4(f) exception applies. CFR 774.13

GF&P Concurrence Date:

FHWA Concurrence Date:

- ☒ Requires use of these Section 4(f) or 6(f) properties:

23 CFR 774.5 agency coordination with:

23 CFR 774.6 documentation completed for:

Public Coord:

NPS Concur Date:

FHWA Appr. Date:

National Historic Preservation Act (Section 106)

☒ SHPO/THPO concurred with finding of: No Historic Properties Affected **Att. B3** Concurrence Date: 08/17/2017

☒ Conditions are included with the finding. SDDOT will provide documentation to FHWA when satisfied.

☒ Cultural resources will be affected by the project. The NHPA Section 106 process concluded with a signed Memorandum of Agreement.

FHWA Approval Date:

Wetlands (E.O. 11990 and Section 404 - Clean Water Act)

Wetland identification method: Wetland Delineation

Delineation by: / Calculations by: (include consultant name if appl.): HDR / Trevor Wegner

☒ Wetlands within the project area will NOT be impacted:

☒ Statewide Wetland Finding (SWF) applies.

0.1 Acres to <0.5 Acres

- Wetlands will be mitigated with:

Wetland Bank

- AND When applicable the SDDOT reasonably anticipates a Nation Wide Permit will be issued by the USACE for jurisdictional impacts based on informal consultation or past experience with similar projects.

Discussion

Selected alternative resulted in 0.33 acre of wetland impact within the 1-29/41st Street Interchange.

☒ Project area includes one or more acres of wetland impacts:

Wetlands will be mitigated with:

Est. acres permanent wetland impacts:

FHWA Wetland Finding Approval Date:

Wetland identification method:

Clean Water Act, Dredge and Fill (Section 404, Section 10)

☒ A Section 404 Permit or Section 10 permit is not required from the USACE.

☒ SDDOT reasonably anticipates a Nationwide Permit will be received from USACE based on past permitting actions.

☒ An Individual Permit and/or U.S. Coast Guard Permit will be applied for and imposed conditions will be complied with.

FEMA Floodplain/Floodway

☒ No designated floodplains exist within the project limits. (EPC may make this review)

☒ Project will not cause any rise in a floodplain that potentially impacts an adjacent structure, any rise in a floodway, or greater than 1-foot rise in the Base Flood Elevation. (Qualified hydraulic staff required to make this determination)

Review by (full name): Kendall Vande Kamp Date: 03/07/2017

☒ Project will cause greater than 1-foot rise in Base Flood Elevation, a rise in a floodplain that potentially impacts an adjacent structure, or a rise in a floodway. A CLOMAR will be provided to FHWA prior to advertising the project.

Right-of-Way (temporary or permanent)

☒ No right-of-way is required.

☒ Minor amounts of right-of-way acquisition is limited to:

☒ Right-of-way acquisition requires:

Estimated acres Permanent

2.8

☒ Disposal of excess Right-of-Way resulting in change in property use.

Estimated acres Temporary

5

☒ Acquisition of land for hardship.

☒ Substantial affects to how a property functions.

☒ Removal of major property improvements (e.g. buildings and structures).

☒ Any residential or non-residential displacement(s).

☒ More than minor amounts of right-of-way.

Describe type of property required for ROW and/or potential impacts.

A strip mall (Flowerama) will be acquired at the southeast quadrant of the 41st Street/Marion Road intersection; the owner is acceptable to relocation.

A former Pizza Hut delivery site at the northeast corner of I-29/41st Street will be acquired; the building is vacant and the owner wants to sell.

Other acquisitions are strip acquisitions along 41st Street to allow for roadway widening.

Some excess ROW acquisition (approximately 0.6 acre) at the Floweramasite can potentially be re-sold to adjacent properties.

DENR Coordination

(Note: EPA Permits required if on Tribal Lands)

Coordination Completion Date: 06/29/2016 **Att. B4** (Commitments included in the Env. Commitments Checklist)

☒ Project requires a NPDES storm water permit

(ground disturbance is greater than 1 acre or work activities are in a waterway) with SWPPP commitment)

GFP Coordination

☒ Coordination Completion Date: 07/22/2016 **Att. B2** (Commitments included in the Env. Commitments Checklist)

Tribal Consultation

☒ Tribal consultation was initiated with the Tribes checked below:

Att. B5

Initiation Date: 06/20/2016

<input checked="" type="checkbox"/> Lower Brule Sioux Tribe*	<input checked="" type="checkbox"/> Oglala Sioux Tribe*	<input checked="" type="checkbox"/> Chippewa Cree Tribe (Rocky Boy)
<input checked="" type="checkbox"/> Sisseton – Wahpeton Oyate*	<input checked="" type="checkbox"/> Crow Creek Sioux Tribe*	<input checked="" type="checkbox"/> Three Affiliated Tribes of ND
<input checked="" type="checkbox"/> Standing Rock Sioux Tribe*	<input checked="" type="checkbox"/> Flandreau Santee Sioux Tribe*	<input checked="" type="checkbox"/> Northern Arapaho Tribe
<input checked="" type="checkbox"/> Yankton Sioux Tribe*	<input checked="" type="checkbox"/> Rosebud Sioux Tribe*	<input checked="" type="checkbox"/> Ponca Tribe of Nebraska
<input checked="" type="checkbox"/> Cheyenne River Sioux Tribe*	<input checked="" type="checkbox"/> Iowa Tribe of Oklahoma	<input checked="" type="checkbox"/> Bureau of Indian Affairs (w/in tribal boundaries)

0 Tribal comments were received and letter(s) is attached.

* indicates South Dakota Tribes

☒ Received Tribe request(s) for FHWA consultation - request(s) attached.

Public Coordination

☒ List Public Involvement, date, and meeting purpose(s), e.x. STIP, scoping, design, environment, 4(f)

Public Meetings:

April 12, 2011-Issues Identification
September 21, 2011-Alternatives Presentation
March 14, 2012-Alternatives Evaluation and Recommendations
June 23, 2016-Alternatives Review
May 10, 2017-Alternatives Evaluation and Recommendations

Buisness/Landowner meetings-Purpose coincided with public meetings:

April 18 and 20, 2011
September 27 and 28, 2011
August 30, 2016
September 28, 2016
November 17, 2016
April 24 and 25, 2017
May 9, 10, 18, and 30, 2017

B. Additional Considerations

N Y

Include FHWA on project correspondence and meeting invites when any of the following are known.

- ☒ **Federal Actions** - Project will require Federal Action or use/ lease of land from a Federal land management agency
- ☒ **Utilities** - Federal funds will be used for or the project contractor will be responsible for utility relocations
- ☒ **Farmland** - Prime or unique farmland will be affected (60+ points in Part VI of NRCS-CPA-106 Form Att. B6
- ☒ **Trails, bikepaths** - Construction of new facilities will be on ROW not previously designated for transportation use
- ☒ **Wild and Scenic/National Recreational Rivers** - Project will cross or be adjacent to the Wild and Scenic portion of the Missouri River. Agency with Jurisdiction considers action an impact.
- ☒ **Navigable Waters** - Project will require work in waters identified by the USCG for interstate commerce (Section 9 of the Rivers & Harbors Act)
- ☒ **Migratory Bird Treaty Act** - Project will not comply with the MBTA
- ☒ **Hazardous Materials** - The action will result in disturbance of hazardous material site such as a Superfund site, Lead Based Paint, and Asbestos.
- ☒ **Traffic Noise** - The project is a "Type I project" per 23 CFR 772.5
- ☒ **Increased Capacity** - The action will result in addition of through-lane capacity
- ☒ **Environmental Justice** - There is potential for disproportionately high & adverse impacts to minority or low income populations exist
- ☒ **Air Quality** - The action will increase capacity in exceedance of 100,000 vehicles per day in the 20th year following construction; will result in a high potential for Mobile Source Air Toxics (MSAT Level III) effects or; is considered Regionally Significant within a designated non-attainment area.
- ☒ **Traffic:** The action will result in permanent traffic pattern changes or disruptions
 - ☒ The action will result in closure of business access during operational hours
 - ☒ The action will result in temporary or permanent interference with local special events or festivals
 - ☒ The action will result in access restrictions to emergency service facilities or providers
- ☒ **Detours:** Temporary roads, detours, or ramp closures will substantially change the environmental consequences identified for project construction activities.
 - ☒ Results in adverse travel (out-of direction). 5+ miles in urban / 25+ miles in rural
 - ☒ Results in temporary or permanent adverse effects to through-traffic dependent business'
- ☒ **Access:** The action will results in permanent or temporary control of access breaks on Interstate
 - ☒ Access modifications will result in changes to the functionality of adjacent properties
 - ☒ Access modifications will results in closures to businesses or residences.
- ☒ **Unresolved controversy:** There is unresolved controversy (environment, design, ROW, access, etc...).
- ☒ **Cumulative Impacts:** Cumulative impacts are anticipated.

Discuss each of the items noted above, impacts & coordination conducted with officials/agencies including FHWA. Include resulting mitigation for each of the items identified above. Attach map of traffic detour if one is required for the project.

Traffic noise-A "Type I" traffic noise impact analysis was completed which determined that 32 noise-sensitive sites would be impacted by the proposed improvements. Noise abatement measures were evaluated and found to be not feasible and not reasonable per SDDOT policy.

Increased capacity-One through traffic lane in each direction (eastbound and westbound) will be added to 41st Street from I-29 to Marion Road (approximately 1/2 mile). the additional lane is necessary to accommodate traffic levels and meet applicable level of service criteria. The additional lane is in the cities long range transportation plan.

Traffic pattern changes- Closure of Carolyn Avenue at 41st Street will result in permanent traffic pattern changes as drivers divert to Shirley Avenue and then to either 38th Street or 34th Street to access properties along Carolyn Avenue. The Future Traffic Conditions report determined that improved Shirley Avenue and existing 38th Street and 34th Street can accommodate the traffic. An existing stop sign at the Shirley Avenue/38th Street intersection will be upgraded to a signal to meet level of service criteria at a later time.

C. Comments (This area is to supplement information provided above when needed)

Identify the specific resource being comment on along with each comment:

* Section 9 Permit is not required from the US Coast Guard.

Attachments:

A - Project Location

B1 - USFWS Concurrence (09/27/2017)

B2 - SDGFP Concurrence (07/22/2016)

B3 - SHPO Concurrence (08/17/2017)

B4 - DENR Concurrence (06/29/2016)

B5 - Tribal Coordination (06/20/2016)

B6 - NRCS Farmland Coordination (07/12/2016)

C - Environmental Commitments

Reference Files:

Noise Report (04/12/2017)

Purpose and Need Memo

Tech Memo 3 - Future Traffic Conditions (04/12/2017)

Tech Memo 5 - Carolyn Avenue Alternatives Evaluation (04/12/2017)

Tech Memo 6 - Interchange Alternatives Evaluation (04/12/2017)

Tech Memo 7 - 41st Street West of I-29 Alternatives Evaluation (04/12/2017)

Tech Memo 8 - 41st Street East of I-29 Alternatives Evaluation

Tech Memo 9 - Public Involvement Summary (06/21/2017)

Tech Memo 10 - Construction Sequencing (11/06/2017)

Wetland Delineation Report (02/01/2017)

D. STIP Verification (Project must be in the approved 4 year STIP prior to approval of the CE)

STIP or Revision Number: 2018-2021 STIP

E. Environmental Project Certification and Approval

Project record includes all support documents which substantiate each of the statements identified above.

Indirect effects from this project are not anticipated. This project will not induce growth, change land uses, substantially change travel patterns within a community, or substantially impact water quality, drainage patterns or other resources of concern. Since no substantial human, environmental or economic impacts have been identified for this project; no cumulative impacts are expected.

The SDDOT has determined the information in this form is accurate and the project is in compliance with the Programmatic Agreement between FHWA and SDDOT Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects dated February 5, 2016, and satisfies the criteria of 23 CFR 771.117(a) no significant impact and (b) no unusual circumstances. The mitigation in the Environmental Commitments checklist attached to this CE will be implemented for the project.

FHWA's review finds the proposed project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual circumstances as defined in 23 CFR 771.117(b), such that it is excluded from the requirements to prepare an environmental assessment or environmental impact statement.

If the scope of work changes, existing conditions change, or applicable regulations change, SDDOT shall reevaluate this determination in accordance with the SDDOT reevaluation procedures.

Certify and recommend for approval:



Tom Lehmkuhl

2.23.2018

Date

Approval:



MARION M BARBER

2018.02.23 14:16:25 -06'00'

FHWA Environmental Engineer

Date

ENVIRONMENTAL COMMITMENTS CHECKLIST

PROJECT # **IM 0293(106)77** COUNTY **Minnehaha** PCN **03RA, 05NF**
 ENVIRONMENTAL CLASS CODE **CE3(d)** PROJECT DESIGN MANAGER **Consultant (HDR)**

The following conditions, concerns, and issues described in this Environmental Commitment Checklist are based on the knowledge provided to secure the approved environmental classification date as exhibited on the Categorical Exclusion Checklist. If there are changes to the project scope, work limits, or plans after approval of the Environmental Class Code, the Environmental Office must be contacted to evaluate potential for impacts. The following Commitments are to be included with the project action:

Commitment A – Wetlands			Yes	X	No		n/a	
Total Impacted Wetland Acreage:	0.33 ac	Permanent	Total Functional Capacity Units Needed:					see note
	0.40 ac	Temporary						
Comments: Due to the urban setting of the project, an approved wetland bank will be utilized to mitigate permanent impacts. Temporary impacts will not be mitigated because original contours and elevations will be re-established. Permanent and Temporary wetland impacts will be refined during the final design phase of the project. Required mitigation bank credits will be determined by an HGM analysis during final design.								

Commitment B – Federally Threatened, Endangered, & Protected Species								
Commitment B1: Topeka Shiner	Yes		No	X	n/a			
Commitment B2: Whooping Crane	Yes		No		n/a	X		
Commitment B3: American Burying Beetle	Yes		No		n/a	X		
Commitment B4: Bald Eagle	Yes		No		n/a	X		
Commitment B5: Northern Long-eared Bat	Yes		No		n/a	X		
Comments: See USFWS concurrence letter dated 9/21/17.								

Commitment C – Water Source	Yes	X	No		n/a		
Comments: The project occurs within the Big Sioux River watershed.							

Commitment D – Water Quality Standards								
Commitment D1: Surface Water Quality	Yes		No	X	n/a			
Commitment D2: Surface Water Discharge	Yes	X	No		n/a			
Comments: There is no work within the Big Sioux River or any other defined streams. However, surface water does eventually discharge to the Big Sioux River via an enclosed storm drainage system.								

Commitment E – Storm Water	Yes	X	No		n/a		
Comments: Construction activities constitute 1 acre or more of earth disturbance. Ultimate receiving water body is the Big Sioux River.							

Commitment F – Seasonal Work Restriction	Yes		No	X	n/a		
Comments:							

Commitment H – Waste Disposal Site	Yes	X	No		n/a		
Comments: Construction and/or demolition debris may not be disposed of within the Public ROW.							

Commitment I – Historical Preservation Office Clearances	Yes	X	No		n/a		
Comments: The Contractor shall arrange and pay for a cultural resource survey and/or records search for all earth disturbing activities not designated within the plans.							

Commitment J – Construction Practices for Temporary Works in Waterways of the U.S.	Yes		No	X	n/a		
Comments:							

ENVIRONMENTAL COMMITMENTS CHECKLIST

Commitment K – Rapid City Area Air Quality Control Zone	Yes		No	X	n/a		
Comments:							

Commitment L – Contaminated Material	Yes	X	No		n/a		
Comments: Although all sites with previous potential or known contamination (gas stations, underground storage tanks, etc.) have been cleaned up (according to the Phase 1 ESA report), the Contaminated Materials commitment and list of previous gas station sites within the project limits is provided.							

Commitment M – Section 4(f)/6(f) Resources	Yes		No	X	n/a		
If yes (check appropriate): <input type="checkbox"/> Section 4(f) public park <input type="checkbox"/> Section 4(f) wildlife refuge <input type="checkbox"/> Section 4(f) historic site <input type="checkbox"/> Section 4(f) recreational lands <input type="checkbox"/> Section 4(f) waterfowl refuge <input type="checkbox"/> Section 6(f) property							
4(f) Type of Use:	<input type="checkbox"/> Permanent Incorporation/Permanent Easement <input type="checkbox"/> Temporary Occupancy <input type="checkbox"/> Constructive <input type="checkbox"/> De Minimis Impact <input type="checkbox"/> Other Consideration						
6(f) Type of Use:	<input type="checkbox"/> Temporary Non-conforming Use <input type="checkbox"/> 6(f) Use – Conversion approval						
Comments:							

Commitment N – Section 404 Permit	Yes	X	No		n/a		
Comments: The Contractor shall comply with all requirements contained in the Section 404 permit.							

Commitment O – Tribal Monitoring and Traditional Cultural Properties	Yes		No	X	n/a		
Comments:							

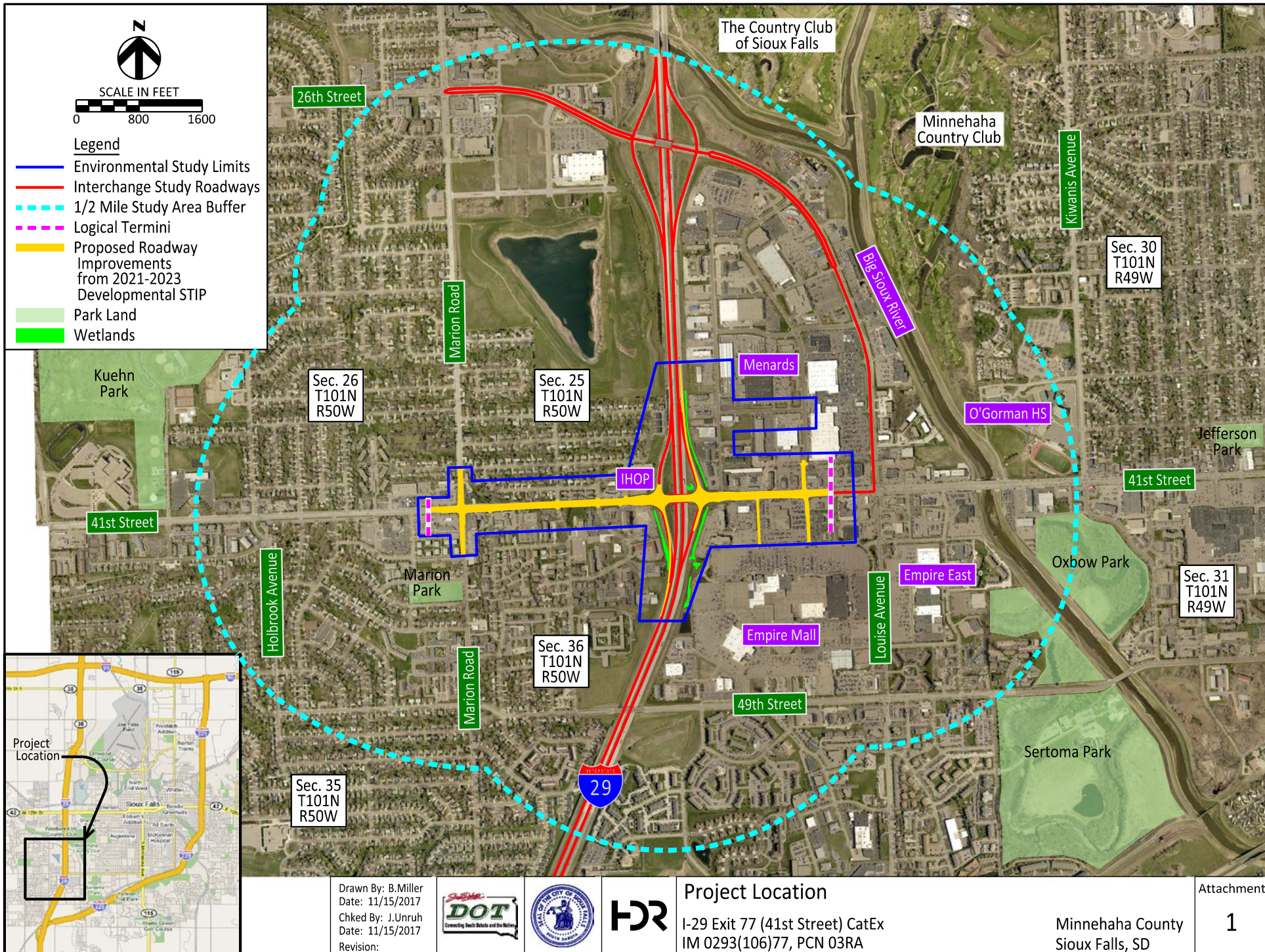
Commitment P – Coordination with State Archaeological Research Center	Yes		No	X	n/a		
Comments:							

Commitment Q – Tree Replacement	Yes		No	X	n/a		
Comments:							

Commitment R – Fire Prevention in the Black Hills Area	Yes		No	X	n/a		
Comments:							

Commitment S – Migratory Birds Work Restriction	Yes		No	X	n/a		
Comments:							

Commitment T – {other}	Yes		No	X	n/a		
Comments:							



I-29 Exit 77 (41st Street) Cat Ex Checklist
Attachment A



Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336



September 19, 2017

Scott Larson, Field Supervisor
U.S. Fish & Wildlife Service
420 Garfield - Suite 400
Pierre, SD 57501-5408

This constitutes a report of the Department of the Interior
prepared in accordance with the Fish and Wildlife
Coordination Act (16 U.S.C. 661 et seq.). We have
reviewed and have NO OBJECTION to this proposed project.

9/27/17
Date

Scott Larson
Field Supervisor

RE: IM 0293(106)77, PCN 03RA, Minnehaha County
I29 - Exit 77 (41st Street Interchange) in Sioux Falls
Interchange Modification

Dear Mr. Larson:

Attached is information on the above project for your review and comment.

According to the U.S. Fish & Wildlife Service (FWS) IPaC Information for Planning and Conservation system, the following species are known to occur in Minnehaha County:
(Consultation code: 06E14000-2017-I-0373)

Species	Certainty of Occurrence	Status	SDDOT Determination
Rufa Red Knot	Unknown	T	No Effect
Topeka Shiner	Known	E	No Effect
Western Prairie Fringed Orchid	Known	T	No Effect

I am requesting FWS concurrence with the above determinations. Please provide your acknowledgment of this request at your earliest convenience. If no response is received, the project will proceed to the next step in the process based on the above determination(s).

Please submit with your response any additional comments regarding wetland easements, refuges, etc. so that the project's environmental documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
Environmental Engineer
605-773-3180

Attachments



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Dakota Ecological Services Field Office
420 South Garfield Avenue, Suite 400
Pierre, SD 57501-5408
Phone: (605) 224-8693 Fax: (605) 224-9974
<http://www.fws.gov/southdakotafieldoffice/>

In Reply Refer To:

August 08, 2017

Consultation code: 06E14000-2017-I-0373

Event Code: 06E14000-2017-E-01411

Project Name: Project IM0293(106)77, PCN 03RA: 41st Street and I-29 Interchange

Subject: Concurrence verification letter for the 'Project IM0293(106)77, PCN 03RA: 41st Street and I-29 Interchange' project under the December 15, 2016 FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the **Project IM0293(106)77, PCN 03RA: 41st Street and I-29 Interchange** (Proposed Action) may rely on the concurrence provided in the December 15, 2016, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Based on the information you provided (Project Description repeated below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or northern long-eared bat in a manner or to an extent not considered in the PBO, further

review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, or any designated critical habitat, additional consultation is required. In either of these circumstances, please contact this Office.

The following species may occur in your project area and **are not** covered by this determination:

- Red Knot, *Calidris canutus rufa* (Threatened)
- Topeka Shiner, *Notropis topeka* (=tristis) (Endangered)
- Western Prairie Fringed Orchid, *Platanthera praeclara* (Threatened)

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

Project IM0293(106)77, PCN 03RA: 41st Street and I-29 Interchange

Description

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29 Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (the Project). The primary purpose of this project is to correct roadway deficiencies and enhance traffic operations and safety for the I-29 Exit 77 interchange and 41st Street corridor immediately east and west of I-29. Project activities that are proposed to occur include the following:

- 41st Street will be widened from 2 lanes in each direction to 3 lanes in each direction west of I-29. Widening will be on the south side of existing 41st Street.
- 41st Street will keep 3 through lanes in each direction east of I-29. The addition of a raised median and left turn lanes will result in some widening, mostly on the south side of existing 41st Street.
- The existing diamond interchange will be reconfigured to a Diverging Diamond Interchange (DDI) to improve traffic flow and safety.
- The existing interchange ramps will remain in place.
- The existing bridge will remain but be widened by up to 20' on the north side of the existing bridge.
- Tree removal will occur for the project but will only include removal of individual trees along the boulevard of 41st Street.

Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect, the endangered Indiana bat and/or the threatened Northern long-eared bat; therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the December 15, 2016 FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

No

2. Is the project within the range of the Northern long-eared bat^[1] (NLEB)?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, property inspections, planning and technical studies, property sales, property easements, and equipment purchases)

No

5. Are *all* project activities completely within the existing road/rail surface^[1] (e.g., road line painting)?

[1] Road surface is defined as the driving surface and shoulders (may be pavement, gravel, etc.) and rail surface is defined as the edge of the rail ballast.

No

6. Are *all* project activities limited to the maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

7. Are *all* project activities limited to wetland or stream protection activities associated with compensatory wetland mitigation?

No

8. Will the project raise the road profile **above the tree canopy** within 1,000 feet of known summer habitat (based on documented roosts and/or captures)?

No

9. Does the project include percussives or other activities (not including the removal of trees) that will increase noise levels above existing traffic/background levels?

Yes

10. Is there any suitable summer habitat^[1] for Indiana Bat or NLEB within the project area? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

11. Will the project clear any suitable summer habitat^[1]?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

12. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

13. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]}?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernaculum) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

[4] negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No, P/A surveys have not been conducted and therefore it is assumed that bats are present for this analysis

14. Does the project include activities within **documented NLEB** habitat^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

15. Will the project remove any suitable **NLEB** roosting/foraging habitat or travel corridors that have **not** been documented as being used by NLEB?

Yes

16. When will the suitable (but **not** documented) **NLEB** roosting/foraging habitat or travel corridors be removed?

B) During the inactive season

17. Does the project include any ground disturbing activities?

Yes

18. Is the project located within a karst area?

No

19. Will the project include any type of activity that could impact a **known** hibernaculum^[1], or impact a karst feature (e.g., sinkhole, losing stream, or spring) that could result in effects to a **known** hibernaculum?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

20. Does the project include any activities **within** 0.5 miles of an Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

21. Does the project include any activities **greater than** 300 feet from existing road/rail surfaces?

No

22. Does the project include slash pile burning?

No

23. Does the project include any bridge removal and/or replacement activities?

No

24. Does the project include any bridge maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

25. Has a Bridge Assessment^[1] for use by bats been conducted within the last 12 months^[2]?

[1] See User Guide Appendix D for [bridge/abandoned structure assessment guidance](#)

[2] Assessments must be completed a maximum of 1 year prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- *2016 03 22 41st Street bridge inspection report.pdf*
<https://ecos.fws.gov/ipac/project/KJPZHTCZMFFNFJHSVQUD4R6TI/projectDocuments/8806460>
- *AppDBridgeStructureAssessmentFormJune2016_JDR.pdf*
<https://ecos.fws.gov/ipac/project/KJPZHTCZMFFNFJHSVQUD4R6TI/projectDocuments/8807151>

26. Did the bridge assessment detect bats or sign of bat roosting in/under the bridge?

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

27. Will the bridge related activities make the bridge no longer suitable for roosting?

No

28. Does the project include the removal and/or replacement of any structures other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

Yes

29. Does the project include maintenance activities of any structures other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

30. Has a Structure Assessment^[1] for use by bats been conducted within the last 12 months^[2]?

[1] Structure Assessment for occupied buildings means a cursory inspection for bat use. For abandoned buildings a more thorough evaluation is required (See User Guide Appendix D for [bridge/abandoned structure assessment guidance](#))

[2] Assessments must be completed a maximum of 1 year prior to conducting work on any structure, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- *AppDBridgeStructureAssessmentFormJune2016_JDR.pdf*
[https://ecos.fws.gov/ipac/project/KJPZHTCZMFFNFJHSVQUD4R6TI/
projectDocuments/8807151](https://ecos.fws.gov/ipac/project/KJPZHTCZMFFNFJHSVQUD4R6TI/projectDocuments/8807151)

31. Did the structure assessment detect bats or sign of bat roosting in/under the structure?

No

32. Will the structure related activities reduce (or eliminate) the roosting potential of the structure?

No

33. Does the project include tree removal?

Yes

34. Will the tree removal alter any documented Indiana bat or NLEB roosts and/or alter any surrounding summer habitat *within* 0.25 mile of a documented roost?

No

35. Will *any* tree removal occur within 100 feet of existing road/rail surfaces^[1]?

[1] Road surface is defined as the driving surface and shoulders (may be pavement, gravel, etc.) and rail surface is defined as the edge of the rail ballast.

Yes

36. Will *all* tree removal occur within 100 feet of existing road/rail surfaces?

Yes

37. Are *all* trees that are being removed clearly demarcated?

Yes

38. Will the project involve the use of **temporary** lighting during the construction/maintenance activities?

No

39. Will the project install new (or replace existing) **permanent** lighting?

Yes

40. **Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

Yes

41. **Lighting AMM 2**

Will the **permanent** lighting be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

42. Will the use of temporary or permanent lighting increase illumination *within suitable habitat* above ambient conditions?

No

43. **General AMM 1**

Will the project ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

44. **Tree Removal AMM 1**

Can all phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is an avoidance measure, the full implementation of which may not always be practicable. In such cases, projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented

Yes

45. **Tree Removal AMM 2**

Can all tree removal activities be restricted to when bats are not likely to be present^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

Yes

46. **Tree Removal AMM 3**

Can tree removal be limited to that area specified in project plans, and assured through: (1) installation of bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits, and (2) confirmation that contractors understand clearing limits and how they are marked in the field?

Yes

47. Tree Removal AMM 4

Can the project avoid cutting down/removal of all 1) documented Indiana bat or NLEB roosts^[1] (that are still suitable for roosting), and 2) trees within 0.25 miles of roosts?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Automatically answered

Yes - you indicated that tree removal for this project would not alter documented Indiana bat or NLEB roosts and/or summer habitat within 0.25 mile of a documented roost

48. Bridge AMM 5

Will you ensure that suitable roosting sites remain after any bridge work?

Automatically answered

Yes - you indicated that suitable roosting sites will remain after bridge related activities

49. Structure AMM 4

Will you avoid removing the structure if roosting bats or signs of roosting bats are observed?

Note: If there are concerns about human health/safety/property coordinate with a nuisance wildlife control officer and the local USFWS Field Office.

Yes

Project Questionnaire

1. Please describe the proposed bridge work:

The proposed bridge will remain in place, but will be expanded to the north. New piers will be required that may produce noise. The bridge is not within 1000 feet of suitable habitat (trees, waterbodies)

2. Please state the timing of all proposed bridge work:

Due to the nature of the project, bridge work will need to occur inside and outside of the NLEB roosting period.

3. Please describe the proposed structure work:

Two businesses would fall within or near the construction limits and would need to be removed. These include Flowerama and Pizza Hut. Both buildings are in good repair and frequented often during the day and evenings. Both these buildings are further than 1000 feet from suitable habitat.

4. Please state the timing of all proposed structure work:

Due to the nature of the project, structure removal will need to occur inside and outside of the NLEB roosting period.

5. Have you made a No Effect determination for all other species indicated on the FWS IPaC generated species list?

Yes

6. Have you made a May Affect determination for any other species on the FWS IPaC generated species list?

No

7. How many acres of trees are proposed for removal?

0.01

8. **Please verify:**

All tree removal will occur greater than 0.5 mile from any hibernaculum.

Yes, I verify that all tree removal will occur greater than 0.5 miles from any hibernaculum.

9. The project location is 0-100 feet from the edge of existing road/rail surface.

Yes

10. The project location is 100-300 feet from the edge of existing road/rail surface.

No

Avoidance And Minimization Measures (AMMs)

These measures **were accepted** as part of this determination key result:

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to the extent practicable to avoid tree removal in excess of what is required to implement the project safely.

Note: Tree Removal AMM 1 is an avoidance measure, the full implementation of which may not always be practicable. In such cases, projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented.

TREE REMOVAL AMM 2

Apply time of year (TOY) restrictions for tree removal^[1] when bats are not likely to be present.

[1] Coordinate with the local Service Field Office for appropriate dates.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans. Install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits. Ensure that contractors understand clearing limits and how they are marked in the field.

TREE REMOVAL AMM 4

Do not cut down documented Indiana bat or NLEB roosts (that are still suitable for roosting) or trees within 0.25 miles of roosts, or documented foraging habitat at any time of year.

BRIDGE AMM 5

Ensure suitable roosting sites remain after any bridge work. Suitable roosting sites may be incorporated into the design of a new bridge.

STRUCTURE AMM 4

If roosting bats or signs of roosting bats are observed, Transportation Agencies/State DOTs will avoid removing the structure.

Note: If there are concerns about human health/safety/property coordinate with a nuisance wildlife control officer and the local USFWS Field Office.

Additional Avoidance And Minimization Measures (AMMs)

These measures **are not required** for this project as described:

TREE REMOVAL AMM 5

Avoid conducting tree removal within documented Indiana bat roosting/foraging habitat^[1] or travel corridors^[2] from May 1-July 31.

[1] Documented roosting or foraging habitat – for the purposes of this BA, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.

[2] Documented travel corridor - for the purposes of this BA, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) tree corridors located directly between documented roosting and foraging habitat.

TREE REMOVAL AMM 6

Minimize tree removal within suitable Indiana bat habitat (no documented habitat) from May 1-July 31 in the following manner:

- 1) Limit clearing such that all trees can be visually assessed.
- 2a) Conduct visual emergence surveys if trees are greater than or equal to 9 inches diameter at breast height (dbh).
 - If no bats are observed, proceed with clearing the following day.
 - If bats observed, modify project to conduct tree removal after August 1.

OR

- 2b) If trees are <9 inches dbh, no emergence survey required.

TREE REMOVAL AMM 7

Avoid removing documented NLEB maternity roosts and trees within 150 feet of those roosts from June 1-July 31.

BRIDGE AMM 1

To completely avoid direct effects to roosting bats, perform any bridge repair, retrofit, maintenance, and/or rehabilitation work during the winter hibernation period^[1].

[1] Coordinate with the local Service Field Office for appropriate dates.

BRIDGE AMM 2

If construction activity is planned during the active season, perform a bridge assessment^[1] for presence of bats.

[1] See User Guide Appendix D for [bridge assessment guidance](#)

BRIDGE AMM 3

If bridge assessment for bats suggests presence of bats, ensure activity will not disturb bats.

BRIDGE AMM 4

If bridge assessment for bats suggests presence of a small number of bats (5)6, conduct bridge repair, retrofit, maintenance, and/or rehabilitation work (including activity with percussives) outside of pup season (June 1- July 31) AND keep the light localized in the evening while the bats are feeding, starting one hour after sunset and ending one hour before daylight, excluding the hours between 10 p.m. and midnight^[1].

[1] Keeley and Tuttle (1999) indicated peak night roost usage is between 10:00 p.m. to midnight.

STRUCTURE AMM 1

If the goal of the project is to exclude bats from the structure, coordinate with your local Service Field Office and follow the Acceptable Management Practices for Bat Control Activities in Structures guidance document ([White-nose Syndrome Conservation and Recovery Working Group 2015](#)).

STRUCTURE AMM 2

Perform *all* maintenance and/or repair work during the winter hibernation period^[1] unless a hibernating colony of bats is present.

[1] Coordinate with the local Service Field Office for appropriate dates.

STRUCTURE AMM 3

If maintenance and/or repair work will be performed outside of the winter hibernation period, determine if work will occur in an area with roosting bats. If there is observed bat activity (or signs of frequent bat activity), Transportation Agencies/State Departments of Transportation (DOTs) will conduct maintenance activity or similar structure alteration when bats are not present (i.e., foraging) or in a manner that will not disturb them.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

LIGHTING AMM 2

Use downward-facing, full cut-off^[1] lens lights, and direct lighting away from suitable habitat when installing new or replacing existing permanent lights; or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society^{[2][3]}, the goal is to be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

[1] Refer to [Luminaire classification for controlling stray light](#)

[2] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[3] Refer to [The BUG System—A New Way To Control Stray Light](#)

HIBERNACULA AMM 1

For projects located within karst areas, on-site personnel will use best management practices^[1], secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula. Where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.

[1] Coordinate with the appropriate Service Field Office on recommended best management practices for karst in your state.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on April 03, 2017. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [revised programmatic biological opinion for transportation projects dated December 15, 2016](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

U.S. Fish & Wildlife Service Contact List

Determination key office contact information

Assistant Director-Ecological Services

5275 Leesburg Pike, Ms: Es
Falls Church, VA 22041-3803
(703) 358-2171

Offices with jurisdiction over project area

South Dakota Ecological Services Field Office

420 South Garfield Avenue, Suite 400
Pierre, SD 57501-5408
(605) 224-8693



DEPARTMENT OF GAME, FISH, AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

June 20, 2016

Ms. Jessica Brisbois
HDR Engineering, Inc.
6300 S. Old Village Place, Suite 100
Sioux Falls, SD 57108-2102

**RE: Project IM 0293(106)77 PCN03RA MINNEHAHA COUNTY
I29 Exit 77 (41st Street) Interchange**

Dear Ms. Brisbois:

This letter is in response to your request dated June 14, 2016, for environmental comments regarding transportation improvements to the I29 Exit 77 interchange in Sioux Falls, South Dakota.

Based upon the information submitted with the coordination letter, we do not anticipate that the project will have any impacts to fish and wildlife resources.

If you have any questions, please contact me at 605.773.6208.

Sincerely,

Leslie Murphy
Senior Biologist

Unruh, James

From: Kittle, Randy <Randy.Kittle@state.sd.us>
Sent: Friday, July 22, 2016 1:45 PM
To: Brisbois, Jessica
Subject: Project IM 0293(106)77, PCN 03RA, Minnehaha County

Jessica,

Thank you for the opportunity to comment on the above listed project in Sioux Falls, SD. There are no Section 6(f) properties that I am finding in the listed project area.

Feel free to contact me if you have additional questions regarding this project.

Randy Kittle
Grants Coordinator
SD Division of Parks & Recreation
Pierre SD
605.773.5490

AUG 10 2017



Department of Transportation Environmental Office

700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

Received
SDDOT Environmental

AUG 18 2017

August 8, 2017

Jenna Dietmeier, Review & Compliance Archaeologist
State Historic Preservation Office
Cultural Heritage Center
900 Governors Drive
Pierre, SD 57501-2217

RE: 41st Street

Dear Mrs. Dietmeier:

SECTION 106 DETERMINATION
Based upon the information provided to the South Dakota
State Historic Preservation Office on 08/10/2017,
we concur with your agency's determination of "No Historic
Properties Affected" for this undertaking.

Gary D. Vogt
State Historic Preservation Officer (SHPO)
By: Jenna Coulson Dietmeier
08/17/2017 170810001F
Date SHPO Project #

Project Information

Project No: IM 0293(106)77 **PCN:** 03RA **County:** Minnehaha

Project Location: I-29 - Exit 77, 41st Street Improvements, Marion Road to Louise Ave in Sioux Falls, SD

Description: Right of Way Improvements, Highway intersection improvements, and Interchange Modification

Identification of Historic Properties

During the Level I file review, 28 previously recorded historic resources were identified within one mile of the Project (26 buildings and 2 bridges), although none are listed within the project area of potential effect (APE). The archaeological sites were all identified over 0.25 miles from the outer limits of the APE. It was clear that any archaeological resources within the project corridor would have been heavily impacted if not completely destroyed by previous road construction.

The Level III historic survey was conducted to survey those buildings that are directly adjacent to the areas of construction and from property records that were 45 years or older or exhibited high levels of significance that could cause them to be considered significant under Criteria G of the National Register of Historic Properties. The surveyed properties are identified in Table 1.

Mrs. Jenna Dietmeier
August 8, 2017

Table 1
Cultural Resources Sites in the Study Area

SHPO ID	Site	Brief Description of Site	Date Built	Eligibility Status to the NRHP
Historic Structures				
MH00002394	57332	2801 S. Carolyn Ave; Commerce	1970	Recommended as Not Eligible
MH00002395	57333	4300 W 41 st St; Restaurant/commerce	1972	Recommended as Not Eligible
MH00002396	57334	4101 W 41 st St/ Commerce	1972	Recommended as Not Eligible

Determination of Effect

Three resources were surveyed for the current Project. All three commercial buildings were constructed in the early 1970's and they do not relate to events that are significant in local, state, or national history (Criteria A). They are not part of a planned commercial center and have not been associated with individuals that were historically significant (Criteria B). In addition, the buildings do not exhibit original design elements that would contribute to specific architectural types that would lend to an eligibility determination under Criteria C. Finally these buildings are unlikely to yield new information to understanding local or regional history (Criteria D). All three structures have been recommended as not eligible

Based on the effects to the eligible sites by the Project, a determination of **no historic properties affected** is recommended for this Project. This recommendation is due to the Project's containing no historic properties (36 CFR 800.4). SDDOT requests SHPO's concurrence of this effect determination.

Please call me at 605-773-3180 if further information is needed.

Sincerely,



Tom Lehmkuhl
605-773-7321

Attachments

cc: HDR Architectural Resources Report, dated June 2017

Pursuant to 36 CFR part 800.16, if historic properties are discovered or unanticipated effects on historic properties found after the agency official has completed the Section 106 process, the agency official shall avoid, minimize or mitigate the adverse effects to such properties and notify the SHPO/THPO, and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery.

SECTION 106 CONSULTATION

Concurrence of the State Historic Preservation Office does not relieve the federal agency official from consulting with other appropriate parties, as described in 36 CFR Part 800.2(c).



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 29, 2016

Jessica Brisbois
HDR
6300 S. Old Village Place
Suite 100
Sioux Falls, SD 55108-2102

RE: IM 0293(106) PCN 03RA
Minnehaha County

Dear Ms. Brisbois:

The South Dakota Department of Environment and Natural Resources (DENR) reviewed the I-90 Exit 406 Interchange Modification Study, dated June 10, 2016. Based on the general information provided the DENR has the following comments:

SURFACE WATER QUALITY

1. At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site. Any construction activity that disturbs an area of one or more acres of land must have authorization under the General Permit for Storm Water Discharges Associated with Construction Activities. Contact the Department of Environment and Natural Resources for additional information or guidance at 1-800-SDSTORM (737-8676) or <http://denr.sd.gov/des/sw/stormwater.aspx>.
2. A Surface Water Discharge (SWD) permit may be required if any construction dewatering should occur as a result of this project. Please contact this office for more information.

HAZARDOUS WASTES

1. Should any hazardous waste be generated during the implementation of this project, the generator must abide by all applicable hazardous waste regulations found in ARSD 74:28 and 40 CFR Part 262.

2. If any contamination is encountered during construction activities, the contractor, owner, or party responsible for the release must report the contamination to the department at (605) 773-3296. Any contaminated soil encountered must be temporarily stockpiled and sampled to determine disposal requirements.
3. It is not expected that any hazardous wastes sites will be encountered during road construction in any rural area. However, if road construction is planned for areas within a city or town, the DOT or contractor should contact this Department prior to construction.

AIR QUALITY

1. It appears that Department of Transportation projects may have only a minor impact on the air quality in South Dakota. This impact would be through point source and fugitive emissions.
2. Equipment with point source emissions in many cases are required to have an air quality permit to operate. Permit applications can be obtained from the Air Quality or Minerals and Mining Programs.
3. Fugitive emissions, although not covered under State air quality regulations, are a common source of public concern and may be subject to local or county ordinances. Fugitive emissions add to the deterioration of the ambient air quality and should be controlled to protect the health of communities within the construction areas.
4. For further air quality information, please contact Brad Schultz, Air Quality Program, telephone number (605) 773-3151.

If you have any questions concerning these comments, please contact me at (605) 773-3351.

Sincerely,



John Miller
Environmental Scientist
Surface Water Quality Program



Department of Transportation
Division of Planning/Engineering
Office of Project Development
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 20, 2016

Garrie KILLSAHUNDRED, THPO
Flandreau Santee Sioux Tribe
P.O. Box 283
Flandreau, SD 57028

RE: Project IM 0293(106)77, PCN 03RA, Minnehaha County
I-29, Exit 77 (41st Street) Interchange Modification Study (IMJR) and Environmental Assessment (EA)

Dear Garrie KILLSAHUNDRED:

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29, Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (see Figure 1) (the Project). The preliminary purpose of the Project is to improve traffic operations, while maintaining access to adjacent properties. The Project will include an Interchange Modification Justification Report (IMJR) and Environmental Assessment (EA) that will determine a recommended preferred alternative for the Project.

Pursuant to Section 106 of the National Historic Preservation Act (36 CFR Part 800), the South Dakota Department of Transportation, on behalf of the Federal Highway Administration – SD Division, is soliciting comments on this project from tribes that have expressed an interest in highway projects in Minnehaha County. Please provide your comments by August 19, 2016, so that the project can move toward a timely letting and construction.

If you have any questions, please feel free to contact me at the phone number below, or you may contact Marion Barber, FHWA Environmental Protection Specialist, at (605) 224-8033.

Sincerely,

Tom Lehmkuhl
SDDOT Environmental Supervisor
605.773.3721

Attachment: Figure 1. Project Location



Department of Transportation
Division of Planning/Engineering
Office of Project Development
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 20, 2016

Clair Green, Section 106 Coordinator
Lower Brule Sioux Tribe
PO Box 187
Lower Brule, SD 57548

RE: Project IM 0293(106)77, PCN 03RA, Minnehaha County
I-29, Exit 77 (41st Street) Interchange Modification Study (IMJR) and Environmental Assessment (EA)

Dear Clair Green:

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29, Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (see Figure 1) (the Project). The preliminary purpose of the Project is to improve traffic operations, while maintaining access to adjacent properties. The Project will include an Interchange Modification Justification Report (IMJR) and Environmental Assessment (EA) that will determine a recommended preferred alternative for the Project.

Pursuant to Section 106 of the National Historic Preservation Act (36 CFR Part 800), the South Dakota Department of Transportation, on behalf of the Federal Highway Administration – SD Division, is soliciting comments on this project from tribes that have expressed an interest in highway projects in Minnehaha County. Please provide your comments by August 19, 2016, so that the project can move toward a timely letting and construction.

If you have any questions, please feel free to contact me at the phone number below, or you may contact Marion Barber, FHWA Environmental Protection Specialist, at (605) 224-8033.

Sincerely,

Tom Lehmkuhl
SDDOT Environmental Supervisor
605.773.3721

Attachment: Figure 1. Project Location



Department of Transportation
Division of Planning/Engineering
Office of Project Development
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 20, 2016

Dianne Desrosiers, THPO
Sisseton-Wahpeton Oyate
PO Box 907
Agency Village, SD 57262

RE: Project IM 0293(106)77, PCN 03RA, Minnehaha County
I-29, Exit 77 (41st Street) Interchange Modification Study (IMJR) and Environmental Assessment (EA)

Dear Dianne Desrosiers:

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29, Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (see Figure 1) (the Project). The preliminary purpose of the Project is to improve traffic operations, while maintaining access to adjacent properties. The Project will include an Interchange Modification Justification Report (IMJR) and Environmental Assessment (EA) that will determine a recommended preferred alternative for the Project.

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SDDOT Environmental Supervisor
605.773.3721

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Division of Planning/Engineering
Office of Project Development
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 20, 2016

Jon Eagle, THPO
Standing Rock Sioux Tribe
PO Box D
Ft. Yates, ND 58538-0522

RE: Project IM 0293(106)77, PCN 03RA, Minnehaha County
I-29, Exit 77 (41st Street) Interchange Modification Study (IMJR) and Environmental Assessment (EA)

Dear Jon Eagle:

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29, Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (see Figure 1) (the Project). The preliminary purpose of the Project is to improve traffic operations, while maintaining access to adjacent properties. The Project will include an Interchange Modification Justification Report (IMJR) and Environmental Assessment (EA) that will determine a recommended preferred alternative for the Project.

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Tom Lehmkuhl
SDDOT Environmental Supervisor
605.773.3721

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Division of Planning/Engineering
Office of Project Development
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 20, 2016

Perry Little, THPO
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380-1153

RE: Project IM 0293(106)77, PCN 03RA, Minnehaha County
I-29, Exit 77 (41st Street) Interchange Modification Study (IMJR) and Environmental Assessment (EA)

Dear Perry Little:

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29, Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (see Figure 1) (the Project). The preliminary purpose of the Project is to improve traffic operations, while maintaining access to adjacent properties. The Project will include an Interchange Modification Justification Report (IMJR) and Environmental Assessment (EA) that will determine a recommended preferred alternative for the Project.

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Sincerely,

Tom Lehmkuhl
SDDOT Environmental Supervisor
605.773.3721

Attachment: Figure 1. Project Location



Department of Transportation
Division of Planning/Engineering
Office of Project Development
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 20, 2016

Elgin Crows Breast, THPO
Three Affiliated Tribes (Mandan Hidatsa Arikara Nation)
404 Frontage Rd
New Town, ND 58763-9404

RE: Project IM 0293(106)77, PCN 03RA, Minnehaha County
I-29, Exit 77 (41st Street) Interchange Modification Study (IMJR) and Environmental Assessment (EA)

Dear Elgin Crows Breast:

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29, Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (see Figure 1) (the Project). The preliminary purpose of the Project is to improve traffic operations, while maintaining access to adjacent properties. The Project will include an Interchange Modification Justification Report (IMJR) and Environmental Assessment (EA) that will determine a recommended preferred alternative for the Project.

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Sincerely,

Tom Lehmkuhl
SDDOT Environmental Supervisor
605.773.3721

Attachment: Figure 1. Project Location



Department of Transportation
Division of Planning/Engineering
Office of Project Development
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 20, 2016

Gloria Hamilton, THPO
Ponca Tribe of Nebraska
PO Box 288
Niobrara, NE 68760

RE: Project IM 0293(106)77, PCN 03RA, Minnehaha County
I-29, Exit 77 (41st Street) Interchange Modification Study (IMJR) and Environmental Assessment (EA)

Dear Gloria Hamilton:

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29, Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (see Figure 1) (the Project). The preliminary purpose of the Project is to improve traffic operations, while maintaining access to adjacent properties. The Project will include an Interchange Modification Justification Report (IMJR) and Environmental Assessment (EA) that will determine a recommended preferred alternative for the Project.

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Sincerely,

Tom Lehmkuhl
SDDOT Environmental Supervisor
605.773.3721

Attachment: Figure 1. Project Location



Department of Transportation
Division of Planning/Engineering
Office of Project Development
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 20, 2016

Alvin Windy Boy, Sr., THPO
Chippewa Cree Tribe
PO Box 230
Box Elder, MT 59521

RE: Project IM 0293(106)77, PCN 03RA, Minnehaha County
I-29, Exit 77 (41st Street) Interchange Modification Study (IMJR) and Environmental Assessment (EA)

Dear Alvin Windy Boy, Sr.:

The South Dakota Department of Transportation (SDDOT) and the City of Sioux Falls (the City) have initiated a study to consider transportation improvements in the vicinity of the I-29, Exit 77 (41st Street) Interchange in Sioux Falls, South Dakota (see Figure 1) (the Project). The preliminary purpose of the Project is to improve traffic operations, while maintaining access to adjacent properties. The Project will include an Interchange Modification Justification Report (IMJR) and Environmental Assessment (EA) that will determine a recommended preferred alternative for the Project.

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Sincerely,

Tom Lehmkuhl
SDDOT Environmental Supervisor
605.773.3721

Attachment: Figure 1. Project Location

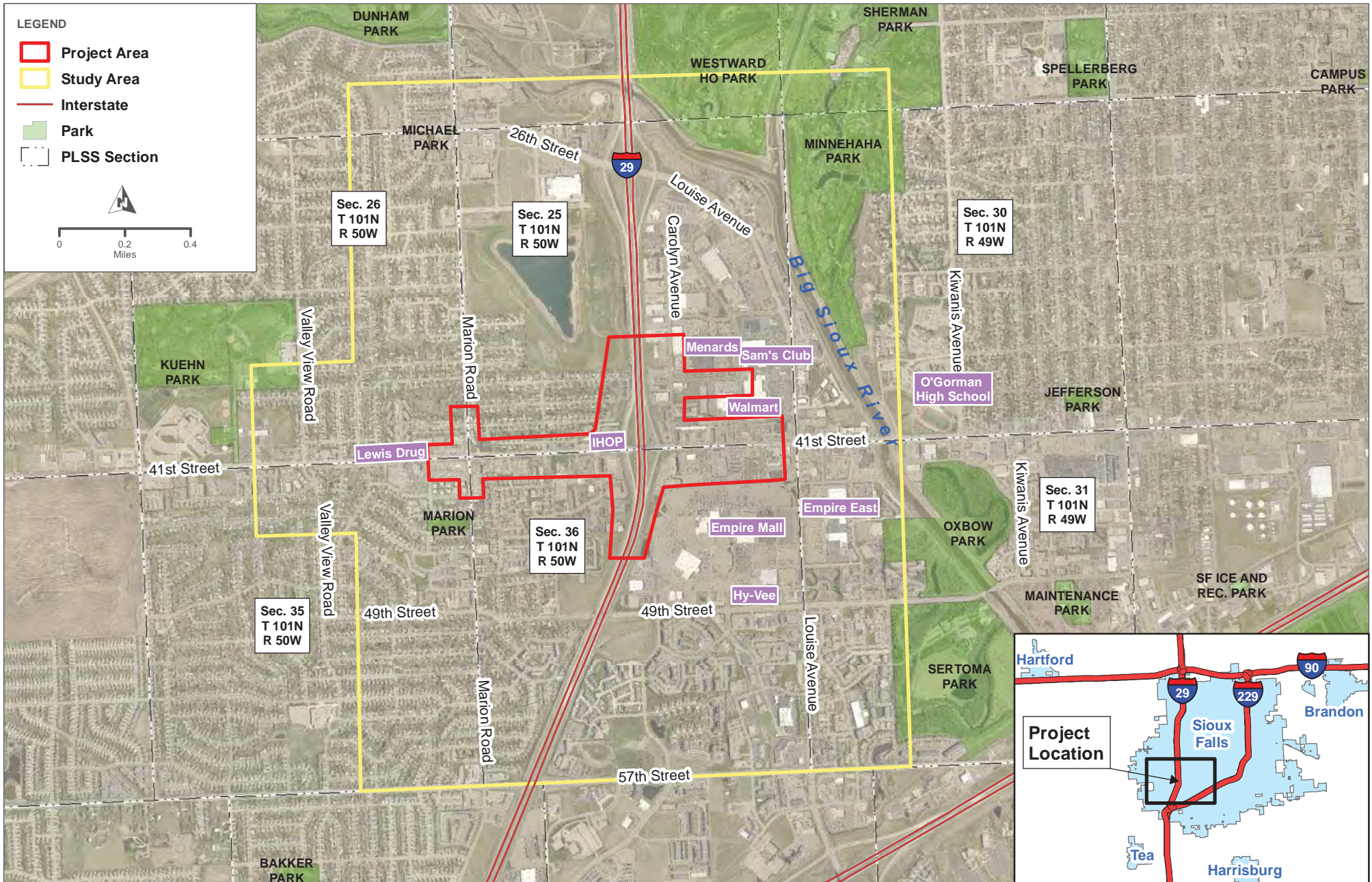


FIGURE 1: PROJECT LOCATION
I-29 EXIT 77 (41ST STREET) IMJR AND EA
 IM 0293(106)77, PCN 03RA





July 12, 2016

Jessica Brisbois, Environmental Scientist
HDR
6300 S. Old Village Place, Suite 100
Sioux Falls, SD 57108-2102

RE: Environmental Review for
Project IM 0293(106)77, PCN 03RA, Minnehaha County
Sioux Falls, South Dakota
1-29 Exit 77 (41 st Street) Interchange Modification

Dear Ms. Brisbois:

Thank you for the opportunity to provide Farmland Protection Policy Act (FPPA) review of this project. The project as outlined will have **no effect** on prime or important farmland.

If you have any questions, please contact me at (605) 348-2889 ext. 104.

Sincerely,

TIMOTHY NORDQUIST
NRCS Conservation Agronomist

ENVIRONMENTAL COMMITMENTS

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	PCN03RA PCN05NF	A1	A3

ENVIRONMENTAL COMMITMENTS

An Environmental Commitment is a measure that SDDOT commits to implement in order to avoid, minimize, and/or mitigate a real or potential environmental impact. Environmental commitments to various agencies and the public have been made to secure approval of this project. An agency mentioned below with permitting authority can influence a project if perceived environmental impacts have not been adequately addressed. Unless otherwise designated, the Contractor's primary contact regarding matters associated with these commitments will be the Project Engineer. These environmental commitments are not subject to change without prior written approval from the SDDOT Environmental Office. The environmental commitments associated with this project are as follows:

COMMITMENT A: WETLANDS

Approximately 0.33 acres of wetlands will be impacted by the project. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands. These unavoidable impacts to wetlands shall be mitigated through an approved wetland mitigation bank site, through In Lieu Fee wetland program at the time of construction.

Table of Impacted Wetlands

Wetland No.	Type	Permanent Impact * (Acres)	Temporary Impact ** (Acres)	Total Impact (Acres)
02	PEMC	0.08	0.10	0.18
03	PEMA	0.02	0.03	0.05
05	PEMA	0.15	0.22	0.37
09	PEMA	0.08	0.05	0.13
Totals:		0.33	0.40	0.73

*Note: Based on concept designs and work limits dated 2/1/17.

**Note: Temporary wetland impacts are based on 20' offset from the work limit line dated 2/1/17.

Action Taken/Required:

SDDOT will utilize credits from an approved wetland mitigation bank site.

Temporary impacts will not be mitigated as original grades will be re-established.

The Contractor shall notify the Project Engineer if additional easement is needed to complete the work adjacent to any wetland. The Project Engineer shall obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any wetland.

COMMITMENT C: WATER SOURCE

The Contractor shall not withdraw water with equipment previously used outside the State of South Dakota without prior approval from the SDDOT Environmental Office. Thoroughly wash all construction equipment before entering South Dakota to reduce the risk of invasive species introduction into the project vicinity.

The Contractor shall not withdraw water directly from streams of the James, Big Sioux, and Vermillion watersheds without prior approval from the SDDOT Environmental Office.

Action Taken/Required:

The Contractor shall obtain the necessary permits from the regulatory agencies such as the Department of Environment and Natural Resources (DENR) and the United States Army Corps of Engineers (COE) prior to executing water extraction activities.

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D2: SURFACE WATER DISCHARGE

The Big Sioux River is classified as a warm water permanent fishery with a Surface Water Discharge standard of 90 milligrams/liter total suspended solids.

Action Taken/Required:

If construction dewatering is required, the Contractor shall obtain a Temporary Discharge Permit from the DENR and provide a copy to the Project Engineer. Contact the DENR Surface Water Program at 605-773-3351 to apply for a permit.

COMMITMENT E: STORM WATER

Construction activities constitute 1 acre or more of earth disturbance.

Action Taken/Required:

The DENR and the US Environmental Protection Agency (EPA) have issued separate general permits for the discharge of storm water runoff. The DENR permit applies to discharges on state land and the EPA permit applies to discharges on federal or reservation land. The Contractor is advised this project is regulated under the Phase II Storm Water Regulations and must receive coverage under the General Permit for Construction Activities. A Notice of Intent (NOI) will be submitted to DENR a minimum of 15 days prior to project start by the DOT Environmental Office. A letter must be received from DENR that acknowledges project coverage under this general permit before project start. The Contractor is advised that permit coverage may also be required by off-site activities, such as borrow and staging areas, which are the responsibility of the Contractor.

The Contractor shall adhere to the "Special Provision Regarding Storm Water Discharges to Waters of the State".

A major component of the storm water construction permits is development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which is a joint effort and responsibility of the SDDOT and the Contractor. Erosion control measures and best management practices will be implemented in accordance with the SWPPP. The SWPPP is a dynamic document and is to be available on-site at all times.

Information on storm water permits and SWPPPs are available on the following websites:

SDDOT:
<http://www.sddot.com/business/environmental/stormwater/Default.aspx>

DENR: <http://www.denr.sd.gov/des/sw/stormwater.aspx>

EPA: http://cfpub.epa.gov/npdes/home.cfm?program_id=6

Contractor Certification Form:

The "Department of Environment and Natural Resources – Contractor Certification Form" (SD EForm – 2110LDV1-ContractorCertification.pdf) shall be completed by the Contractor or their certified Erosion Control Supervisor after the award of the contract. Work may not begin on the project until this form is signed.

The form certifies under penalty of law that the Contractor understands and will comply with the terms and conditions of the Surface Water Discharge General Permit for Storm Water Discharges Associated with Construction Activities for the Project.

The online form can be found at:
<http://denr.sd.gov/des/sw/eforms/E2110LDV1-ContractorCertification.pdf>

ENVIRONMENTAL COMMITMENTS

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	PCN03RA PCN05NF	A2	A3

COMMITMENT H: WASTE DISPOSAL SITE

The Contractor shall furnish a site(s) for the disposal of construction and/or demolition debris generated by this project.

Action Taken/Required:

Construction and/or demolition debris may not be disposed of within the Public ROW.

The waste disposal site(s) shall be managed and reclaimed in accordance with the following from the General Permit for Construction/Demolition Debris Disposal Under the South Dakota Waste Management Program issued by the Department of Environment and Natural Resources.

The waste disposal site(s) shall not be located in a wetland, within 200 feet of surface water, or in an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species, as approved by the Project Engineer.

If the waste disposal site(s) is located such that it is within view of any ROW, the following additional requirements shall apply:

1. Construction and/or demolition debris consisting of concrete, asphalt concrete, or other similar materials shall be buried in a trench completely separate from wood debris. The final cover over the construction and/or demolition debris shall consist of a minimum of 1 foot of soil capable of supporting vegetation. Waste disposal sites provided outside of the Public ROW shall be seeded in accordance with Natural Resources Conservation Service recommendations. The seeding recommendations may be obtained through the appropriate County NRCS Office. The Contractor shall control the access to waste disposal sites not within the Public ROW through the use of fences, gates, and placement of a sign or signs at the entrance to the site stating “No Dumping Allowed”.

2. Concrete and asphalt concrete debris may be stockpiled within view of the ROW for a period of time not to exceed the duration of the project. Prior to project completion, the waste shall be removed from view of the ROW or buried and the waste disposal site reclaimed as noted above.

The above requirements will not apply to waste disposal sites that are covered by an individual solid waste permit as specified in SDCL 34A-6-58, SDCL 34A-6-1.13, and ARSD 74:27:10:06.

Failure to comply with the requirements stated above may result in civil penalties in accordance with South Dakota Solid Waste Law, SDCL 34A-6-1.31.

All costs associated with furnishing waste disposal site(s), disposing of waste, maintaining control of access (fence, gates, and signs), and reclamation of the waste disposal site(s) shall be incidental to the various contract items.

COMMITMENT I: HISTORICAL PRESERVATION OFFICE CLEARANCES

The SDDOT has obtained concurrence with the State Historical Preservation Office (SHPO or THPO) for all work included within the project limits and all department designated sources and designated option material sources, stockpile sites, storage areas, and waste sites provided within the plans.

Action Taken/Required:

All earth disturbing activities not designated within the plans require review of cultural resources impacts. This work includes, but is not limited to: Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas.

The Contractor shall arrange and pay for a cultural resource survey and/or records search. The Contractor has the option to contact the state Archaeological Research Center (ARC) at 605-394-1936 or another qualified archaeologist, to obtain either a records search or a cultural resources survey. A record search might be sufficient for review; however, a cultural resources survey may need to be conducted by a qualified archaeologist.

The Contractor shall provide ARC with the following: a topographical map or aerial view on which the site is clearly outlined, site dimensions, project number, and PCN. If applicable, provide evidence that the site has been previously disturbed by farming, mining, or construction activities with a landowner statement that artifacts have not been found on the site.

The Contractor shall submit the records search or cultural resources survey report and if the location of the site is within the current geographical or historic boundaries of any South Dakota reservation to SDDOT Environmental Engineer, 700 East Broadway Avenue, Pierre, SD 57501-2586 (605-773-3180). SDDOT will submit the information to the appropriate SHPO/THPO. Allow **30 Days** from the date this information is submitted to the Environmental Engineer for SHPO/THPO review.

If evidence for cultural resources is uncovered during project construction activities, then such activities shall cease and the Project Engineer shall be immediately notified. The Project Engineer will contact the SDDOT Environmental Engineer in order to determine an appropriate course of action.

SHPO/THPO review does not relieve the Contractor of the responsibility for obtaining any additional permits and clearances for Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas that affect wetlands, threatened and endangered species, or waterways. The Contractor shall provide the required permits and clearances to the Project Engineer at the preconstruction meeting.

COMMITMENT L: CONTAMINATED MATERIAL

Although all sites with previous potential or known contamination (gas stations, underground storage tanks, etc.) have been cleaned up (according to the Phase 1 ESA report), contaminated soil may be encountered within the project limits at the following sites:

Description	Location
Clock Tower Strip Mall (former Buhl’s Dry-cleaning)	South side of 41 st Street approximately 400’ west of Marion Road (5305 W. 41 st Street)
Burger King restaurant (former c-store/ gas station)	Southeast quadrant of 41 st Street/Marion Road intersection (5303 W. 41 st Street)
Flowerama strip mall (former c-store/gas station & dry-cleaning business)	Southeast quadrant of 41 st Street/Marion Road intersection (3400 Marion Road)
SF Fire Rescue Station #6 (former UST)	Northeast quadrant of 41 st Street/Marion Road intersection (5200 W. 41 st Street)
Holiday Gas Stop c-store/ gas station	North side of 41 st Street approximately 600’ west of I-29 SB off-ramp (4600 W. 41 st Street)
Panda Express strip mall (former gas station)	South side of 41 st Street approximately 500’ east of I-29 NB off-ramp (4201 W. 41 st Street)
King’s Mart Convenience store/gas station	North side of 41 st Street approximately 600’ east of I-29 NB on-ramp (4200 W. 41 st Street)
Super 8 Motel (former UST site)	North side of 41 st Street approximately 900’ east of I-29 NB on-ramp (4200 W. 41 st Street)
Former Sioux Falls Ford dealership	South side of 41 st Street approximately 900’ east of I-29 NB off-ramp (4101 W. 41 st Street)
Strip mall (former Dakota Aquastore) with previous fuel oil spill	South side of 41st Street approximately 400’ west of Louise Avenue (3709 W. 41 st Street)

Action Taken/Required:

The Contractor shall give notice to the Engineer when contaminated soil is encountered on the project. The Engineer will contact the SDDOT Environmental Engineer, at 605-773-3180, so that contact with the Department of Environment and Natural Resources (DENR) and consultant to inspect and monitor removal of any contaminated soil can be initiated.

The Contractor shall be responsible for having the existing underground utilities located in the construction area. Underground utilities damaged by the Contractor due to negligence shall be repaired at the Contractor’s expense.

ENVIRONMENTAL COMMITMENTS

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	PCN03RA PCN05NF	A3	A3

COMMITMENT L: CONTAMINATED MATERIAL CONTINUED

Petroleum contaminated soil may be disposed of at the Sioux Falls Regional Landfill (contact Dustin Hansen, Landfill Superintendent at 605-367-8162). Measurement of “Contaminated Material Excavation” shall be in accordance with Section 120.4 of the Specifications. All costs for excavating and transporting the contaminated materials to the disposal site and all fees charged per cubic yard by the disposal site shall be incidental to the contract unit price per cubic yard for “Contaminated Material Excavation”.

COMMITMENT N: SECTION 404 PERMIT

The SDDOT will obtain a Section 404 Permit from the US Army Corps of Engineers for the permanent actions associated with this project.

Action Taken/Required:

The Contractor shall comply with all requirements contained in the Section 404 permit.

The Contractor shall also be responsible for obtaining a Section 404 permit for any dredge, excavation, or fill activities associated with staging areas, borrow sites, waste disposal sites, or material processing sites that affect wetlands or waters of the United States.