Reminder: The environmental commitment notes in this file contain various colors of text. The light orange colored text indicates text that may or may not need to be modified. The blue colored text (not including the links) indicates text that will be used for **non-federally funded projects** in lieu of the light orange colored text. **The yellow highlighted text indicates informational text which needs to be deleted before plans are distributed for review.** Columns in tables that are not used should be deleted. If possible, do not split notes between sheets. If notes are split between sheets, provide the title on the next sheet and add “(CONTINUED)” to the end of the title. **After commitment notes are ready for review, change all text (except web links) to a black colored font. *For questions regarding this information prior to final plans, contact the Environmental Engineer at 605-773-3180.***

# ENVIRONMENTAL COMMITMENTS

The SDDOT is committed to protecting the environment and uses Environmental Commitments as a communication tool for the Engineer and Contractor to ensure that attention is given to avoid, minimize, and/or mitigate an environmental impact. Environmental commitments to various agencies and the public have been made to secure approval of this project. An agency with permitting authority can delay a project if identified 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. During construction, the Project Engineer will verify that the Contractor has met Environmental Commitment requirements. These environmental commitments are not subject to change without prior written approval from the SDDOT Environmental Office.

Additional guidance on SDDOT’s Environmental Commitments can be accessed through the Environmental Procedures Manual found at: <<https://dot.sd.gov/media/documents/EnvironmentalProceduresManual.pdf> >

For questions regarding change orders in the field that may have an effect on an Environmental Commitment, the Project Engineer will contact the Environmental Engineer at 605-773-3180 or 605-773-4336 to determine whether an environmental analysis and/or resource agency coordination is necessary.

Once construction is complete, the Project Engineer will review all environmental commitments for the project and document their completion.

**Designer Reminder:** The environmental commitments applicable to a project are established upon FHWA approval of the environmental classification (CE, EA, or EIS) and will be listed in the *Environmental Commitments Checklist and Section A - Estimate of Quantities and Environmental Commitments*. The Designer will provide the commitments that are pertinent to the project and delete those commitments that are not. The outcome of this effort should be a clear understanding of the individual project commitments. This clarity will help ensure that the Contractor and/or Project Engineer are aware of what his/her environmental responsibilities are.

# COMMITMENT A: AQUATIC RESOURCES

**COMMITMENT A1: WETLANDS**

Wetland mitigation is required for all projects that have impacts to jurisdictional and/or non-jurisdictional wetlands**. This also includes impacts to wetlands located within the existing ROW.** A provision regarding wetland monitoring needs to be included within the 404 permit. **Designer:** The information in Commitment A needs to correlate to inputs of the BID LETTING INFORMATION section of the SPECIAL PROVISION CHECKLIST.

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately #.## acre(s) of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans/plans for location and boundaries of the impacted wetlands.

# Table of Impacted Wetlands

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Wetland  No. | Station | Perm.  Impact  Left  (Acres) | Perm.  Impact  Right  (Acres) | Temp.  Impact  Left  (Acres) | Temp.  Impact  Right  (Acres) | Total  Impact  (Acres) |
| 1 | #+## to  #+## | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
|  |  |  |  |  |  |  |

# Action Taken/Required:

For wetland impacts less than 0.1 acre per aquatic resource:

Mitigation is required in accordance with the “*Statewide Finding Regarding Wetlands for South Dakota Federal-Aid Highway Projects (February 2018)*”. Replacement of #.## acre(s) of permanent wetland impacts will be completed through another wetland mitigation opportunity in a manner which considers FHWA’s program-wide goal of ‘net gain’ of wetlands through enhancement, creation, and preservation.

Temporary impacts identified in the Table of Impacted Wetlands will not be mitigated as original contours and elevations will be re-established as designated in Section B – Grading Plans. Prior to initiating temporary work in wetlands, the Contractor will submit a plan to the Project Engineer in accordance with Section 7.21 D of the Specifications.

The Contractor will notify the Project Engineer if additional easement is needed to complete work adjacent to any wetland. The Project Engineer will obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any wetlands beyond the work limits and easements shown in the plans.

For wetland impacts greater than 0.1 acre per aquatic resource:

A total of #.## acre(s) of compensatory wetlands will be created on-site to account for permanent project impacts to existing wetlands. The locations and boundaries of the mitigation site(s) are shown in the plans.

A total of #.## acre(s) of compensatory wetlands will be created off-site to account for permanent project impacts to existing wetlands. The off-site wetland mitigation site will occur in the same geographical service area (GSA) as the impacted wetlands. The locations and boundaries of the mitigation site(s) are shown in the plans.

SDDOT will acquire #.## \_\_\_\_\_ (credits or acres) from the \_\_\_ (ex. Ideal) wetland mitigation bank site or In-Lieu Fee program to mitigate permanent impacts.

Temporary impacts identified in the Table of Impacted Wetlands will not be mitigated as original contours and elevations will be re-established as designated in Section B – Grading Plans. Prior to initiating temporary work in wetlands, the Contractor will submit a plan to the Project Engineer in accordance with Section 7.21 D of the Specifications.

Include the following two paragraphs and Table of Wetland Mitigation for on-site or off-site mitigation:

A mitigation plan has been prepared by the SDDOT Environmental Office. Refer to Section B – Grading Plans.

The Contractor will notify the Project Engineer if additional easement is needed to complete work adjacent to any wetland. The Project Engineer will obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any wetlands beyond the work limits and easements shown in the plans.

# Table of Wetland Mitigation

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Wetland Mitigation Site No. | Location | Latitude  At  Center | Longitude  At  Center | Mitigation  (Acres) |
| 1 | Sec ##, T###N R##W | ##.#### | -##,#### | #.# |
|  |  |  |  |  |

Include the following note when on-site mitigation is being utilized.

# Wetland Topsoil

Wetland topsoil will be stripped from all wetland areas which will be impacted by the project. The wetland topsoil will be stripped to a depth that sufficiently allows 6 inches of the wetland topsoil to be re-utilized as the upper stratum of wetland mitigation site(s).

The wetland topsoil will be stockpiled separately from other topsoil in a location approved by the Project Engineer. Locate wetland stockpile a minimum of 50 feet away from concentrated flows of storm water, waterways, drainage courses, and inlets. All wetland topsoil that is stripped will be spread on the mitigation site(s) so that it is evenly distributed to a minimum depth of 6 inches. Surplus wetland topsoil will be used to flatten embankment slopes or placed in other locations as approved by the Project Engineer.

Refer to the Wetland Mitigation Site Plan in the plans.

All costs to remove and stockpile the wetland topsoil will be paid for at the contract unit price per cubic yard for “Unclassified Excavation”. All costs to place the wetland topsoil will be incidental to the contract unit price per cubic yard for “Placing Topsoil”.

**COMMITMENT A2: STREAMS**

All efforts to avoid and minimize stream impacts from the project have resulted in approximately #.## acre(s) of stream (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans/plans for location and boundaries of the impacted streams.

# Table of Impacted Streams

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Stream Name | Station | Perm.  Impact  Left  (Acres) | Perm.  Impact  Right  (Acres) | Temp.  Impact  Left  (Acres) | Temp.  Impact  Right  (Acres) | Total  Impact  (Acres) |
| (Name) | #+## to  #+## | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
|  |  |  |  |  |  |  |

# Action Taken/Required:

For stream impacts that do not require mitigation:

It has been determined that project impacts do not require mitigation. Temporary impacts identified in the Table of Impacted Streams will not be mitigated as the finished ground under the bridge will be shaped to match the upstream channel and flood plain and the existing low water channel will be maintained as near as practical to the existing location as designated in Section B – Grading Plans.

For overburden excavation for riprap for bridge project:

The contractor will complete excavation after temporary diversion is in place, if required, with minimal standing water to create the profile of slope protection specified in plans. Once the instream work is completed, the removed material will be placed on top of the riprap to match the natural ground, proposed groundline, or specified shape and elevations shown in plans. When overburden extends into the streambed it will form the channel bottom and profile as specified in plans. The finished ground under the bridge will be shaped to match the upstream and downstream channel and flood plain. See Overburden Excavation for Riprap note within structure sheets. (Verify with Bridge Office that this note will be placed in the structure sheets)

The Contractor will notify the Project Engineer if additional easement is needed to complete work adjacent to any stream. The Project Engineer will obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any streams beyond the work limits and easements shown in the plans.

# For stream impacts that require mitigation:

A total of #.## acre(s) of compensatory stream mitigation will be created on-site to account for permanent project impacts to existing streams. The locations and boundaries of the mitigation site(s) are shown in the plans.

A total of #.## acre(s) of compensatory stream mitigation will be created off-site to account for permanent project impacts to existing streams. The off-site mitigation site will occur in the same geographical service area (GSA) as the impacted streams. The locations and boundaries of the mitigation site(s) are shown in the plans.

SDDOT will acquire #.## \_\_\_\_\_ (credits or acres) from the \_\_\_ (ex. Ideal) wetland/stream mitigation bank site or In-Lieu Fee program to mitigate permanent impacts.

The Contractor will notify the Project Engineer if additional easement is needed to complete work adjacent to any stream. The Project Engineer will obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any streams beyond the work limits and easements shown in the plans.

# COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

# COMMITMENT B1: CONSTRUCTION PRACTICES FOR STREAMS INHABITED BY THE TOPEKA SHINER (only applicable for MALAA and appended to the BO)

Topeka Shiner has been found in streams and tributaries of the James River, Big Sioux River, and Vermillion River watersheds. Most stream crossing projects constructed in these watersheds will impact the Topeka Shiner. An ArcGIS map showing waterways with potential for Topeka Shiner may be found at: [U:\pd\Environmental\Section7\TopekaShiner\Maps\SDstreams \_2014 USFWS map.pdf](file:///\\STATE.SD.LOCAL\WORK\TRPR1\pd\Environmental\Section%207\TopekaShiner\Maps\SD%20streams_2014%20USFWS%20map.pdf). If your project is in one of these areas, contact the Environmental Office Wildlife Biologist to determine whether the Special Provision “Construction Practices in Streams Inhabited by the Topeka Shiner” needs to be included in the contract. Include Standard Plate 734.30 and bid item “Temporary Diversion Channel and/or Pipe(s)” with the plans due to the Special Provision’s prerequisite for these items on Topeka Shiner streams. Commitment I is not needed for temporary works in waterways of the US with Topeka Shiners because the notes contain the same restrictions. **Designer:** Item 9 TOPEKA SHINER of the Standard Special Provisions of the SPECIAL PROVISION CHECKLIST needs to be checked and included in the proposal when Commitment B1 is included with the project.

The SDDOT Environmental Office has identified the following as Topeka Shiner streams.

# Table of Topeka Shiner Streams

|  |  |  |
| --- | --- | --- |
| Station | Stream Name | Ordinary High-Water Elevation |
| xxx+xx |  | xxxx.xx |
| xxx+xx |  | xxxx.xx |

# Action Taken/Required:

The Contractor will adhere to the “Special Provision for Construction Practices in Streams Inhabited by the Topeka Shiner”.

Stream turbidity will be monitored during all stages of the project. Turbidity measurements are to be taken in conjunction with normal storm water inspections but can also be taken at the Project Engineer’s discretion during construction activities that may result in increased turbidity (e.g., placing riprap or installing a coffer dam).

Prior to the pre-construction meeting the Contractor will produce and provide the SDDOT Environmental Office a comprehensive Construction Plan that includes all products, materials, and methods of installation and removal for temporary water barriers, cofferdams, and diversion channels including de-watering, handling, storage, and disposal of excavated material and pumped effluent throughout all phases of construction, including post-construction stabilization. Work will not proceed on any of the streams identified in the Table of Topeka Shiner Streams without approval of the Construction Plan by the SDDOT Environmental Office. Upon plan approval, the Construction Plan will be amended to the SWPPP.

# COMMITMENT B2: WHOOPING CRANE

This commitment will be provided when projects are within Whooping Crane migratory areas. This commitment does not apply to urban areas. The Whooping Crane migratory areas consist of ALL counties EXCEPT Brookings, Clay, Deuel, Fall River, Grant, Lake, Lincoln, Minnehaha, Moody, Roberts, and Union. Contact the Environmental Office Wildlife Biologist to determine if the Whooping Crane Commitment will apply.

The Whooping Crane is a spring and fall migratory bird in South Dakota that is about 5 feet tall and typically stops on wetlands, rivers, and agricultural lands along their migration route. An adult Whooping Crane is white with a red crown and a long, dark, pointed bill. Immature Whooping Cranes are cinnamon brown. While in flight, their long necks are kept straight and their long dark legs trail behind. Adult Whooping Cranes' black wing tips are visible during flight.

# Action Taken/Required:

Harassment or other measures to cause the Whooping Crane to leave the site is a violation of the Endangered Species Act. If a Whooping Crane is sighted roosting in the vicinity of the project, borrow pits, or staging areas associated with the project, cease construction activities in the affected area until the Whooping Crane departs and immediately contact the Project Engineer. The Project Engineer will contact the Environmental Office so that the sighting can be reported to USFWS.

# COMMITMENT B3: AMERICAN BURYING BEETLE (only applicable for MALAA and appended to the BO)

The American Burying Beetle may be found on projects located in Tripp, Todd, Gregory, and Bennett Counties. If your project is located in one of these counties, contact the Environmental Office Wildlife Biologist to determine whether this commitment applies.

This project is in an area that contains habitat associated with the American Burying Beetle. All work included within the project limits, SDDOT designated sources and sites, and designated option sources and sites provided in the plans have been coordinated with the USFWS.

# Action Taken/Required:

Earth disturbing activities will not occur outside the designated work limits shown in the plans unless specifically stated. The Contractor is responsible for obtaining USFWS review for any borrow sites, staging areas, waste sites, additional easements, and other ground disturbing activities outside the project work limits shown in the plans. At the pre-construction meeting the Contractor will provide the Project Engineer a copy of the USFWS review for any work outside the designated work limits shown in the plans to ensure all permit conditions and plans are clearly understood.

# COMMITMENT B4: BALD EAGLE

The bald eagle may nest in various locations across the state. Nests are typically associated with large rivers or lakes. Contact the Environmental Office Wildlife Biologist to determine if the Bald Eagle commitment will apply.

Bald eagles are known to occur in this area.

# Action Taken/Required:

If a nest is observed within one mile of the project site, notify the Project Engineer immediately so that he/she can consult with the Environmental Office for an appropriate course of action.

# COMMITMENT B5: NORTHERN LONG-EARED BAT

This commitment is required for projects that the Environmental Office has determined to affect Northern Long-Eared Bats due to removal of trees and/or work on structures (bridges, culverts, or buildings). Contact the Environmental Office Wildlife Biologist to determine if a survey has occurred to determine whether the Northern Long-Eared Bat is or is not present on your project. If tree removal in densely wooded areas is necessary, COMMITMENT P: TREE REPLACEMENT may also be required.

This project is within the range of suitable habitat for the Northern Long-Eared Bat (NLEB) and project work will avoid conflicts with NLEB roosting habitat.

# Action Taken/Required:

Project activities that include tree removal, structure work, and/or work within one-quarter mile of a known hibernacula or 150 feet of a known maternity roost tree, or suitable habitat should not occur within the location(s) listed below during the NLEB seasonal work restriction timeframe without approval from the SDDOT Environmental Office.

|  |  |
| --- | --- |
| Station | NLEB Seasonal Work Restriction |
| xxx+xx to xxx+xx (L/R) | April 1 to October 31 |

Tree removal will occur between November 1st and March 31st. For the purposes of this note, a tree is defined as a live, dying, or dead woody plant, with a trunk three inches or greater in diameter at a height of 4.5 feet about the ground surface, and with a minimum height of 13 feet.

The following avoidance, minimization, and mitigation measures are required:

The Environmental Project Coordinator will list the AMMs, if applicable [(AppendixC\_AMMs\_May2016)](file:///U:\pd\Environmental\Section%207\Northern%20Long-eared%20Bat\Old%20NLEB%20Data%20&%20Infomation\NLEB%20Project%20Submittal%20Form\AppC_AMMsRev07Dec2016.pdf)

# COMMITMENT B6: MIGRATORY BIRDS WORK RESTRICTION

Migratory birds are known to use the project area for nesting, which primarily occurs from April 1st to July 15th.

# Action Taken/Required:

The Contractor is responsible for contracting the services of a qualified biologist for conducting preconstruction migratory bird surveys in suitable

areas that have not been mowed or cleared prior to April 1st to determine if there are current nests and to determine offsetting measures to compensate for impacts to migratory birds. A survey will be conducted annually for each year of construction. Contractor will coordinate the survey findings with the Project Engineer. If any nests are found, appropriate minimization measures will need to be developed in cooperation with the Environmental Office.

Construction activities should not occur in the locations listed in the table below during the migratory bird work restriction without prior approval from the SDDOT Environmental Office to avoid conflicts with nesting migratory birds.

|  |  |
| --- | --- |
| Station | Migratory Bird Restriction |
| xxx+xx to xxx+xx (L/R) | April 1 to July 15 |
| xxx+xx to xxx+xx (L/R) | Mow/Clear prior to April 1, 20xx |

# COMMITMENT C: WATER SOURCE (always include Commitment in notes)

Include the following paragraph for **all projects that might require withdrawing (extracting) water.**

The Contractor will not withdraw water with equipment previously used outside the State of South Dakota or previously used in aquatic invasive species (AIS) positive waters within South Dakota without prior approval from the SDDOT Environmental Office. To prevent and control the introduction and spread of invasive species into the project vicinity, all equipment will be power washed with hot water (≥140 °F) and completely dried for a minimum of 7 days prior to subsequent use. South Dakota administrative rule 41:10:04:02 forbids the possession and transport of AIS; therefore, all attached dirt, mud, debris and vegetation must be removed and all compartments and tanks capable of holding standing water must be drained. This includes, but is not limited to, all equipment, pumps, lines, hoses and holding tanks.

**ADD** the following paragraph when water is withdrawn from areas known to have Topeka Shiner. Topeka Shiners are found east of the Missouri River. An ArcGIS map showing streams with potential for Topeka Shiner may be found at: [U:\pd\Environmental\Section7\TopekaShiner\Maps\SDstreams \_2014 USFWS map.pdf](file:///\\STATE.SD.LOCAL\WORK\TRPR1\pd\Environmental\Section%207\TopekaShiner\Maps\SD%20streams_2014%20USFWS%20map.pdf).

The Contractor will 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 will obtain the necessary permits from the regulatory agencies such as the South Dakota Department of Agriculture and Natural Resources (DANR) and the United States Army Corps of Engineers (USACE) prior to water extraction activities.

Additional information and mapping of water sources impacted by Aquatic Invasive Species in South Dakota can be accessed at:

< <https://sdleastwanted.sd.gov/maps/default.aspx> >

< South Dakota Administrative Rule 41:10:04 Aquatic Invasive Species:

<https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04> >

# COMMITMENT D: WATER QUALITY STANDARDS

# COMMITMENT D1: SURFACE WATER QUALITY

This commitment is required for any work in streams. Include the stream classification(s) with the associated Water Quality standard for **EACH** stream that exists within the project. Examples follow:

The xxxxx is classified as warm water, marginal fishery with a total suspended solids standard of less than 150 mg/L 30-day average, less than 263 mg/L daily maximum.

The xxxxx is classified as a [choose the fishery applicable to waterway listed in xxxxx from the 3 following choices] cold water marginal/warm water permanent/warm water semi-permanent fishery with a total suspended solids standard of less than 90 mg/L 30-day average, less than 158 mg/L daily maximum.

The xxxxx is classified as a cold water permanent fishery with a total suspended solids standard of less than 30 mg/L 30-day average, less than 53 mg/L daily maximum.

The xxxxx is classified as fish and wildlife propagation, recreation, irrigation, and stock watering waters. Because of these beneficial uses, special construction measures may have to be taken to ensure that this water body is not impacted.

This project may be in the vicinity of multiple streams and wetlands. These waters are considered waters of the state and are protected under Administrative Rules of South Dakota (ARSD) Chapter 74:51. Special construction measures may have to be taken to ensure that this water body is not impacted.

# Action Taken/Required:

The Contractor is advised that the South Dakota Surface Water Quality Standards, administered by the South Dakota Department of Agriculture and Natural Resources (DANR), apply to this project. Special construction measures will be taken to ensure the above standard(s) of the surface waters are maintained and protected.

# COMMITMENT D2: SURFACE WATER DISCHARGE

This Commitment is required for anticipated discharges from dewatering and/or storm water activities (e.g. with urban projects and/or structure work).

The DANR General Permit for Temporary Discharge is required for temporary dewatering and discharges to waters of the state. The effluent limit for total suspended solids will be 90 mg/L 30-day average. The effluent limit applies to discharges to all waters of the state except discharges to waters classified as cold water permanent fish life propagation waters according to the ARSD 74:51:01:45. For discharges to waters of the state classified as cold water permanent fish life propagation waters, the effluent limit for total suspended solids will be 53 mg/L daily maximum.

The permittee has the option of completing effluent testing or implementing a pollution prevention plan for compliance with this permit. If the permittee develops a pollution prevention plan instead of total suspended solids sampling, the plan must be developed and implemented prior to discontinuing total suspended solids sampling. Refer to Section 4.0 of the permit. If any pollutants are suspected of being discharged, a sample must be taken for those parameters listed in Section 3.4 of the permit.

Refer to Commitment D1: Surface Water Quality for stream classification.

# Action Taken/Required:

If construction dewatering is required and this project is not required to be covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the Contractor will obtain the General Permit for Temporary Discharge Activities from the DANR Surface Water Program, 605-773-3351.

< <https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_TemporaryDischargeNOI2018Fillable.pdf> >

If construction dewatering is required and this project is currently covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the contractor will need to submit the dewatering information to the SDDANR using the following form:

< <https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf> >

The Contractor will provide a copy of the approved permit or the submitted dewatering information to the Project Engineer prior to proceeding with any dewatering activities. The approved permit or submitted dewatering information must be kept on-site and as part of the project records.

Effluent monitoring, as a result of dewatering activities, will be summarized for each month and recorded on a separate Discharge Monitoring Report (DMR) and submitted to DANR monthly. Additional information can be found at:

< <https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/swdpermitting/Ereporting.aspx> >

**COMMITMENT E: STORM WATER** (always include in notes)

**Designer:** Special Provision Item 11 STORM WATER DISCHARGE of the Special Provision Checklist needs to be checked and included in the proposal when 1 acre or more of earth will be disturbed or when structure projects affecting the waterway is included with the project.

When a Storm Water Permit **is not** required (typically less than 1 acre of disturbance) include the following:

Construction activities constitute less than 1 acre of disturbance.

# Action Taken/Required:

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.

When a Storm Water Permit **is** required (typically for structure projects affecting the waterway or when 1 acre or more earth will be disturbed) include the following:

Construction activities constitute 1 acre or more of earth disturbance and/or work in a waterway.

# Action Taken/Required:

Include the following 5 paragraphs for projects outside Indian Reservation Land:

The DANR General Permit for Stormwater Discharges Associated with Construction Activities is required for construction activity disturbing one or more acres of earth and work in a waterway. The SDDOT is the owner of this permit and will submit the NOI to DANR 15 days prior to project start in order to obtain coverage under the General Permit. Work can begin once the DANR letter of approval is received.

The Contractor must adhere to the “Special Provision Regarding Storm Water Discharges to Waters of the State.”

The Contractor will complete the DANR Contractor Certification Form prior to the pre-construction meeting. The form certifies under penalty of law that the Contractor understands and will comply with the terms and conditions of the permit for this project. Work may not begin on this project until this form is signed and submitted to DANR.

The form can be found at:

< <https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_CGPAppendixCCA2018Fillable.pdf> >

The Contractor is advised that permit coverage may also be required for off-site activities, such as borrow and staging areas, which are the responsibility of the Contractor.

Include the following 2 paragraphs for projects within Indian Reservation Land:

The EPA 2017 Construction General Permit is required for this project. The SDDOT is the owner of this permit and will submit the NOI to EPA 15 days prior to project start in order to obtain coverage. Work can begin after authorization is received from the EPA. This permit provides coverage for construction and dewatering activities for this project.

The Contractor must adhere to the “Special Provision Regarding Storm Water Discharge to Waters of the United States within Indian Reservations”.

# Storm Water Pollution Prevention Plan

Include this Storm Water Pollution Prevention Plan section for projects with greater than 1 acre of earth disturbance or work in a waterway.

The Storm Water Pollution Prevention Plan (SWPPP) will be developed prior to the submittal of the NOI and will be implemented for all construction activities for compliance with the permit. The SWPPP must be kept on-site and updated as site conditions change. Erosion control measures and best management practices will be implemented in accordance with the SWPPP.

The DOT 298 Form will be used for site inspections and to document changes to the SWPPP. A copy of the completed inspection form will be filed with the SWPPP documents and retained for a minimum of three years.

The inspection will include disturbed areas of the construction site that have not been finally stabilized, areas used for storage materials, structural control measures, and locations where vehicles enter or exit the site. These areas will be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP will be observed to ensure that they are operating correctly, and sediment is not tracked off the site.

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

SDDOT: < <https://dot.sd.gov/doing-business/environmental/stormwater> >

DANR:< <https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/stormwater/default.aspx> >

EPA: < <https://www.epa.gov/npdes> >

# COMMITMENT F: SEASONAL WORK RESTRICTION

This commitment is required for any work in fisheries.

The State of South Dakota Game, Fish, and Parks has designated a cold and/or warm water fishery(ies) associated with this project.

# Action Taken/Required:

Construction or demolition activities should not take place during the Seasonal Work Restriction listed in the below table to avoid conflicts with spawning fish. If flows during this time are nonexistent or extremely low, the seasonal use restriction may not be applicable. The Contractor will not conduct in-stream work during the Seasonal Work Restriction without prior approval from the SDDOT Environmental Office.

|  |  |  |
| --- | --- | --- |
| Stream Name | Stream Classification | Seasonal Work Restriction |
| xxxxx | Cold Water | October 1 to April 1 |
| xxxxx | Warm Water | April 1 to June 30 |

# COMMITMENT G: DEWATERING AND SEDIMENT COLLECTION

**This Commitment will only be included for Urban Grading, storm sewer projects**.

If Commitment G is required, then Commitment D1 is also needed. Detail sheet OPTIONS FOR DEWATERING AND SEDIMENT COLLECTION needs to be included in the plans

The purpose of a dewatering and sediment collection system is to collect turbid stormwater on the project, treat it with flocculants as needed, and capture the sediment that falls out of suspension before the water is discharged into “Waters of the US” or “Waters of the State”. Refer to Commitment D1: Surface Water Quality for stream classification.

**Action Taken/Required:**

The Contractor will meet the terms of the Temporary Discharge Permit and the Storm Water Permit for Construction Activities.

The Contractor will create a Pollution Prevention Plan (PPP) for dewatering and sediment collection if the Contractor chooses to discharge the water into “Waters of the US” or “Waters of the State”. Refer to the detail sheet OPTIONS FOR DEWATERING AND SEDIMENT COLLECTION in the plans. The PPP must be kept on-site and updated as site conditions change.

# COMMITMENT H: WASTE DISPOSAL SITE (always include Commitment in notes)

When this commitment is included in the plans, the Historical Preservation Office Clearances commitment must also be included.

The Contractor will 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 be disposed of within the Public ROW. **OR** Construction and/or demolition debris may not be disposed of within the Public ROW. (Verify with designer)

The waste disposal site(s) will 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 Agriculture and Natural Resources.

The waste disposal site(s) will 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 Environmental Office and the Project Engineer.

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

1. Construction and/or demolition debris consisting of concrete, asphalt concrete, or other similar materials will be buried in a trench separate from wood debris. The final cover over the construction and/or demolition debris will consist of a minimum of 1 foot of soil capable of supporting vegetation. Waste disposal sites provided outside of the Public ROW will be seeded in accordance with Natural Resources Conservation Service recommendations. The seeding recommendations may be obtained through the appropriate County NRCS Office. The Contractor will control the access to waste disposal sites not within the Public ROW with 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 not to exceed the duration of the project. Prior to project completion, the waste will 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) will be incidental to the various contract items.

# COMMITMENT I: HISTORIC PRESERVATION OFFICE CLEARANCES

(always include Commitment in notes)

This commitment is required for all projects where there are earth disturbing activities due to material sources, storage areas, waste sites and Contractor work sites outside the plan work limits.

For Federally Funded Projects (Light Orange Text):

The SDDOT has obtained concurrence with the State Historic 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.

For Non-Federally Funded Projects (Blue Text):

State Historic Preservation Office (SHPO or THPO) concurrence has not been obtained for this project.

# Action Taken/Required:

All earth disturbing activities not designated within the plans require a cultural resource review prior to scheduling the pre-construction meeting. 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 will arrange and pay for a record search and when necessary, a cultural resource survey. 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 if the site was previously surveyed; however, a cultural resources survey may need to be conducted by a qualified archaeologist.

The Contractor will provide ARC with the following: a topographical map or aerial view in 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 will submit the cultural resources survey report to SDDOT Environmental Office, 700 East Broadway Avenue, Pierre, SD 57501-2586. 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.

In the event of an inadvertent discovery of human remains, funerary objects, or if evidence of cultural resources is identified during project construction activities, then such activities within 150 feet of the inadvertent discovery will

immediately cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office, who will contact the appropriate SHPO/THPO within 48 hours of the discovery to determine an appropriate course of action.

SHPO/THPO review does not relieve the Contractor of the responsibility/The Contractor is responsible 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 will not utilize a site known or suspected of having contaminated soil or water. The Contractor will provide the required permits and clearances to the Project Engineer at the preconstruction meeting.

# COMMITMENT J: CONSTRUCTION PRACTICES FOR TEMPORARY WORKS IN WATERWAYS OF THE U.S.

This commitment is required for work in waters of the U.S. that do not contain Topeka Shiners. This commitment is not needed if there are Topeka Shiners because the Topeka Shiner commitment contains the same restrictions and references Section 404 Requirements. You could have some streams with Topeka Shiners and some without so this commitment could still apply. At a minimum Commitment C, D, E, and N will be needed when this Commitment is designated.

The Contractor is advised that special construction measures must be taken to ensure that the waterways of the U.S. are not impacted.

# Action Taken/Required:

Excavation will not occur below the ordinary high-water elevation in waterways outside of caissons, cribs, cofferdams, steel piling, or sheeting. The natural streambed will not be disturbed unless specified by the plans and under the observation of the Project Engineer. Refer to the Table of U.S. Waterways to Protect for ordinary high-water elevations. Any structure work over or within the waterway will be constructed according to Section 7.21 C of the Specifications.

All dredged or excavated materials will be placed at a site above the ordinary high-water elevation in a confined area (not classified as a wetland) that is a minimum of 50 feet away from concentrated flows of storm water, drainage courses, and inlets to prevent return of such material to the waterway.

The construction of temporary work platforms, crossings, or berms below the ordinary high-water elevation will be allowed if all material placed below the ordinary high-water elevation consists of Class B or larger riprap.

All temporary caissons, cribs, cofferdams, steel piling, sheeting, work platforms, crossings, and berms will be removed with minimal disturbance to the streambed. Proper construction practices will be used to minimize increases in suspended solids and turbidity in the waterway.

Bridge berms, wing dams, traffic diversions, channel reconstruction, stream diversions, grading, etc. will be constructed in close conformity with the plans to ensure that the hydraulic capacity of the waterway is not changed.

Temporary waterway crossings required for the Contractor’s construction operations will be constructed with an adequate drainage structure size and minimum fill height to reduce the potential for upstream flooding. The Contractor will be responsible for sizing the temporary drainage structure for these crossings.

All temporary works in waterways of the US are required to be covered in the Corp of Engineers 404 Permit. At the time of the preconstruction meeting, the Contractor will submit documentation for all temporary works for the purpose of complying with the 404 Permit requirements in accordance with Section 423.3 A of the Specifications.

Add the following paragraph when construction crossings may be used, and the Hydraulics Office wants to review the Contractor’s plan in order to ensure certain hydraulic conditions are maintained during construction. EPC verify any locations of concern with the Hydraulics office.

If an on-site construction crossing is used at Sta. xx+xx, the temporary crossing will need to be designed so it will not increase the Q100 water surface elevation. The Contractor will submit the proposed temporary crossing geometric layout and structure size at Sta. xx+xx to the Project Engineer during the preconstruction meeting. This information will be forwarded to the SDDOT Hydraulics Office and Environmental Office for review. Construction of the temporary crossing is not allowed until approval of the proposal is obtained from the SDDOT Hydraulics Office and Environmental Office.

# Table of U.S. Waterways to Protect

|  |  |  |
| --- | --- | --- |
| Station | Waterway | Ordinary High-Water Elevation |
| xxx+xx |  | xxxx.xx |
| xxx+xx |  | xxxx.xx |

Stream channel excavation within “Waters of the US” is subject to USACE regulatory jurisdiction. Stream channel excavation cannot exceed the permitted quantities and/or surface area. The 404 Permit is included in the Special Provisions.

The Contractor will take all precautions necessary to prevent any incidental discharges associated with the excavation and hauling of material from the stream channel. This pertains to any excavation operations such as, foundation, pier, or abutment excavation, channel cleanout, excavation for riprap protection, and removal of any temporary fill associated with construction activities.

# COMMITMENT K: RAPID CITY AREA AIR QUALITY CONTROL ZONE

The Designer should contact the Environmental Office to verify whether the project is within the Air Quality Control Zone (All projects in Rapid City and surrounding areas in Pennington County). The following link is for the map of the Rapid City Area Air Quality Control Zone:

<https://www.rcgov.org/departments/community-planning-development/air-quality/air-quality-ordinances-363.html>

Administrative Rule of South Dakota (ARSD) 74:36:18:03 states that "no state facility or state contractor may engage in any construction activity or continuous operation activity within the Rapid City air quality control zone which may cause fugitive emissions of particulate to be released into the ambient air without first obtaining a permit issued by the board or the secretary."

Construction activity is defined as any temporary activity which involves the removal or alteration of the natural or pre-existing cover of one acre or more of land. One acre of surface area is based on a cumulative area of disturbance to be completed for the entire project. Construction activity will include, but not be limited to, stripping of topsoil, drilling, blasting, excavation, dredging, ditching, grading, street maintenance and repair, or earth moving. It also includes stockpiles, access roads, and disposal areas. An off-site disposal area of excess material will require an additional permit.

# Action Taken/Required:

To be considered eligible for authorization to conduct a construction activity under the terms and conditions of this permit, the owner operator must submit a Notice of Intent (NOI) form. The form must be submitted to the address below at least seven business days prior to the anticipated date of beginning the construction activity.

South Dakota Department of Agriculture and Natural Resources Air Quality Program, 523 East Capitol, Joe Foss Building, Pierre, SD 57501-3181, Phone: 605-773-3151.

The permit requires the Contractor to use reasonably available technology to control fugitive dust emissions. The Contractor is required to use control measures for track out, paved areas, unpaved roads, unpaved parking lots, disturbed areas, and for material handling and storage. The control measures that the Contractor is required to use are listed in the permit.

The Rapid City Air Quality Permit will need to be renewed annually by the Contractor until construction activities are completed.

The online form can be found at:< <https://danr.sd.gov/Environment/AirQuality/PermitForms/Forms/NOIConstruction%2021.docx> >

# COMMITMENT L: CONTAMINATED MATERIAL

This commitment should be used only when there is known contaminated soil on the project or when there are known gas stations, underground storage tanks; etc. located within the project limits. If there are no existing or past gas stations, underground storage tanks, etc., this commitment does not need to be included. A map of DANR permitted solid waste facilities by category that are within the state can be accessed at: <https://apps.sd.gov/NR60SolidWaste/main.html> . Please contact a permitted facility ahead of time to confirm what waste materials are accepted.

Contaminated soil and/or known gas stations, undergrounds storage tanks, etc. are located within the project limits. Petroleum contaminated soil is or may be located at the following sites:

List a description and location of known and/or suspected gas stations, underground storage tanks, etc.

|  |  |  |
| --- | --- | --- |
| Description | Station | L / R |
| xxxxx | xxx+xx | X |
| xxxxx | xxx+xx | X |

# Action Taken/Required:

Use the following as the first paragraph when there is known contaminated material on the project.

The Contractor will give written notice, with a copy to the Area Engineer and DANR, 30 days prior to the start of work. In addition, the Contractor will give written notice to the Engineer 7 days prior to the commencement of the work so the Engineer may notify DANR of the day work will start.

Use the following as the first paragraph when there is NOT any known contaminated material on the project, but there are known gas stations, underground storage tanks, etc. within the project limits.

The Contractor will give notice to the Engineer when contaminated soil is encountered on the project. The Engineer will contact the Environmental Office so that contact with the DANR and consultant to inspect and monitor removal of any contaminated soil can be initiated.

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

Petroleum contaminated soil may be disposed of at the (name of nearest landfill accepting contaminated material) (phone xxx-xxx-xxxx). Measurement of “Contaminated Material Excavation” will 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 will be incidental to the contract unit price per cubic yard for “Contaminated Material Excavation”.

The estimated quantity of “Contaminated Material Excavation” is xxxx cubic yards. The quantity of “Contaminated Material Excavation” may vary from the plans. No adjustment will be made to the contract unit price for variations in the quantity of “Contaminated Material Excavation”. The estimated quantity of “Contaminated Material Excavation” is provided in Section B – Grading Plans.

# COMMITMENT M: SECTION 4(f)/6(f) RESOURCES

# COMMITMENT M1: SECTION 4(f) PROPERTY

This commitment should be used when measures are required to minimize harm from project impacts to a historic property, public parks, recreation areas, or wildlife and waterfowl refuges. The Designer needs to incorporate the boundaries of [insert resource/park name] within the project area in the plans.

A Section 4(f) Evaluation concluded there are no feasible and prudent alternatives to avoiding Section 4(f) property located within the project.

|  |  |
| --- | --- |
| Station | Section 4(f) Property |
| xxx+xx | x |
| xxx+xx | x |

# Action Taken/Required:

Necessary actions (whether it be avoidance, minimization, or mitigation/enhancement measures) will vary by project. Contact the Environmental Office for appropriate material needing to be included here.

The following measures are required to minimize harm to the above Section 4(f) property: (include measures here)

The Contractor is not permitted to stage equipment or materials within [name of park(s)]. The Contractor will notify the Project Engineer if additional easement is needed to complete the work adjacent to any Section 4(f) property. The Project Engineer will obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any Section 4(f) property.

# COMMITIMENT M2: SECTION 6(f) PROPERTY

This commitment should be used when the project impacts property that was acquired or improved with a Land and Water Conservation Fund grant. Section 6(f) impact may also be considered a Section 4(f) impact to parks and recreation areas. The Designer needs to incorporate the boundaries of [park name] within the project area in the plans.

National Park Service concurrence has been obtained for project impacts to the following resource(s) acquired and developed through a Land and Water Conservation Fund grant.

|  |  |
| --- | --- |
| Station | Section 6(f) Property |
| xxx+xx | x |
| xxx+xx | x |

# Action Taken/Required:

Necessary actions for 6(f) impacts include replacement of 6(f) property with property of equal usefulness as that being converted prior to proceeding with any impacts to the 6(f) property. Contact the Environmental Office for appropriate material needing to be included here.

The following actions are required to ensure 6(f) replacement lands of equal value and usefulness are achieved: (include measures here)

The Contractor is not permitted to stage equipment or materials within [name of park(s)]. The Contractor will notify the Project Engineer if additional easement is needed to complete the work adjacent to any Section 6(f) property. The Project Engineer will obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any Section 6(f) property.

# COMMITMENT N: SECTION 404 PERMIT

This commitment is required for all projects with a 404 permit. **Designer:** Contact the Environmental Office for information regarding the Completion/Pending status of the 404 Permit for Question 9 of the BID LETTING INFORMATION section of the SPECIAL PROVISION CHECKLIST.

The SDDOT has obtained a Section 404 Permit from the USACE for the permanent actions associated with this project.

# Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 404 Permit.

The Contractor will also be responsible for obtaining a Section 404 Permit for any dredge, excavation, or fill activities associated with material sources, storage areas, waste sites, and Contractor work sites outside the plan work limits that affect wetlands, floodplains, or waters of the United States.

# COMMITMENT O: SECTION 401 WATER QUALITY CERTIFICATION

This commitment is required for all projects with a Clean Water Act Section 401 Water Quality Certification. Projects that have a Section 404 Permit and are on Indian Reservation land are subject to Section 401.

The SDDOT has obtained a Clean Water Act Section 401 Water Quality Certification from the Environmental Protection Agency (EPA) regarding an US Army Corp of Engineers CWA Section 404 Permit for the actions associated with this project.

# Action Taken/Required:

The certification letter noted below lists the project conditions.

The Contractor will comply with all requirements contained in the Section 401 certification. A copy of the EPA CWA 401 Certification must be retained on-site.

# COMMITMENT P: TRADITIONAL CULTURAL PROPERTY MONITORING

This commitment is required for projects where Traditional Cultural Property monitoring has been deemed necessary or where avoidance of tribal resources is needed. Include a hatched location within the Section B-Grading Plans to help visualize the site position.

As a result of a Traditional Cultural Property (TCP) Survey, sensitive sites have been identified within and/or adjacent to the project rights-of-way.

The following TCP sites have been identified that require avoidance of construction activities:

# Table of Culturally Sensitive Sites

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Station | Offset  (Ft.) | L/R | Environmental Sensitive Site | Action |
| xxx+xx to xxx+xx | xx | L/R | XX | Choose appropriate action(s) for each site:  Do Not Disturb/ Monitor/Site Fencing |
| xxx+xx to xxx+xx | xx | L/R | XX |  |

The locations and boundaries of the site(s) for avoidance are shown in Section B - Grading Plans.

# Action Taken/Required:

If evidence of a TCP is identified by during project construction activities, then such activities within 150 feet of the inadvertent discovery will immediately cease, and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office who will consult with the Archaeological Research Center (ARC), the (reservation name) THPO (and/or SHPO if applicable), and FHWA, to determine the appropriate course of action.

All artifacts, features, or other items of interest uncovered by project construction activities will not be displaced unless the (reservation name) THPO (and/or SHPO/landowner, if applicable) consent to it.

If orange safety fence is required, use the following paragraph:

Prior to the pre-construction meeting, the Contractor will contact the ARC (Phone: 605-394-1936) and the (reservation name) THPO (Phone: 605-xxx-xxxx) to arrange for the installation of orange safety fence around the perimeter of the sensitive site(s) listed in the Table of Culturally Sensitive Sites to ensure proper location, quality, and visibility of the orange safety fence. The exact location of the safety fence will be determined later in the field by the ARC representative.

The Contractor will give written notice to the Engineer seven (7) days prior to the commencement of earth disturbing activities near listed sites identified in the Table of Culturally Sensitive Sites so the Engineer may notify ARC and tribal representative of the day work will start and schedule the installation of orange safety fence. ARC and tribal monitor are to be present during earth disturbing activities to monitor the removal of topsoil, ensure avoidance of the fenced sites, and identify any culturally sensitive sites that may be uncovered.

Work within the vicinity of the site(s) will not begin until the safety fence is installed. All costs associated with furnishing and installing the orange safety fence at the sites listed in the Table of Culturally Sensitive Sites will be incidental to the contract unit price per foot for “Orange Plastic Safety Fence”.

If monitoring is required, include the following three (3) paragraphs:

SDDOT will provide monitoring for the site(s) identified in the above table.

Prior to the pre-construction meeting, the Contractor will notify the ARC (Phone: 605-394-1936) and the (reservation name) THPO (if applicable) to be present at the meeting for the purposes of coordinating the monitoring schedule of the site(s) listed in the Table of Culturally Sensitive Sites. Work within vicinity of the site(s) will not begin until monitors are present at the site(s).

All costs associated with monitoring will be submitted to the Project Engineer for reimbursement.

Before earth disturbing activities near listed sites occurs, there will be seven (7) days prior notification provided to ARC for scheduling the installation of orange safety fence and/or monitoring at sensitive sites listed in the Table of Culturally Sensitive Sites. ARC and tribal monitor are to be present during earth disturbing activities to monitor the removal of topsoil, ensure avoidance of the fenced sites, and identify any culturally sensitive sites that may be uncovered.

These identified sites cannot be used for material sources, storage areas, waste sites, and/or any other project related activities outside the plan work limits.

# COMMITMENT Q: ARCHAEOLOGICAL COORDINATION

This commitment should be used on projects where TCP monitoring isn’t necessary, but avoidance of historical/archaeological sites is. Include a hatched location within the plans to help visualize site position.

As a result of a Cultural Resources Survey, historic properties have been identified within and/or adjacent to the project rights-of-way.

The following historic properties have been identified that require avoidance of construction activities:

# Table of Historic Properties

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Station | Offset  (Ft.) | L/R | Environmental Sensitive Site | Action |
| xxx+xx to xxx+xx | xx | L/R | xx | Choose one of the following for each site:  Do Not Disturb/Monitor/Site Fencing |
| xxx+xx to xxx+xx | xx | L/R | xx |  |

The locations and boundaries of the site(s) for avoidance are shown in Section B - Grading Plans.

# Action Taken/Required:

If evidence for cultural resources is uncovered during project construction activities, then such activities within 150 feet of the inadvertent discovery will immediately cease and the Project Engineer will be immediately notified.  The Project Engineer will contact the SDDOT Environmental Office, who will consult with the Archaeological Research Center (ARC), the (reservation name) THPO (and/or SHPO if applicable), and FHWA, to determine the appropriate course of action.

All artifacts, features, or other items of interest uncovered by project construction activities will not be displaced unless the landowner and the SHPO consent to it.

If orange safety fence is required, use the following paragraph:

Prior to the pre-construction meeting, the Contractor will contact the ARC (Phone: 605-394-1936) to coordinate the installation schedule of orange plastic safety fence around the perimeter of the sensitive site(s) listed in the Table of Historic/Archeological Sites to ensure proper location, quality, and visibility of the orange safety fence. The exact location of the safety fence will be determined later in the field by the ARC representative.

The Contractor will give written notice to the Engineer seven (7) days prior to the commencement of earth disturbing activities near listed sites identified in the Table of Historic/Archaeological Site so the Engineer may notify ARC of the day work will start and schedule the installation of orange safety fence. ARC is to be present during earth disturbing activities to monitor the removal of topsoil, ensure avoidance of the fenced sites, and identify any culturally sensitive sites that may be uncovered.

Work within the vicinity of the site(s) will not begin until the safety fence is installed. All costs associated with furnishing and installing the orange safety fence will be incidental to the contract unit price per foot for “Orange Plastic Safety Fence”. These identified sites cannot be used for material sources, storage areas, waste sites, and/or any other project related activities outside the plan work limits.

If monitoring is required, include the following three (3) paragraphs:

SDDOT will provide monitoring for the site(s) identified in the above table.

Prior to the pre-construction meeting, the Contractor will contact ARC (Phone: 605-394-1936) to be present at the meeting for the purposes of coordinating the monitoring schedule of the site(s) listed in the Table of Historic/Archeological Sites. Work within vicinity of the site(s) will not begin until monitors are present at the site(s).

All costs associated with monitoring will be submitted to the Project Engineer for reimbursement.

Before earth disturbing activities near listed sites occurs, there will be seven (7) days prior notification provided to ARC for scheduling the installation of orange safety fence and/or monitoring at sensitive sites listed in the Table of Culturally Sensitive Sites. ARC and tribal monitor are to be present during earth disturbing activities to monitor the removal of topsoil, ensure avoidance of the fenced sites, and identify any culturally sensitive sites that may be uncovered.

These identified sites cannot be used for material sources, storage areas, waste sites, and/or any other project related activities outside the plan work limits.

# COMMITMENT R: TREE REPLACEMENT

The Contractor will minimize tree removal and disturbance to vegetation to activities only designated within the plans. There are ## acres of trees that will be impacted by construction activities.

# Action Taken/Required:

Trees will be replaced with native trees at a SDDOT designated location within the vicinity of the project at a 2:1-acre ratio. The Contractor will enhance and incorporate impacted landscape areas to optimize the longevity and maintainability of existing trees and vegetation. The Contractor will reseed and temporarily protect disturbance areas with SDDOT approved BMPs. Refer to Section B – Grading Plans for location and boundaries of the tree replacement.

# COMMITMENT S: FIRE PREVENTION IN THE BLACK HILLS AREA

This commitment should be used when the project is adjacent to or is located within the Black Hills National Forest (this does not include any area within the limits of any municipality). The following is a hyperlink to the BH Forest Fire Protection Boundary map and to SDCL 34-35-15:

<http://denr.sd.gov/des/aq/bhfpb.aspx>

[http://legis.sd.gov/statutes/DisplayStatute.aspx?Type=Statute&Statute=34-35-15](https://sdlegislature.gov/Statutes/Codified_Laws/2057672)

**Designer:** Special Provision Item 10 FIRE PLAN of the Special Provision Checklist needs to be checked and included in the proposal when Commitment S is included with the project.

This project is located within the Black Hills Forest Fire Protection Boundary.

# Action Taken/Required:

The Contractor will adhere to the “Special Provision for Fire Plan”.

# COMMITMENT T: OTHER

This commitment is reserved for any additional project specific requirements or restrictions not covered in the other commitments (i.e. noise barriers & location table, Environmental Justice, temporary wildlife fencing, historic marker location(s), or another environmental measure or permit requirement derived through the environmental review process),