

FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND SECTION 4(F) FINDING

FOR

South Veterans Parkway

NH 0100(110)405, PCN 01V9, I-29 to Western Ave
P 1359(00), PCN 08DA, CIP 11111
P 1391(00), PCN 08DC, CIP 11112
NH 0100(108)407, PCN 01V6, Western Ave to Cliff Ave
P 1353(00), PCN 08DD, CIP 11113
NH 2115(00), PCN 08DE, CIP 11114
P 1261(00), PCN 08DF, CIP 11115
NH 0100(106)409, PCN 01V7, Cliff Ave to Sycamore Ave
P 8042(00), PCN 08DG, CIP 11116
P 8042(00), PCN 08DH, CIP 11117
NH 0100(107)411, PCN 01VA, Sycamore Ave to 57th St
P 1440(00), PCN 08DJ, CIP 11118
P 1432(00) PCN 08DK, CIP 11119

Lincoln and Minnehaha Counties Sioux Falls, South Dakota

Submitted Pursuant to 42 U.S.C. 4332(2)(c) and 49 U.S.C. 303
by the
U.S. Department of Transportation
Federal Highway Administration
South Dakota Department of Transportation

January 2023

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Appendices

Appendix A: Public Comments and Responses

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1.0 Introduction

The Federal Highway Administration (FHWA) has determined that in accordance with 23 CFR § 771.119 and § 771.121, the South Veterans Parkway project will not have a significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) for the Proposed Action is based on the 2022 Supplemental Environmental Assessment (2022 EA) signed by FHWA on November 16, 2022 and was made available to stakeholders, agencies, and the public for a 30-day comment period on the website <https://southveteransparkway.com>. Printed versions of the 2022 EA were also made available at the South Dakota Department of Transportation (SDDOT) Sioux Falls Area Office and City of Sioux Falls City Center. A Public Meeting was held on December 2, 2022 at the Sioux Falls Convention Center to discuss the 2022 EA and provide the public an opportunity to comment on the project.

A summary of agency and public comments received during the comment period is included in this FONSI. No significant agency or public comments were received that necessitate revisions to the document; therefore, the document will not be republished. The 2022 EA has been independently evaluated by the FHWA, who has determined that it accurately discusses the need, purpose, alternatives, environmental resources, and impacts of the Project and appropriate mitigation measures. The 2022 EA and referenced reports have provided sufficient evidence for determining that an Environmental Impact Statement (EIS) is not required. The 2022 EA and supporting documents included as appendices are incorporated by reference into this FONSI.

The Project was developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality's (CEQ's) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] §1500-1508) and the corresponding regulations and guidelines of the U.S. Department of Transportation (USDOT) and (FHWA).

2.0 Description of the Proposed Project

Veterans Parkway is a limited-access regional arterial roadway constructed to address future transportation system needs and, upon full construction, would consist of a 17-mile-long, paved roadway between I-29 and I-90 in Sioux Falls, South Dakota, as shown in Figure 1. The 2022 EA summarizes the historical context of the Project, beginning with the introduction of the east side corridor in a 1995. To date, the northern half of the corridor, from I-90 south to just north of 57th Street, has been constructed.

Figure 2 shows the study area for the 2022 EA and identifies the proposed construction phases for the remaining 8.5 miles of Veterans Parkway from the I-29/Exit 73 interchange to just north of 57th Street, to be completed by late Fall 2026. The logical termini for South Veterans Parkway corridor are I-29 Exit 73 interchange and where North Veterans Parkway currently ends at East 57th Street.



South Veterans Parkway would accommodate six lanes of traffic and intersect with existing arterials along the corridor. Posted speed limits would range from 45 to 55 miles per hour (mph) based on speed studies to be performed following its opening. The horizontal and vertical alignments are based on a design speed of 60 mph. The proposed highway would be located within the exterior limits of Sioux Falls and within its south and east growth areas. A shared-use path would be located on the south side of South Veterans Parkway.

The City is planning to construct nine City arterial roadway projects that intersect with the proposed South Veterans Parkway (Figure 3). The City's 2021-2025 Capital Improvements Plan (CIP) identifies these nine arterial Projects to be associated with South Veterans Parkway and are the next logical extension of existing arterials — they typically begin where urbanization currently ends. These are referred to as the “City arterials” in this document. The City arterials have been planned to be constructed simultaneously with South Veterans Parkway to improve efficiency and reduce the duration of road closures to the traveling public. Because they will require adequate turn lanes and queue lengths appurtenant to the function of South Veterans Parkway, the City arterials were analyzed in the 2022 EA. The logical termini for the nine additional City arterials are the next major intersections. Completing South Veterans Parkway including the intersecting City arterials is a standalone project since the proposed improvements would address the Project needs. The Project would not force other improvements to be needed beyond the logical termini.

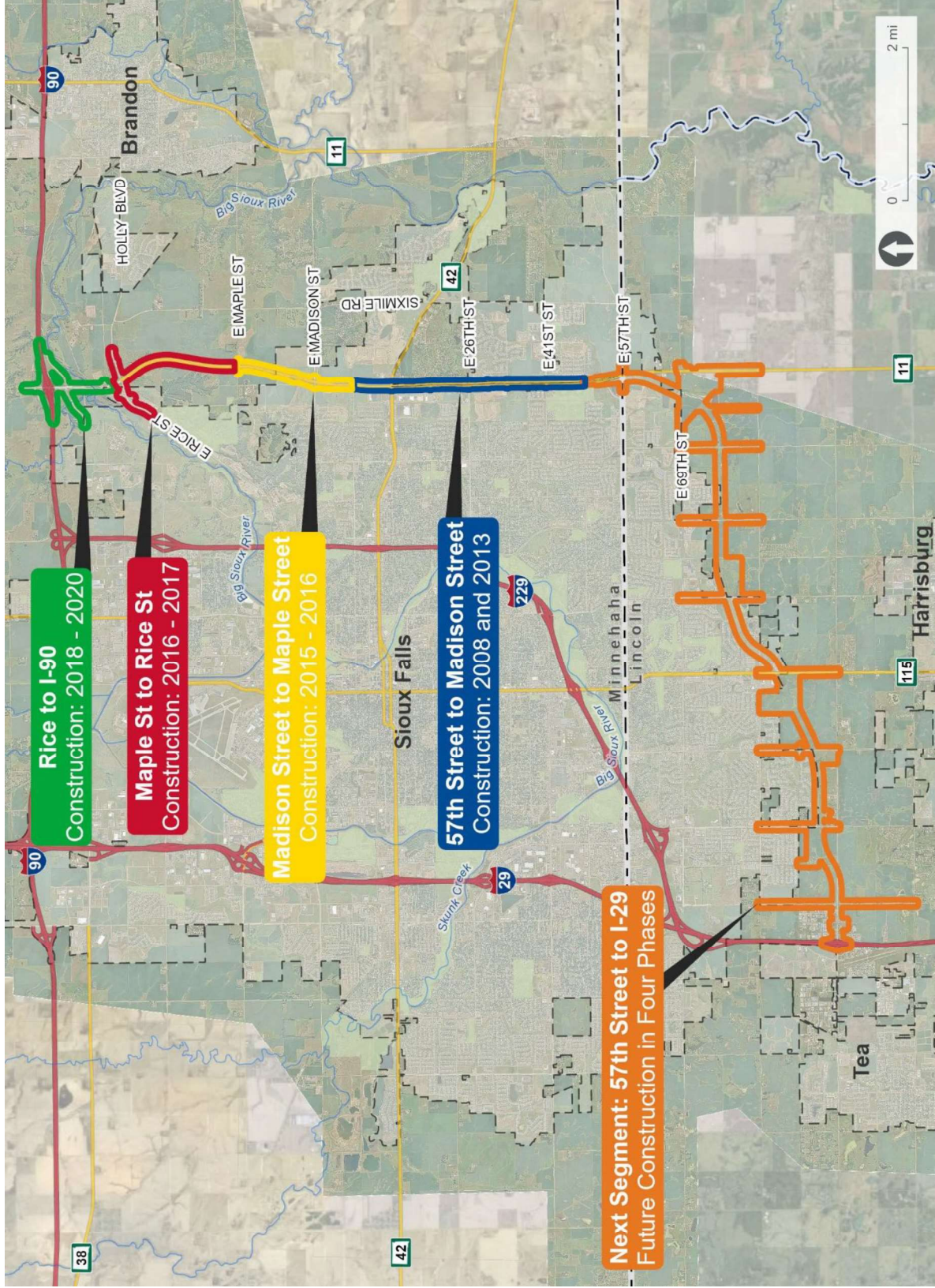


Figure 1. Veterans Parkway completed and planned segments overview map

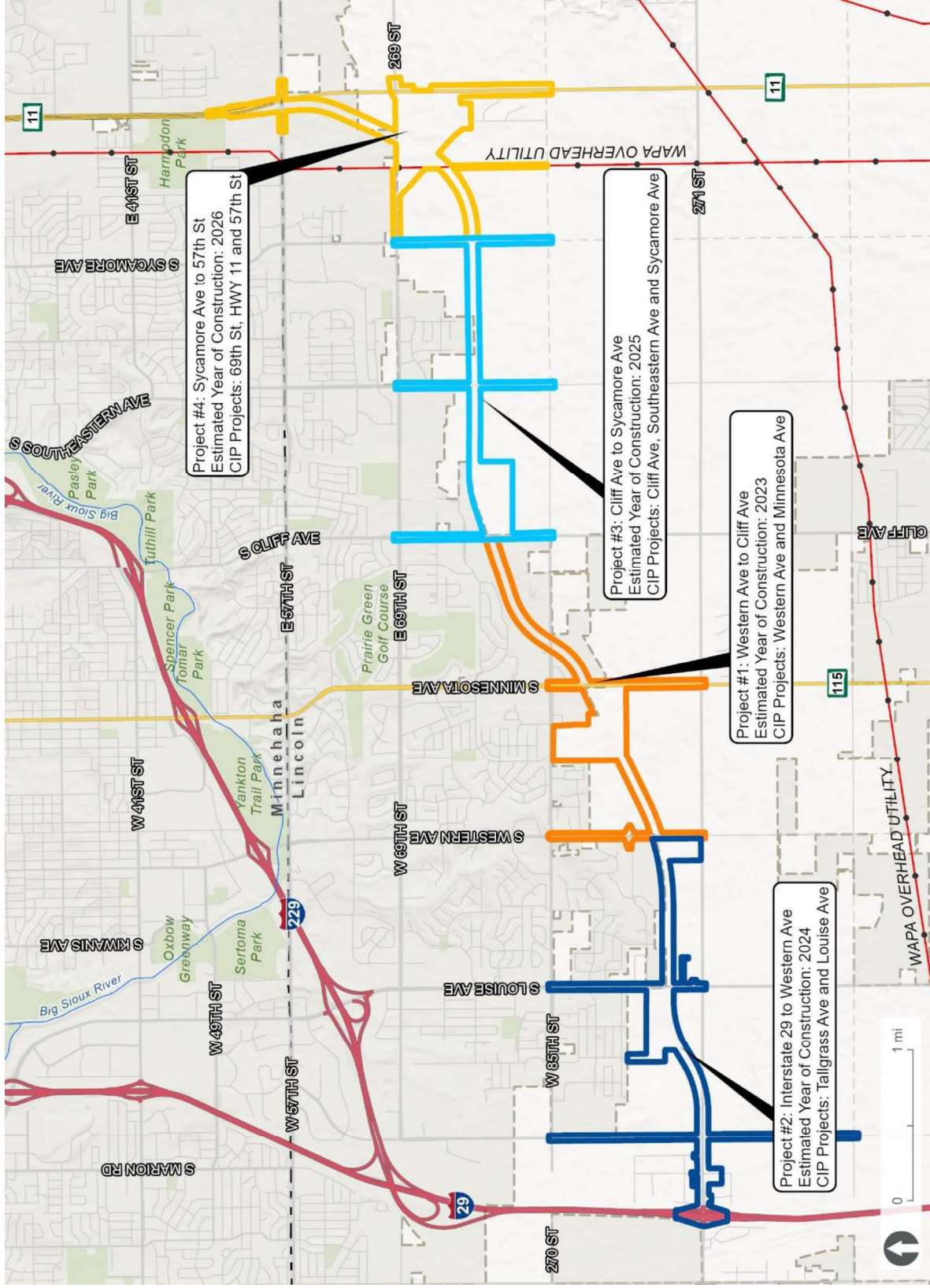


Figure 2. South Veterans Parkway project study area and proposed construction phases

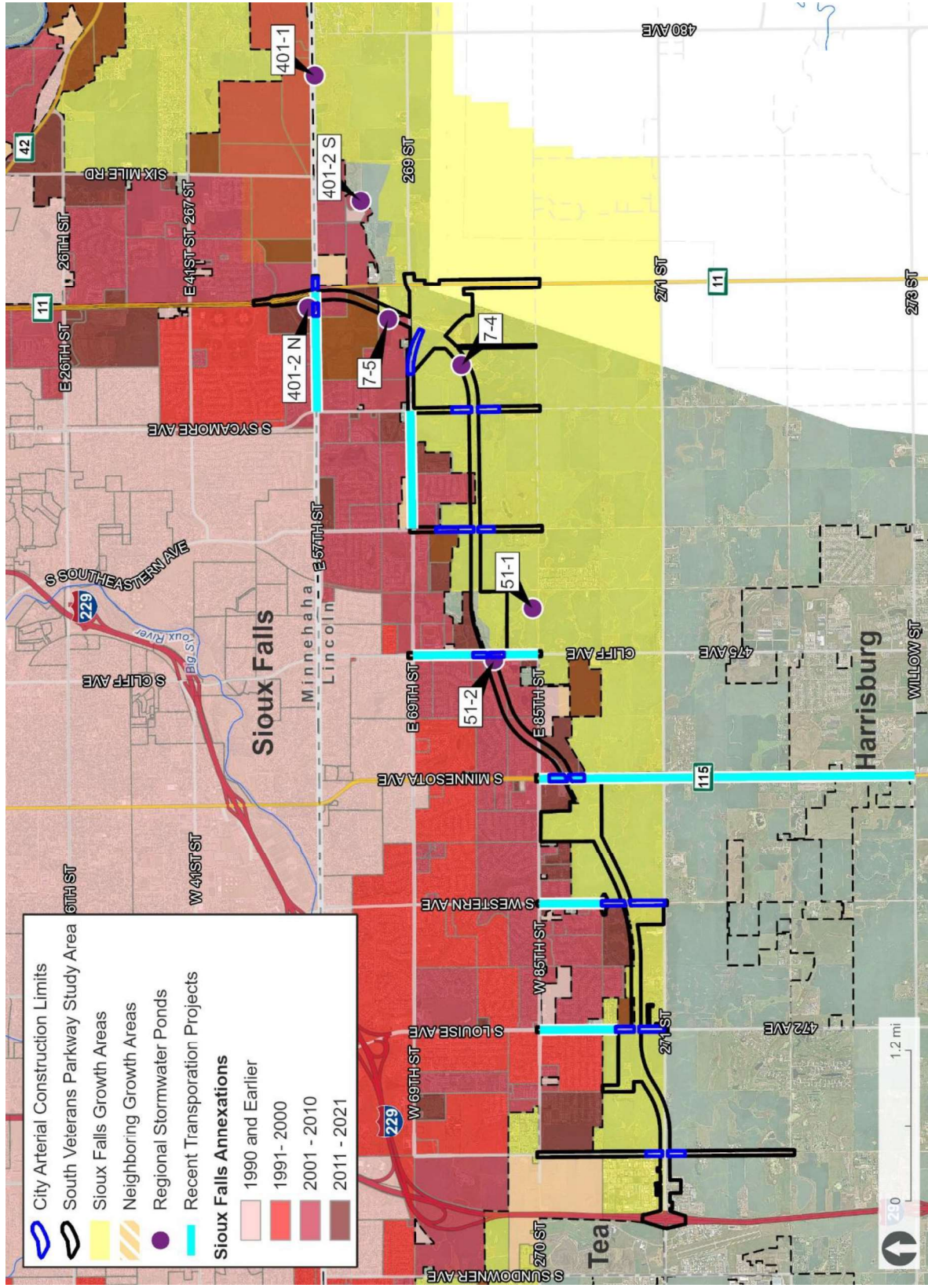


Figure 3. South Veterans Parkway in relation to City arterial projects and neighboring growth areas



2.1 Purpose and Need for the Project

The purpose and need for the Project was originally established in the 2003 EA and focused on addressing the transportation needs for year 2025; however, 2050 traffic projections were considered as 2050 represented full buildout throughout the City's growth area. The 2012 EA had the same purpose except that it focused on addressing the transportation needs for year 2035. The 2022 EA validated that the 2012 conditions and assumptions have not changed to the point where the original purpose and need is no longer appropriate.

The purpose and need statement were developed through coordination and consideration of input from the public, agencies, and tribes. In addition, meetings were held with each potentially affected landowner, business owners, adjacent residents, neighborhoods, a homeowner association, and road districts. Coordination with agencies, tribes, landowners, and the public will continue throughout the Project.

Purpose

The purpose for the Project is to:

- Adequately prepare the City of Sioux Falls for the year 2026 and 2050 transportation system needs consistent with planning decisions and future construction of other public and private infrastructure investments.
- Prevent deficiencies that will occur within the Sioux Falls transportation network by the years 2026 and 2050 if nothing is done. These deficiencies include congestion (i.e., travel delay and level of service failures) and worsening accessibility.
- Accommodate the 2026 and 2050 traffic growth needs of the study area.

“Sioux Falls transportation network” refers to the transportation network as it exists within the City’s transportation demand model. Since 2003, the City’s Long-Range Transportation Plan and traffic model have included Veterans Parkway (SD100) as a part of the transportation network.

Need

The needs for the Project described in the 2022 EA are system linkage, traffic congestion, accessibility, and capacity.

Table 1 breaks down the components of the purpose and need for the Project and what the target criteria are for addressing the Project needs. A narrative that presents the data substantiating the Project needs which support the purpose statements is found in Table 1. In summary, the concerns identified within the previous purpose and need statements within the 2003 and 2012 EA remain and continue to support the necessity of this action.



Table 1. Summary of the Project’s Purpose and Need along with evidence supporting the Needs

PURPOSE STATEMENTS*		
<p>Purpose Statement #1: Adequately prepare the City of Sioux Falls for the year 2026 and 2050 transportation system needs consistent with planning decisions and future construction of other public and private infrastructure investments.</p>	<p>Purpose Statement #2: Prevent deficiencies that will occur within the Sioux Falls transportation network by the years 2026 and 2050 if nothing is done. Transportation deficiencies include travel delay, level of service failures, and worsening accessibility in the southeast region.</p>	<p>Purpose Statement #3: Accommodate the 2026 and 2050 traffic growth needs of the Sioux Falls Travel Demand Model within the study area.</p>
NEEDS		
System Linkage	Traffic Congestion, Accessibility	Capacity
TARGET CRITERIA		
<p>Validate official planning documentation that identifies Veterans Parkway to link major transportation facilities (I-29 to I-90) of the same mode.</p> <ul style="list-style-type: none"> • 2045 Long-Range Transportation Plan (Sioux Falls MPO 2020) • Shape Sioux Falls 2040 - Comprehensive Plan (Sioux Falls 2019) • Lincoln County Transportation Master Plan (Lincoln County 2019) 	<p>Reduce traffic delay within the Sioux Falls transportation network by improving accessibility and reducing lane miles of roadway within the Sioux Falls transportation network that have failing level of service (LOS) at AM and PM peak traffic periods.</p>	<ul style="list-style-type: none"> • Meet minimum Level of Service (LOS) for projected 2026 and 2050 traffic volumes on South Veterans Parkway. • Meet minimum Level of Service (LOS) for projected 2026 and 2050 traffic volumes at City arterials. • Meet minimum Level of Service (LOS) for projected 2050 traffic volumes at Exit 73 where South Veterans Parkway connects to I-29.

* Purpose statements were taken from the Purpose and Need statements found within the 2003 and 2012 EA. The years (2026 and 2050) were updated to reflect the current planning horizon. Purpose Statement #2 was updated to reflect the current purpose based on needs of the proposed Project.



2.2 Alternatives Considered

The 2022 EA summarizes the two build alternatives that were evaluated as part of the 2003 EA and the two build alternatives that were evaluated within the 2012 EA. The 2012 EA preferred alternative with updates was re-evaluated in the 2022 EA. In addition, the No Build Alternative has been included within the alternatives analysis to satisfy NEPA requirements and FHWA guidelines.

No Build Alternative

The No Build Alternative would leave the existing roadway system in place. The City and local jurisdictions would continue to expand arterial and local roadways in response to growth; however, South Veterans Parkway and the planned intersections with City arterials would not be built out. The 2022 EA re-affirmed the previous determination made in the 2003 EA that the No Build Alternative would not meet the needs of the Project as it would not be consistent with long-range transportation plans which identify another system link between I-29 and I-90. Additionally, it would not prevent deficiencies that would occur within the Sioux Falls transportation network including traffic congestion and worsening accessibility, particularly in south and east regions.

Preferred Alternative

The Preferred Alternative identified in the 2012 EA as the 2012 Revised Build Alternative was carried forward into the 2022 EA and included some modifications. The Preferred Alternative alignment follows the same alignment as it did in the 2012 EA except for a 50-foot shift south on the west of Louise Avenue. Other changes to the Preferred Alternative resulted from a segment of the project being constructed (26th Street to 57th Street) and revisions in design of various project elements as informed by an updated corridor traffic study (e.g., intersection at 57th Street vs interchange and extending project to include the Exit 73 interchange). The most notable change to the Preferred Alternative since the 2012 EA in terms of the environmental analysis is the inclusion of the expansion of existing City arterials through the South Veterans Parkway corridor. Building out the intersecting arterials was identified as necessary to meet the needs of the Project and therefore were included as part of the Preferred Alternative within the 2022 EA.

Table 2 provides a summary of the major roadway design elements including expected vehicle classification and projected 2050 traffic volumes on South Veterans Parkway. Below is a high-level summary of the Preferred Alternative:

- Six-lanes of traffic separated by a 32-foot-wide raised median. The raised median would be replaced with a 56-inch-high concrete barrier with 4-foot-wide shoulders between 85th Street and Cliff Avenue to further distance the road from residences as well as over the Burlington Northern Santa Fe (BNSF) railway to consolidate all traffic lanes onto a single bridge (Figure 4).
- Extending intersecting City arterial roadways through South Veterans Parkway.
- Dual left turn lanes at each City arterial intersection.



- Intersections with City arterials would be at-grade except for at 85th Street where there would be a grade-separated crossing.
- Curb and gutter along each side of the raised median and along the outside of each roadway section.
- Shared-use path located along the south side of the roadway for pedestrian and bicyclist users. The City has identified underpass locations to be situated in locations that would best serve existing and future schools, parks, and residential developments.
- Access spacing limited to signalized intersections located at arterial streets which are approximately one mile apart. The exemption to the one-mile intersection spacing would be from I-29 to Tallgrass Avenue where spacing is reduced to accommodate existing development access locations. The one-mile spacing is utilized to maintain the designation of the corridor as a limited-access highway.
- Two overpasses including one over 85th Street and the other over the BNSF railroad between Cliff Avenue and Southeastern Avenue.
- Posted speed limits on South Veterans Parkway would range between 45 and 55 mph based on speed studies performed following the opening. The design speed would be 60 mph based on current road design standards.
- Intersecting City arterials would consist of a four-lane urbanized road section with two lanes in each direction and a raised median. Intersections with South Veterans Parkway would include additional lanes for left and right turning movements (Table 2, Figure 5).
- Intersecting City arterials would taper into the existing 2-lane rural road segments to the south of South Veterans Parkway and tie into the existing urban roadway section to the north of South Veterans Parkway.
- Western Avenue's intersection with 95th Street to the north of South Veterans Parkway would become a roundabout.



Table 2. Major roadway design elements of South Veterans Parkway

Major Design Element	2012 EA Preferred Alternative (I-29 To 26 th Street)	Current Preferred Alternative (I-29 Exit 73 To 57 th Street)
<u>Design Traffic Volume</u>	<u>2050 Forecasts (vpd)^a</u>	<u>2050 Forecasts (vpd)</u>
I-29 to Tallgrass Ave	33,000	34,000
Tallgrass Ave to Louise Ave	37,000	32,500
Louise Ave to Western Ave	41,000	35,500
Western Ave to Minnesota Ave	36,000	36,500
Minnesota Ave to Cliff Ave	38,000	28,000
Cliff Ave to Southeastern Ave	39,000	20,000
Southeastern Ave to Sycamore Ave	37,000	15,500
Sycamore Ave to 69 th St	36,000	15,500
69 th Street to 57 th St	45,000	26,500
57 th Street to 26 th St	47,000	32,500
Vehicle Classification	90.7% cars 4.2% medium trucks 3.3% heavy trucks 0.7% Buses 1.1% Motorcycles	90.7% cars 4.2% medium trucks 3.3% heavy trucks 0.7% Buses 1.1% Motorcycles
Surface Type	Concrete	Concrete
Traffic Lane Width	12 feet	12 feet
Shared Use Path	10 feet on the south/east side of the main alignment	10 feet on the south/east side of the main alignment
<u>Posted Speed (mph)</u>		
I-29 E to 57 th St ^b	55	55
57 th St to 26 th St	45	N/A
City Arterials ^c	NA	40
<u>Design Speed (mph)</u>		
I-29 to Tallgrass Ave	55	55
Tallgrass Ave to 57 th St	60	60
City Arterials	NA	45
<u>ROW Minimum Width (feet)</u>		
South Veterans Parkway	200	200
City Arterials	NA	100
<u>Access Spacing</u>		
½-mile Spacing	41 st St to 26 th St	N/A
1-mile Spacing ^d	I-29 to 41 st St	I-29 to 57 th St

a) vehicles per day

b) Would be posted at 45 mph between I-29 and Tallgrass Avenue.

c) Western Avenue posted speed limit of 35 mph would remain due to proximity to existing schools.

d) Exception to this would be from I-29 to Tallgrass Avenue where spacing is reduced to accommodate existing development access locations.

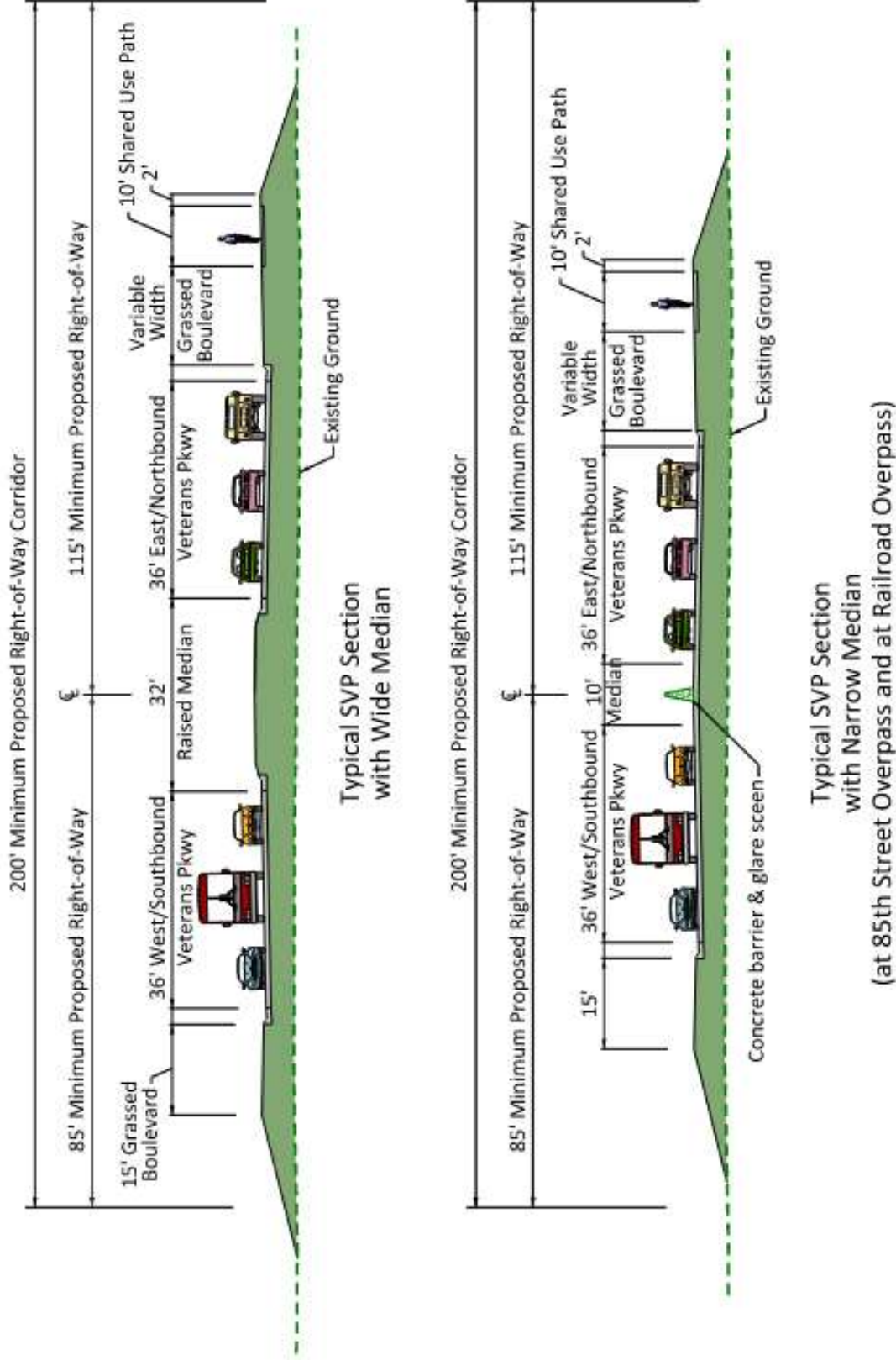


Figure 4. Common typical sections for South Veterans Parkway.

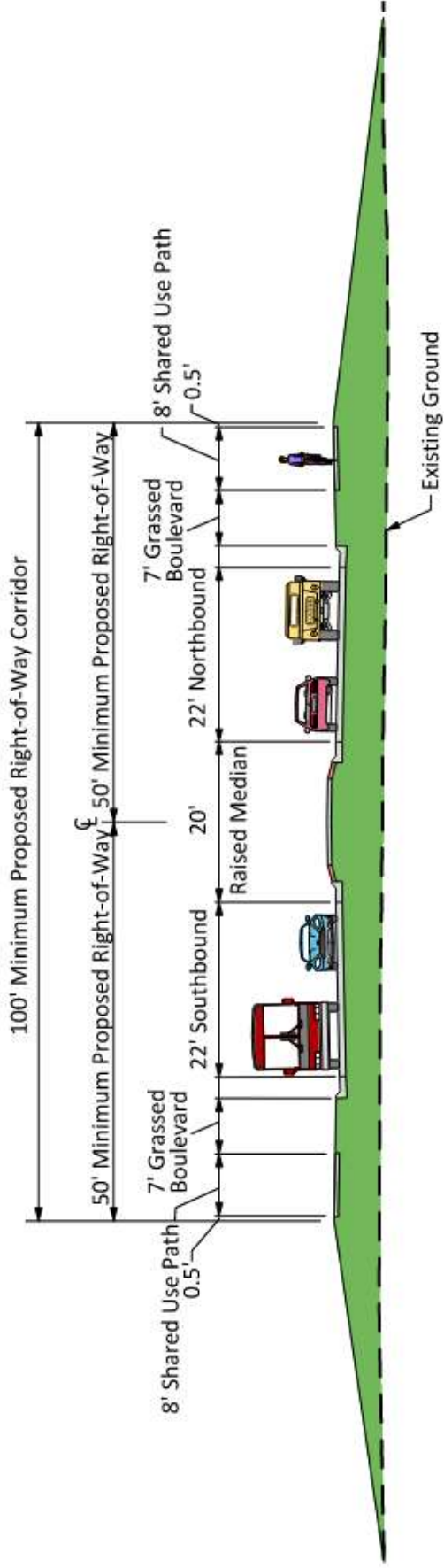


Figure 5. Typical sections for intersecting City arterial segments¹

¹ Tallgrass Ave, Western Ave, Cliff Ave, and 69th St would have dedicated right and left turn lanes onto South Veterans Parkway and two through lanes in each direction (6 total lanes); Sycamore Ave would have a dedicated left turn lane, a combined through / right turn lane onto South Veterans Parkway, and a combined a through lane in each direction (5 total lanes); Louise Ave, Minnesota Ave, Southeastern Ave, and 57th St would have two dedicated left turn lanes and a dedicated right turn lane onto South Veterans Parkway as well as two through lanes in each direction (7 total lanes).



2.3 Summary of Impacts

Table 3 summarizes the social, economic, and environmental impacts associated with the Project as evaluated within the 2022 EA.

Table 3. Environmental resource impact analysis summary of the 2022 EA

Resource	Impact Summary
Land Use	The Project is compatible with existing planning documents. Consistency with existing plans provides for orderly future development of public and private infrastructure and thus will have a beneficial effect on land use.
Social Environment	The Project would result in beneficial effects on the social environment by reducing traffic delay by 4,000 hours per day by 2050 and would result in improved accessibility in developed areas.
Public Facilities, Utilities, and Services	<p>The Project would not impact public buildings within the study area (i.e., schools). Alternative access / temporary detours would be provided during construction. Temporary impacts to private utilities would occur during construction, resulting in a minor adverse impact.</p> <p>Coordination will occur with all private utilities as well as Western Area Power Administration (WAPA), as design progresses. If needed, further analysis would be completed in a re-evaluation of this EA during final design.</p>
Railroads	The Project may result in temporary minor effects to railroad operation during construction of a grade-separated crossing of the active BNSF rail line. Construction would be coordinated with BNSF to minimize impacts.
Bicyclists and Pedestrians	The Project will provide bicycle and pedestrian facilities that enable walkable neighborhoods and connectivity between neighborhoods, schools, businesses, and other existing and planned multimodal facilities. Therefore, the preferred alternative would have a beneficial effect on bicyclists and pedestrians.
Visual Impacts and Aesthetics	<p>The Project will result in adverse impacts on visual quality by adversely affecting the sensitivity of neighbors between 85th Street and Cliff Avenue. Adverse impacts on viewer awareness include drawing attention and focus to streetlights, headlights, traffic, and the roadway in general.</p> <p>Mitigation measures will compensate for adverse impacts that the Project has viewer awareness. Mitigation measures include narrowing the median from 32 feet to 10 feet and installing a 56-inch-high concrete barrier & glare screen between directions of traffic in the area between 85th Street and Cliff Avenue. Additionally, trees, shrubs, and other native herbaceous vegetation would be planted between the residences and the road in the area between 85th Street and Cliff Avenue.</p>
Archeological and Historic Resources	<p>The Project would have no adverse effect on archeological and historic resources.</p> <p>Additional archeological and architectural surveys and Section 106 consultation would be completed for unsurveyed areas such as borrow site(s) and/or stormwater detention pond(s) that are determined necessary and identified during final design.</p>



Resource	Impact Summary
Economic Resources	<p>The Project would result in the partial take of one business, Dakota Hardscape Supply (formerly Dakota Stone).</p> <p>Additional ROW acquisition and additional access modifications would occur to businesses between I-29 and Tallgrass Avenue because of a 3rd through lane that was recommended in the recent traffic study. Albers Avenue would remain the only access to South Veterans Parkway between I-29 and Tallgrass Avenue. Stacey’s Vintage Art Boutique may be acquired/relocated due to ROW and control of access requirements. Other business access modifications have been reviewed with business owners to maintain and accommodate normal business operations to the extent possible.</p> <p>Improved accessibility from the new arterial would provide an overall benefit to existing and future businesses upon project completion.</p>
Environmental Justice	<p>The Project would have no disproportionate impacts to low-income or minority populations.</p>
Air Quality	<p>The Project would have no significant long-term impact on air quality. Neighboring areas could be exposed to construction-related fugitive dust and construction equipment emissions during construction.</p>
Noise	<p>The Project is expected to result in a substantial noise increase (increase of 15 dBA) to 107 receptors by the year 2050. Of the 107 impacted receptors, 18 would exceed the SDDOT Noise Abatement Criteria of 66 dBA for residential land use.</p> <p>Temporary noise increases would occur during road construction due to heavy machinery operation.</p>
Relocations	<p>The Project would require acquisition and/or relocation of two farmsteads / residences and partial acquisition of Dakota Hardscape Supply (formerly Dakota Stone).</p> <p>All remaining ROW and relocation impacts would be in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act (UA) of 1970, as amended by the Surface Transportation Assistance Act of 1987 and as codified in 49 CFR 24, effective April 1989.</p>
Farmland	<p>The Project would have no significant impact on prime and important farmland based on a Farmland Conversion Impact rating completed as part of the 2012 EA. Development adjacent to the corridor since that time has reduced the amount of farmland that would now be converted as a result of the Project.</p>
Wetlands and Streams	<p>South Veterans Parkway would result in 58.54 acres of permanent wetland impact. Another 2.48 acres of wetland impact would result from constructing the following City arterials: Tallgrass, Louise, Western, Minnesota, and Cliff Avenues. Additionally, the 0.45 acre of stream channel totaling 865 linear feet would be permanently impacted. Final wetland and stream impacts associated with Southeastern Avenue, Sycamore Avenue, 69th Street, and 57th Street are expected to be like the other City arterial projects and will be determined during later design phases.</p>
Water Quality	<p>The Project would have no significant impact on water quality.</p>



Resource	Impact Summary
Floodplains	The Project would encroach on a total of 5.16 acres of effective floodplain and 1.22 acres of floodway. It is anticipated that the Project would have a minor, adverse impact on the floodplain, and that the rise of the floodplain elevation would be less than 1 foot.
Vegetation, Fish, and Wildlife	The Project would have a negligible effect on vegetation, fish, and wildlife communities. The Study Area is a highly fragmented landscape.
Threatened or Endangered Species	The Project has been determined to May Affect, Not Likely to Adversely Affect the northern long-eared bat due to tree removal. It is not likely to jeopardize the Monarch Butterfly, a candidate species for being federally listed. A minor adverse impact would result from impacting a small patch of potential habitat for the lined snake, a State Endangered species.
Invasive Plants	The Project would not increase the spread of invasive plant species.
Section 4(f) and Section 6(f) Resources	The Project would not impact 6(f) resources and would not adversely affect Section 4(f) resources. SHPO concurred with a No Adverse Effect recommendation for impacts on eligible historic properties (KSOO radio station and two railroad crossings). A <i>de minimis</i> impact determination was made for the railroad crossings as part of the 2012 EA. FHWA concurred with a <i>de minimis use</i> of the KSOO radio station property as part of the 2022 EA (see Appendix C).
Regulated Materials	The Project may be affected by and may affect a suspected regulated material site (Sinclair Gas Station).
Climate / Resiliency	The Project has negligible effect on climate change. It would result in a reduction in vehicle emissions upon completion compared to the No-Build Alternative. Climate change poses low risk to the Project.
Cumulative Impacts	The Project is not anticipated to result in significant indirect and cumulative impacts. No significant cumulative impacts are projected to occur with the Project in conjunction with other projects.

3.0 Coordination and Public Involvement

As indicated in the 2022 EA and supporting documentation, the scoping process was initially completed for the 2003 and 2012 EAs and included coordination with Federal, State, and local agencies, and tribes as well as the public. As part of the 2022 EA, FHWA and SDDOT coordinated again with the agencies, tribes, and public. Coordination with agencies, tribes, and public occurred early in the Project and these entities were re-engaged as more information was known or as changes occurred to the Project. Agency comments assisted in understanding the environmental concerns for the Project and helped determine appropriate environmental commitments for Project impacts.



3.1 Public Involvement

Public involvement has been conducted throughout the Project. Public involvement was completed for both the 2003 EA and the 2012 EA primarily through public meetings/open houses and providing project information online. Public input was requested at key milestones during the 2022 EA.

Public Meeting #1

A postcard notification was mailed to 68 addresses, including residents, businesses, and property owners on April 28, 2021, and included a project and virtual public meeting overview. Paid advertisements were included in local newspapers announcing the Project and online engagement opportunities. Press releases were distributed via the Argus Leader, Sioux Valley News (Canton), Tea Weekly, Sioux Falls Shopping News, all local TV news outlets, and various City communication channels. SDDOT and the City promoted the public meeting on Facebook and Twitter social media platforms that reached over 7,000 people.

FHWA, SDDOT, and the City held a virtual public information meeting and formal comment period between April 29 and May 29, 2021, on the Project's website (<https://southveteransparkway.com>). The meeting featured three video messages describing the purpose of and need for the Project, introducing the Project team and sharing work performed, the EA status, and project website usage. Meeting materials consisting of a project overview fact sheet, online interactive map, video, and contact email form for comments were also made available on the Project website.

Thirty-eight people submitted comments regarding the Project during the online public meeting. Comments were received via phone calls (2), website (20), email (8), letters (3) and the online interactive comment map (5). A total of 1,784 users accessed the website, with 376 overview video plays, 78 environmental video plays, and 267 website tutorial plays.

Appendix K of the 2022 EA includes summaries of the public comments received, and FHWA and SDDOT's responses. Key issues brought up involved noise, visual, and growth concerns. For noise, concerns included noise pollution that would be generated by traffic and minimal room available for noise barriers. Residents expressed concerns about visual impacts, such as how visible the bridge over 85th Street would be from their yards. Another concern was growth and how some areas would require high flow corridors, as well as the need for a pathway crossing the parkway to expand neighborhood bike and walking trails. Other concerns shared were that increased development would result in pedestrian safety issues as well as increasing the discharge of water to downstream properties, particularly at outlet locations. Some commenters requested to shift the alignment to the south of 85th Street between Minnesota Avenue and Cliff Avenue.

Landowner and Neighborhood Meetings

In response to comments received during the virtual public meeting, during the week of June 21, 2021, SDDOT and the City held 27 landowner meetings in-person and via Webex with those landowners that would be affected by the design and construction of the South Veterans



Parkway mainline and intersections between Western and Cliff Avenues. The focus of these discussions was on the residential areas adjacent to the Project between 85th Street and Cliff Avenue. These landowner meetings were followed by a series of four neighborhood meetings from August 30 – September 9 to better understand the concerns of neighboring residents between the proposed 85th Street overpass and Cliff Avenue. The primary concerns expressed by these residents pertained to increases in traffic noise and the visual changes the roadway would bring (including traffic and lights), particularly the bridge over 85th Street where the roadway would be elevated and change the view from their yards. Many landowners asked for visual buffers like trees, berms, or a combination of both trees and berms; they indicated they did not like walls. A few residents that lived nearest to the road had concerns with safety due to the possibility of vehicles exiting the roadway and into their property.

A 2nd meeting with the neighborhoods occurred on November 30, 2021 where an update was provided regarding the status of the visual and noise impact studies. Project renderings were used to solicit feedback on the use of tree plantings for a visual mitigation strategy. A detailed summary of the neighborhood meetings is included within a visual impact analysis that is an appendix to the 2022 EA. Comments received were taken into consideration throughout the environmental assessment. A visual impact analysis was completed which informed visual mitigation and a noise analysis was completed based on current traffic projections for year 2050. Visual mitigation measures and additional safety elements have been incorporated into the design between 85th Street and Cliff Avenue that were not planned in 2012. Cable guard rail would be installed between 85th Street and Cliff Avenue on the north side of South Veterans Parkway to address safety concerns. Ultimately, noise abatement measures were determined to be feasible but not reasonable.

Throughout July 2022 and August 2022, two meetings with road districts were held in addition to 21 individual landowner meetings with those landowners that would be affected by the design and construction of the South Veterans Parkway mainline and intersections between I-29 and Western Avenue. The primary concerns discussed during these meetings were alterations in access to businesses from South Veterans Parkway because Albers Avenue would be the only access maintained off South Veterans Parkway between I-29 and Tallgrass Avenue. Businesses and road districts were coordinated with to determine the best course of action to maintain adequate access for customers and normal business operations where possible. An existing access to one residence between Tallgrass Avenue and Louise from CR 106 would be removed and replaced with an alternative access to the north. The property owner noted that their residence was constructed based on the location of the 2003 EA Preferred Alternative alignment which was located to the south of the current alignment and desired for the alignment to be shifted back to where it was planned in 2003.

Additional meetings with landowners will occur as design progresses through subsequent phases of the Project. Project updates via email will continue to be sent to those that have subscribed via the Project website.



Public Meeting #2

A postcard notification was mailed to 373 addresses, including residents, businesses, and property owners on November 10, 2022 and included a project and virtual public meeting overview and directed recipients to the Project website: <https://southveteransparkway.com>. An email update was distributed on November 21, 2022 to those who wished to subscribe to project updates. News releases regarding the December 1 public open house were made by SDDOT (November 17) and the City (November 28 and November 30) via their websites and social media posts. Paid advertisements were included in local newspapers announcing the December 1, 2022 open house and online engagement opportunities (Argus Leader and Tea Weekly on November 18 and 25, 2022 and Sioux Valley News on November 17 and 24, 2022).

A total of 45 people attended the open house. A total of 15 individuals submitted 17 comments via the website or in written format.

A summary of the comments and responses are included in Appendix A.

3.2 Agency Coordination

Federal, State, and local agencies that were consulted regarding the Project as part of the 2022 EA include:

- Natural Resources Conservation Service
- Federal Aviation Administration
- Western Area Power Administration
- United States Army Corps of Engineers
- United States Fish and Wildlife Service
- South Dakota State Historic Preservation Office
- South Dakota Department of Agriculture and Natural Resources
- South Dakota Department of Game, Fish, and Parks

In addition to requesting input on the Project, FHWA sent an invitation to participate as a cooperating agency in the undertaking to the following agencies:

- Natural Resources Conservation Service
- Federal Aviation Administration
- Western Area Power Administration
- United States Army Corps of Engineers

USACE accepted FHWA's invitation to participate in the undertaking due to their jurisdiction by law on the discharge of dredged and fill material into waters of the United States (including wetlands) as authorized primarily by Section 404 of the Clean Water Act.

A summary of the agency coordination is provided in Appendix J of the 2022 EA.



3.3 Tribal Coordination

Section 106 of the National Historic Preservation Act of 1966 guides federal agencies to consult tribes that are federally recognized and may have a cultural or religious association to historic resources affected by federal actions.

SDDOT sent coordination letters on May 10, 2021 and August 2, 2022 to the following nine Tribes that expressed interest in highway projects in Minnehaha and Lincoln Counties:

- Sisseton-Wahpeton Oyate
- Standing Rock Sioux
- Lower Brule Sioux,
- Yankton Sioux
- Iowa Tribe of Oklahoma
- Three Affiliated Tribes (Mandan, Hidatsa, and Arikara Nation)
- Ponca Tribe of Nebraska
- Flandreau Santee Sioux
- Chippewa Cree Tribe

No responses were received from the Tribes. A summary of the tribal coordination is provided in Appendix J of the 2022 EA.

4.0 Section 4(f)

The following describes the Project impacts to the three identified Section 4(f) properties:

- The Project involves two railroad crossings considered as Section 4(f) properties; however, would not alter characteristics that make the property eligible for the National Register of Historic Places. The SHPO noted that the portions of these sites crossed by the Project were non-contributing elements to why the railroads are eligible for the National Register of Historic Places and concurred that this undertaking would have “no adverse effect”.
- One new historic property, the KSOO radio transmission site was identified and is described in Section 4.11 of the 2022 EA. The KSOO radio transmission site located at 26962 476th Avenue was recommended as eligible for NRHP listing for its state-level significance under Criterion A in the area of communications and thus qualifies as a Section 4(f) resource. SHPO concurred with a determination of “no adverse effect”. All measures were considered to avoid, minimize, mitigate, and enhance the Section 4(f) historic properties as stated within the 2022 EA.

As a result of written concurrence from SHPO with a determination of “no adverse effect” and with no public concern expressed regarding “use” of 4(f) properties during the 2022 EA public comment period, in accordance with 23 CFR 774.3(b), use of these resources is determined to be a *de minimis* Section 4(f) impact (Appendix C).



5.0 Mitigation Measures and Commitments

Mitigation measures and environmental commitments for the Project are summarized here as a post-environmental document tool to track the requirements that would be included in pre-construction, construction, and post construction for easy review and incorporation into final design activities, construction plans, and post-construction activities; as applicable. Table 4 summarizes the environmental commitments and permits required prior to construction. Table 5 summarizes the environmental commitments to be implemented during and after construction. Table 6 includes a matrix of the SDDOT standard commitments that would apply during construction by phase. Corresponding with Table 6, Appendix B includes the SDDOT Section A Environmental Commitments that would be included within the construction plan set for each phase of the Project.



Table 4. Summary of environmental commitments and mitigation measures that would be completed prior to construction.

Environmental Commitment	Mitigation Measures	Responsible Entity
Visual & Aesthetics	<p>Design for a narrow median (10-foot-wide) and that includes a 56-inch-high concrete barrier & glare screen between directions of traffic in the area between 85th Street and Cliff Avenue.</p> <p>Incorporate trees into the final design that aligns with the mitigation strategy described in the visual impact analysis to the north of South Veterans Parkway between 85th Street and Cliff.</p> <p>SDDOT should verify that these measures are included in plan set during inspection of final plans.</p>	SDDOT, Project Design/Engineer
Noise	<p>The 66 dBA and 71 dBA noise contours will be provided to local officials for their planning purposes. The City will use the noise contours to inform approvals of future development plans adjacent to South Veterans Parkway.</p>	Project Design/Engineer, City
WAPA	<p>Utility coordination with WAPA would occur to understand WAPA utility relocations / structure modifications that may be necessary to complete construction of PCN 01VA (Sycamore to 57th Street). If it is determined that the Project requires a WAPA undertaking, an adaptive management plan will be developed which will outline FHWA and WAPA (participating agency) responsibilities for NEPA, Section 7 Endangered Species Act (ESA) consultation, and Section 106 National Historic Preservation Act (NHPA) consultation. These additional environmental and cultural clearances for WAPA undertakings required by the Project would be completed as part of a re-evaluation once the scope of the WAPA undertakings is known. An Environmental Assessment re-evaluation for WAPA undertakings would be completed (if needed) prior to construction of the Project between Southeastern Avenue and 57th Street.</p>	Project Design/Engineer, SDDOT, FHWA
Acquisitions, Relocations, Access	<p>Acquisitions and relocations would be conducted in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act (UA) of 1970, as amended by the Surface Transportation Assistance Act of 1987 and as codified in 49 CFR 24, effective April 1989.</p>	Project Design/Engineer, SDDOT, City of Sioux Falls



Environmental Commitment	Mitigation Measures	Responsible Entity
Floodplain	<p>A Floodplain Development Permit from the local authorities would be required for construction of the proposed Spring Creek tributary crossings. The City of Sioux Falls and Lincoln County, as the local authorities for FEMA, would review the proposed design of the crossings and verify that the rise in elevation of the floodplain would meet regulatory requirements. Coordination would also occur with FHWA to submit the final FEMA documentation, no-rise certificate or CLOMR, of the floodplain impacts.</p> <p>SDDOT would receive confirmation from the City that the Project has been verified to comply with current City floodplain ordinance.</p>	Project Design/Engineer, City of Sioux Falls, SDDOT
Section 4(f)	<p>The KSOO radio transmission tower is a NRHP-eligible property. The following measures to minimize harm will be considered during the final design phase and/or incorporated into the plans as plan notes and as environmental commitments within the construction plans (Commitment Q and Commitment M1):</p> <ul style="list-style-type: none"> • Evaluate options to minimize or avoid impacts to the modern guy wire and foundation during final design. • Avoidance of all historic character-defining features associated with the KSOO radio transmission site. • Construction plan sheets will address the location adjacent to proposed construction limits to protect the existing 4(f) resource. <p>The staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within or adjacent to the defined boundaries of the 4(f) resource.</p>	SDDOT, Project Design/Engineer
Archaeology	<p>The Native American artifact scatter located within proximity to the South Veterans Parkway / 57th Street intersection will be avoided during the Project. The site shall be clearly identified as an "Environmentally Sensitive Site (ESS)" within the plan set and clearly demarcated with construction staking / fence prior to beginning grading activities.</p>	SDDOT, Project Design/Engineer
Archaeology and Historical Resources	<p>Level III Cultural Survey and/or Architectural Survey will need to be completed within undisturbed areas if during final design, unsurveyed areas are identified as being impacted by project activities (e.g., borrow sites and stormwater detention ponds).</p>	SDDOT



Environmental Commitment	Mitigation Measures	Responsible Entity
Threatened and Endangered Species	Visual surveys for lined snakes would occur prior to work in potential habitat for the lined snake (e.g., dry grassland areas) from April to October. The area of potential lined snake habitat includes a small patch within the final segment of South Veterans to Parkway between Sycamore Avenue and 57th Street.	SDDOT
Wetlands	<p>During final design, formal wetland delineations will need to be completed to determine the boundaries of wetlands and other waters of the U.S. within areas where wetland delineation has not yet been performed, including borrow sites and stormwater detention ponds that are identified as the Project design progresses.</p> <p>During final design of the final two phases (Cliff Avenue to Sycamore Avenue and Sycamore Avenue to 57th Street), wetland impacts would be determined along the following arterial intersection projects where design information is currently not available: Southeastern Avenue, Sycamore Avenue, 69th Street, 57th Street.</p> <p>A USACE Section 404 permit, with Section 401 Water Quality Certification, would be obtained before dredged or fill material is discharged into waters of the U.S., including borrow sites that are identified for fill material. Wetland delineation would be conducted in additional areas (e.g., borrow / storm water detention areas etc.) that have not been previously delineated.</p> <p>The Wetland Finding would be re-evaluated during the final design of each project segment to update the area of wetland impact and to confirm compensatory mitigation requirements, including wetland impacts that do not require compensatory mitigation as a special condition of the 404 permit.</p> <p>SDDOT would obtain a Bill of Sale from a Wetland Bank to document the transaction of compensatory mitigation credits that match the compensatory mitigation special condition outlined within the 404 Permit in addition to the EO 11990 compensatory mitigation requirement for all other natural wetlands as summarized in the Wetland Finding.</p>	SDDOT, City



Environmental Commitment	Mitigation Measures	Responsible Entity
Water Quality	<p>Project specific sediment, erosion control, and spill prevention measures will be developed during final design and included within the plans and specifications. A Stormwater Pollution Prevention Plan (SWPPP) would incorporate SDDOT and the City's standard BMPs for velocity dissipation, revegetation, stabilization, etc. that the contractor would comply with.</p> <p>SDDOT Standard Commitment D1 (Surface Water Quality), D2 (Surface Water Discharge), E (Stormwater), and G (Dewatering and Sediment Collection) will be incorporated into the plans. A General Permit for Storm Water Discharges Associated with Construction Activities would be required which requires revegetation of disturbed areas. The SDDOT would obtain the General Permit.</p>	SDDOT, City, Project Design/Engineer,



Table 5. Summary of environmental commitments and mitigation measures that would be completed during construction and post construction along with corresponding SDDOT Section A Environmental Commitments to be included in the SDDOT plan set.

Environmental Commitment	Mitigation Measures	Responsible Entity
Air Quality	Standard SDDOT BMPs are included in all SDDOT construction contracts including implementation of all Federal, State, and local air quality requirements. During construction, fugitive emissions would be monitored and mitigated (such as watering to suppress dust) as needed).	Contractor
Wetlands	Contractor should adhere to Commitment A (Wetlands) and Commitment N (404 Permit).	Contractor
Threatened and Endangered Species	Work on structures and tree removal activities will take place outside the Northern Long-Eared Bat (NLEB) summer roosting season which is April 1 to October 31 (Commitment B5 – Northern Long-Eared Bat). Prior to earth moving activities on the final segment of the project (Sycamore Avenue to 57 th Street), a SDDOT biologist that is qualified to handle state endangered species will survey the area of potential lined snake habitat. If a lined snake is observed during construction, a SDDOT biologist would be notified by the project engineer to identify the snake and remove and relocate it from the site if determined to be a lined snake (Commitment T1 – Lined Snake).	SDDOT, Contractor
Migratory Birds	Migratory birds are known to use the study area for nesting, which occurs primarily between April 1st and July 15th. Migratory birds have the potential to nest on the ground within areas not regularly mowed as well as within trees, large shrubs and on bridge structures. Surveys for migratory birds will occur in suitable areas that have not been mowed or cleared prior to April 1st to determine if there are nests and to determine offsetting measures to compensate for impacts to migratory birds. SDDOT will coordinate with the USFWS to determine appropriate offsetting measures for impacts to migratory birds after potential impacts have been identified. Surveys will be conducted prior to construction start to capture the current conditions and address possible affects more concisely. Surveys will be completed within the suitable habitat areas only if vegetation has not been cleared prior to migratory bird nesting season (Commitment B6 – Migratory Birds Work Restriction).	SDDOT, City, Contractor



Mitigation Measures		Responsible Entity
Environmental Commitment		
Aquatic Invasive Species	<p>The contractor will not withdraw water from waters 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 ($\geq 140^{\circ}\text{F}$) and completely dried for a minimum of 7 days prior to subsequent use (Commitment C – Water Source).</p>	Contractor
Water Quality	<p>Waters of the state are located within the vicinity of the Project and are protected under Administrative Rules of South Dakota Chapter 74:51. Special construction measures would be taken to ensure that water quality standards are not violated.</p> <p>In accordance with the South Dakota Department of Agriculture and Natural Resources (SDDANR) general permit for stormwater discharge, a Storm Water Pollution Prevention Plan (SWPPP) would be included in the construction contract and implemented during construction to reduce or eliminate impacts due to erosion and sedimentation. Contractor would only remove vegetation in areas necessary for construction and would implement a site-specific sediment erosion control plan to provide interim control prior to re-establishing permanent vegetation cover on disturbed ground in accordance with Commitment E (Stormwater).</p> <p>All material identified in the stormwater permit application as removed waste material, material stockpiles, and dredged or excavated material shall be placed for either temporary or permanent disposal in an upland site that is not a wetland, and measures shall be taken to ensure that the material cannot enter a watercourse through erosion or any other means. Methods shall be implemented to minimize the spillage of petroleum, oils and lubricants used in vehicles during construction activities. If a discharge does occur, suitable containment procedures shall be used to prevent entry of these materials into the waterway. All areas above the ordinary high-water mark that are not ripped shall be seeded or otherwise revegetated to protect against erosion (Commitment J – Construction Practices for Temporary Works in Waterways of the U.S.).</p>	SDDOT, Contractor



Mitigation Measures		Responsible Entity
Environmental Commitment		
Water Quality	<p>The Contractor shall implement Commitment D1 (Surface Water Quality) and if construction dewatering is required, the Contractor will obtain the General Permit for Temporary Discharge Activities from the SDDANR Surface Water Program. The Contractor shall provide a copy of the approved permit to the Project Engineer (Commitment D2 – Surface Water Discharge and Commitment G – Dewatering and Sediment Collection).</p>	Contractor
Historical Preservation Office Clearances	<p>If activities for the Project occur in areas not previously surveyed, additional documentation and coordination with FHWA and SHPO is required. The construction plans will specify any areas that do not have clearance and will note when clearance is expected to be obtained. Areas that have not been cleared would be avoided until cultural clearance has been obtained from the SHPO. If buried prehistoric or historic cultural materials are encountered during construction, work should cease in that area and the SD SHPO should be contacted immediately (Commitment I – Historical Preservation Office Clearances).</p>	SDDOT, City, Contractor
Contaminated Material	<p>To avoid and/or minimize impacts of contaminated material in the study area, contractors should be alert for the large areas of soil staining, buried drums, or USTs, and coordinate with SDDOT and SDDANR if obvious contamination is found prior to continuing work in those areas. A Phase II Environmental Site Assessment is recommended prior to ROW acquisition and construction within the Sinclair Gas Station property located near I-29 (Commitment L – Contaminated Material).</p>	SDDOT, Contractor
Noise	<p>A City sound permit would be obtained in accordance with City ordinance § 93.006 should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m. (Commitment T2 – City of Sioux Falls Sound Permit).</p>	Contractor
Emerald Ash Borer Management	<p>The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Removal of ash trees by the Project undertaking will need to coordinate an action plan in accordance with the City's approved quarantine data and restrictions (Commitment T3 – Emerald Ash Borer Management).</p>	Contractor



Table 6. Section A Environmental Commitments required for each project phase (see Appendix B).

Standard Commitment	Project Phase			
	Phase 1: 01V6 (Western Ave to Cliff Ave)	Phase 2: 01V9 (I-29 to Western Ave)	Phase 3: 01V7 (Cliff Ave to Sycamore Ave)	Phase 4: 01VA (Sycamore Ave to 57th St)
Commitment A: Wetlands	X	X	X	X
Commitment B5: Northern Long-Eared Bat	X	X	X	X
Commitment B6: Migratory Birds Work Restriction	X	X	X	X
Commitment C: Water Source	X	X	X	X
Commitment D1: Surface Water Quality	X	X	X	X
Commitment D2: Surface Water Discharge	X	X	X	X
Commitment E: Stormwater	X	X	X	X
Commitment G: Dewatering and Sediment Collection	X	X	X	X
Commitment H: Waste Disposal Site	X	X	X	X
Commitment I: Historical Preservation Office Clearances	X	X	X	X



Standard Commitment	Project Phase			
	Phase 1: 01V6 (Western Ave to Cliff Ave)	Phase 2: 01V9 (I-29 to Western Ave)	Phase 3: 01V7 (Cliff Ave to Sycamore Ave)	Phase 4: 01VA (Sycamore Ave to 57th St)
Commitment J: Construction Practices for Temporary Works in Waterways of the U.S.		X		X
Commitment L: Contaminated Material		X		
Commitment M1: Section 4(f) Resources			X	
Commitment N: Section 404 Permit	X	X	X	X
Section O: Section 401 Water Quality Certification	X	X	X	X
Commitment Q: Archaeological Coordination			X	X
Commitment T: Other				
Commitment T1: Lined Snake				X
Commitment T2: City of Sioux Falls Sound Permit	X	X	X	X
Commitment T3: Emerald Ash Borer Management	X	X	X	X



6.0 FHWA Decision

FHWA has reviewed all the relevant documents and materials as well as all comments from the public, agencies, and tribes received during the development of the 2022 EA. Based upon the independent review and analysis, FHWA finds that the EA analyzed and considered all the relevant potential environmental impacts.

Based upon the review and consideration of the analysis and evaluation included in the 2022 EA; and after consideration of all social, economic, and environmental factors and mitigation of construction impacts; and considering input from the public involvement process and agency coordination; FHWA hereby approves the issuance of a Finding of No Significant Impact (FONSI) for the South Veterans Parkway Project. FHWA further approves that the preferred alternative will best fulfill the purpose and need and meet the goals identified for the Project

SDDOT and the City, on behalf of FHWA, are hereby required to ensure completion of all mitigation outlined above and set out specifically in the 2022 EA. SDDOT and the City are also required to ensure that all local, state, and federal permit agencies and conditions are met and otherwise complied with.



Appendix A: Public Comments and Responses



Comments and Responses

South Veterans Parkway

EA Comment Period: November 17 – December 17, 2022

#	Date	Comment	Response
1	11/18/2022	Intersections appears to be stop-light driven. Minneapolis built Highway 169 (and others) the same way, then turned around and interrupted traffic a couple years later to do overpasses. I know overpasses cost more money, but the subsequent traffic interruptions and costs need to be considered beforehand. Is it just a dollars issue? Thoughts?	We certainly are aware of the history of Hwy 169 in the Cities - that it was originally constructed with at-grade intersections then widened with interchanges. South Veterans Parkway will be a regional arterial with one-mile accesses and 1/2 mile access locations in large commercial areas. Veterans Parkway was not planned to be another interstate route. The only interchange being considered is at 57th Street and Veterans Parkway. The footprint for right-of-way and our current environmental review encompasses what would be needed for the interchange. However, an interchange would not be pursued until after 2050 when traffic volumes warrant the grade separation. Our most recent traffic analysis that looked at projected traffic up to 2050 shows at-grade intersections will have acceptable operations.
2	11/19/2022	Where can I find the appendices that are referenced in the latest EA report. It says to find them on the website but I wasn't able to find them.	Response provided



#	Date	Comment	Response
3	11/19/2022	<p>[1] I live at [ADDRESS REDACTED] How many feet from my south property line will this 6 lane highway be</p> <p>[2] Why are you building a large 6 lane highway right up against residential homes and schools when there is farmland just to the south?</p> <p>[3] What is the potential negative impact to the value of our home?</p>	<p>[1] Veterans Parkway right-of-way line to your property line is approximately 420 feet. The edge of roadway to your property line is approximately 455 feet.[2] The location of Veterans Parkway has been established since 2002 via an approved Environmental Assessment and was located prior to development along 95th Street.</p> <p>In 2005, the South Dakota Department of Transportation (SDDOT) and City of Sioux Falls began preserving the right-of-way needed to construct the parkway. The alignment was developed as part of a thorough evaluation process and meets the project goal of being a minimum access parkway with access at major intersections only. There will be no intermediate access points at driveways, neighborhood streets, etc., along the route. Veterans Parkway construction will be funded by Federal, State, and local money. The SDDOT and City have an agreement that once constructed, Veterans Parkway will be turned over to the City for maintenance.</p> <p>[3] We see no statistical or comparable historical basis from other similar transportation improvements that would lead to a devaluation of a property such as yours. Typically, the improved access and associated decrease in traffic congestion is attractive to prospective homebuyers looking to move into the area.</p>
4	11/26/2022	<p>On the last letter we received you showed having a cable guard rail plus shrubs and trees between the Harmony Estates lot line off the 83rd Place and the road. Please inform me the distance between the lot line and the edge of the road and how you are putting the above three items in this space.</p>	<p>Individual attended the in person public open house. He discussed with the Real Estate Services team and they measured the distance within the GIS program on a computer monitor.</p>



#	Date	Comment	Response
5	11/27/2022	<p>[1] This is our second set of comments as we never heard back on the set. Why did it take a public meeting in November of 2021 to bring to light there will be no safety berm or wall to protect the residents of Harmony Estates?</p> <p>[2] The city engineers stated there was not enough room for six lanes as well as berms or walls. Then why were Signature and Lloyd allowed to develop so close to a known six land highway going through?</p> <p>[3] Why when you drive past Harmondon park are twin homes to the east protected by a berm?</p> <p>[4] Why when you drive from Cliff to Minnesota are there berms with evergreens planted lining both sides of the street?</p> <p>[5] Why, when we contacted city engineering office twice by voice mail and email with no response we were told a new phone system and vacation was the reason?</p> <p>[6] The planning that took place on this portion of Veterans Parkway is inexcusable and needs to be correct to protect the residents of Harmony Estates.</p> <p>[7] One last comment, why if you are holding public open house on Thursday, Dec. 1st would you not want comments back by then so as to address at the meeting? The card sent out by HDR requests comments back by Dec. 16th?</p>	<p>[1] Veterans Parkway has been designed according to standards established by the American Association of State Highway and Transportation Officials (AASHTO), South Dakota Department of Transportation (SDDOT) Road Design Manual, and City of Sioux Falls Standards. The Parkway is designed with safety in mind. With that said, we acknowledge concerns and will be installing High Tension Cable Guardrail (HTCG) along the curve on the north side of Veterans Parkway. HTCG is an approved guardrail system and has been and is being installed throughout the country on interstates, state highways, and city and county streets.</p> <p>[2] City and State governments can only make suggestions regarding how private developers plan and build developments on their private property.</p> <p>[3] Through the environmental process for the northern segment of Veterans Parkway, a berm was utilized in areas where the roadway would be at or near the existing ground and only on the side of the shared use path. A berm has never been considered along the north and west sides of Veterans Parkway.</p> <p>[4] We are unsure which street you are referencing. It is likely that the berms and evergreens planted on both sides of the street were planted either by the developer or individual homeowners.</p> <p>[5] No formal response required</p> <p>[6] Veterans Parkway (formerly SD100) has been planned since late 1990's and has gone through multiple environmental reviews. Veterans Parkway's alignment has remained in its current location throughout much of the 20+ years. The location of Veterans Parkway was established before any development took place.</p> <p>[7] FHWA requires a 30-day review and comment period to allow public ample time. The intent of holding the Open House midway through the comment period is for the public to review and bring questions to the Open House and then have time to submit a formal comment via the multiple options available.</p>



#	Date	Comment	Response
6	11/30/2022	Hi! I love this plan and the goals it represents for our city. My family is a big supporter of alternative transportation options, specifically bus and bike. My first question is there a plan to link the current Greenway biking paths to the new paths on the corridor for commuting bikers? Secondly, the goal of this corridor is to reduce traffic congestion and allow speedy transportation around the city. Are there any goals to offer public buses routes on the corridor in order to provide further and faster public transportation for visitors and locals? Thank you for taking the time to answer my questions. I apologize if they are answered within the plan and I missed them!	The City has a Bike Plan most recently published in 2015 which identifies future bike route and trails and priorities which identifies how the path on the south and east side of Veterans Parkway would link to exiting bike trails and bike routes. The Transit Development Plan calls for a hybrid transit system in Sioux Falls. This includes a core of frequent and reliable fixed-route services and on-demand services in areas of lower transit ridership and in new areas of the city including the South Veterans Parkway area. The on-demand services will be phased into the new service areas. For example, services will be offered in the 69th St. corridor starting in 2023.
7	12/2/2022	Hello, I was hoping to speak with someone regarding access points to our property on Highway 100 and Tallgrass (NW corner).	Comment received and addressed during separate meeting.
8	12/2/2022	What was the Noise level at my home when you took it the first time and what is the Noise level that is projected? I'm sorry I didn't think about when I was at the meeting. [ADDRESS REDACTED]	Due to the distance of your home to Veterans Parkway (850'), your home is outside the Noise Study Areas. For reference, we can provide existing and projected noise levels at other homes within your development. The existing/projected noise levels at 400 E 81st Place (440' from roadway) is 43.1/49.5 dBA; 206 E 82nd Place (475' from roadway) is 43.1/46.5 dBA; and 301 E 81st Street (430' from roadway) is 43.1/47.7 dBA.



#	Date	Comment	Response
9	12/2/2022	I was wondering when the roundabout was added to south veterans parkway at 95 & Western? I don't think that is a good idea because where are the school kids going to cross Western ave. when it gets developed East side of Western Ave.	<p>The decision to construct a roundabout at this intersection was made following a diligent review of concerns at the intersection and school entrances. Children safety as the walk/bike to school and significant backup of vehicles as children are dropped off/picked up before and after school were the primary factors to address as consideration of the type of intersection.</p> <p>The Federal Highway Administration (FHWA) has identified roundabouts as a Proven Safety Countermeasure because of their ability to substantially reduce the types of crashes that result in injury or loss of life. Roundabouts are designed to improve safety for all users, including pedestrians and bicycles. Facts about improved safety include:</p> <ol style="list-style-type: none"> 1. Roundabouts have 50% fewer pedestrian-vehicle conflict points than a comparable stop or signal-controlled intersection. 2. The distance a pedestrian needs to travel in a roundabout are shorter than a stop or signal-controlled intersection. Also, pedestrians will only need to be concerned with one direction of traffic at one time since direction of travel is separated by a median/refuge. 3. Pedestrians/bicyclists are more visible to vehicles. 4. Traffic speeds are lower and in the case of the 95th Street/Western Avenue roundabout, the speed is 15 mph. <p>In summary, the benefits to pedestrians/bicyclists are: Lower vehicle speed (15 mph), fewer conflict points, and increased visibility of pedestrians/bicyclists,</p>
10	12/5/2022	Where can I find a real map of exactly where this is going to cross main streets at? Like Cliff and Southeastern? I see a swipe map, but it doesn't make sense to me as it goes to 2019. And the fly over is awesome. But it doesn't show whats actually there now and I don't know where it truly starts at.	Response provided



#	Date	Comment	Response
11	12/8/2022	The intrusion of my property (address redacted) deserves monetary compensation. The developer's requirements were not adequate to protect my residence from intrusion. I would move if I were in a position too. Please contact me with your offer.	Response provided. The current plans for Veterans Parkway near your property does not require temporary or permanent property acquisition.
12	12/9/2022	I don't understand how a 6 lane highway will fit between my property (address redacted) and the gated community and have no barriers to keep children safe. Will the hill come down? The road be on top? Or hill stay and be in between the two hills. It looks way too close to be safe and be 55 miles an hour. Harrisburg road would have made more sense when the Tea road already has way too much traffic. Thanks for your response.	<p>The distance from your back property line to the north right-of-way line of Veterans Parkway is approximately 145 feet. The current City of Sioux Falls stormwater detention area will remain in place and is between your property and Veterans Parkway.</p> <p>The hill is material that was extra dirt from a development previously constructed and will be used on the project. The hill will be cut down approximately 20 feet directly out from your property.</p> <p>The Tea Road or County Road 106 would not address the Project purpose and need or goals.</p> <p>In response to comments and concerns raised by property owners, the Veterans Parkway design was modified to reduce perceived project impacts to adjacent properties. First, the median was narrowed from 32 feet wide (the standard for the corridor) to 10 feet wide with a center concrete barrier and glare screen, which will help minimize the glare from oncoming vehicle headlights. Second, the north curb was replaced with a concrete shoulder and high tension cable guardrail. Third, the narrowed embankment provides space to plant trees and shrubs that were requested by property owners and will provide an additional visual buffer between traffic on Veterans Parkway and the neighborhood.</p>



#	Date	Comment	Response
13	12/14/2022	What would be the plan at the intersection of Louise and SD100 to deal with the concrete retention areas the city of SF placed to slow the run off of water from Louise? As a home owner at the round-a-bout area, I am concerned that we have been in a drought and you have not seen the direct impact of high water years! Looking forward to 100 possibly having improved drainage to flow to the East along the Harrisburg Tributary.	Following construction of Veterans Parkway, existing storm drainage will, for the most part, be managed as it is currently. The project must accommodate the additional drainage created by the pavement of Veterans Parkway. The project is required to detain that water in detention ponds with a controlled release so downstream does not have an increased flow during storms. Current drainage patterns will also be maintained following construction.
14	12/16/2022	Project will result in the elimination of full access to Akerson Properties, LLC parcel (east of SD115/Minnesota Avenue and south of proposed Veterans Parkway ROW), resulting in substantial impairment of access. Additionally, there is a need to provide access to Minnesota Avenue for the multi-bay building on the Akerson Properties parcel that is adjacent to the Dakota Hardscape building .	Response provided through negotiations.
15	12/11/2022	Who and why are you slamming a 6-lane highway right by houses & schools where there is already a highway with no homes south of it? Tonight, I was told because the City of Harrisburg is south and Sioux Falls is north - ????? \$ cares! Where is the concern for people living between Tallgrass and Western?	See response to Comment #3.
16	12/11/2022	Why, if you are putting a highway right by homes, is this not a Street versus Highway? Is it that Federal \$ won't pay for a Street, only a highway? Stopping 55-60 mph traffic every mile - what's gained?	See response to Comment #3.
17	12/11/2022	Looking for lot lines to plant trees.	This request has been received several times and when weather warms up, a survey crew will stake the right-of-way line adjacent to your property.



Appendix B: Section A – Environmental Commitments

Plotting Date: 1/20/2023

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/mediadocuments/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.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 9.01 acres of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands.

Table of Impacted Wetlands (Veterans Parkway)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
7	221+00 (L/R)	0.06	0.01	0.07
8a-d	234+00-242+50 (L/R)	1.34	0.24	1.58
9	249+00-252+00 (L/R)	1.60	0.23	1.83
10	256+00-260+00 (R)	0.40	0.09	0.49
15a	271+00-273+00 (L/R)	0.18	0.11	0.29
19b	292+00-295+50 (L/R)	0.68	0.08	0.76
18c	299+00-300+00 (L)	0.02	0.09	0.11
18g	306+00-323+00 (R)	0.14	0.25	0.39
21	311+00-315+00	1.10	-	1.10
22	315+50-323+00	0.86	-	0.86
Totals		6.38	1.10	7.48

Table of Impacted Wetlands (Western Avenue)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
3-1	693+00-703+00 (L/R)	1.02	0.23	1.25
3-2	710+00-712+00 (R)	0.04	0.01	0.05
Totals		1.06	0.24	1.30

Table of Impacted Wetlands (Cliff Avenue)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
5-1	22+00-24+00 (R)	0.02	0.05	0.07
5-2	30+00-32+00 (R)	0.03	0.13	0.16
Totals		0.05	0.18	0.23

No wetland impacts occur adjacent to Minnesota Avenue.

Action Taken/Required:

SDDOT will acquire credits equivalent to 7.94 acres from a wetland mitigation bank site or In-Lieu Fee program within the lower Big Sioux River Geographic Service Area 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.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B5: NORTHERN LONG-EARED BAT

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
267+43 (L)	April 1 to October 31
268+05 (L)	April 1 to October 31
301+25 (R)	April 1 to October 31
303+00 to 307+00 (R)	April 1 to October 31
305+00 to 309+00 (L)	April 1 to October 31
310+25 to 310+55 (R)	April 1 to October 31
323+16 (R)	April 1 to October 31

Tree removal will occur between November 1st and March 31st and avoid the summer maternity season.

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

General AMM.1. All operators, employees, and contractors working in areas of known or presumed bat habitat will be made aware of all environmental commitments as they relate to the northern long-eared bat.

Lighting AMM.1. Temporary lighting will be directed away from suitable habitat during the active season.

Lighting AMM.2. When installing new or replacing existing permanent lights, downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) will be used

Tree Removal AMM.2. Tree removal will occur between November 1st and March 31st, outside the species summer roosting season.



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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
250+00 to 326+00 (L/R)	April 1 to July 15

COMMITMENT C: WATER SOURCE

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.

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:

< <http://sdleastwanted.com/maps/default.aspx> >

< [South Dakota Administrative Rule 41:10-04 Aquatic Invasive Species](https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10.04).
<https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10.04> >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

All wetlands are 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 wetlands are 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 water quality 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

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.

Action Taken/Required:

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: <<http://denr.sd.gov/docs/sw/WhatsaDMR.aspx> >

COMMITMENT E: STORM WATER

Construction activities constitute 1 acre or more of earth 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.

Action Taken/Required:

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_CGPAppeNdxCCA2018Fillable.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.



Plotting Date: 1/20/2023

COMMITTEE E: STORM WATER (CONTINUED)

Storm Water Pollution Prevention Plan

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> >

COMMITTEE G: DEWATERING AND SEDIMENT COLLECTION

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". The PPP must be kept on-site and updated as site conditions change.

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 ROW.

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 AFRSD 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: HISTORICAL PRESERVATION OFFICE CLEARANCES

The SDDOT has obtained concurrence with the State Historic Preservation Office (SHPO) 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.

Description	Station	L / R
Borrow Pit No. 1*	205+00 – 230+00	R
Borrow Pit No. 2	325+00 – 352+00	R

* Refer to Special Provision regarding SDDOT Borrow Pit No. 1

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 100 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 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.



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COMMITMENT N: SECTION 404 PERMIT

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

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 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 T2: CITY OF SIOUX FALLS SOUND PERMIT

This commitment applies should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m.

Action Taken/Required:

The contractor must obtain a City sound permit in accordance with City ordinance § 93.006 and adhere to the permit conditions.

COMMITMENT T3: EMERALD ASH BORER MANAGEMENT

The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Ash trees within the project limits are suitable habitat for the Emerald Ash Borer.

Action Taken/Required:

Project activities that include tree removal will adhere to the following protocol.

Ash wood cannot be transported off the project site between Memorial Day and Labor Day due to the presence of the Emerald Ash Borer in the area. If ash trees cannot be removed from the project site prior to Memorial Day or cannot wait to be removed from the project site until after Labor Day, the Contractor may still cut down the ash tree(s), but the ash wood must remain on the project site until after Labor Day.

Ash wood cannot be transported outside of the Quarantine Area designated by the South Dakota Department of Agriculture and the United States Department

of Agriculture without a permit. The Quarantine Area is currently defined as all of Minnehaha County, Lincoln County north of US Highway 18, and Turner County north of US Highway 18 and east of SD Highway 19. Transport of ash wood outside the Quarantine Area without a permit will subject offenders to civil and/or criminal penalties. Facilities within the Quarantine Area that accept ash wood for disposal include:

Mueller Pallets
27163 471st Avenue
Sioux Falls, SD 57108
(605) 366-2440

Sioux Falls Regional Landfill
26750 464th Avenue
Hartford, SD 57033
(605) 367-8162

Grinding of ash tree stumps and disposal of ash tree stump grinding waste may occur at any time of the year with no restriction on transportation time frames within the Quarantine Area. If ash tree stumps are removed by any methods other than grinding (i.e., excavator, etc.), the same transportation restrictions as regular ash wood waste apply.

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/mediadocuments/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.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 27.90 acres of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands.

Table of Impacted Wetlands (Veterans Parkway)

Wetland No.	Station	Permanent Impact (Acres)	Temp Impact (Acres)	Total Impact (Acres)
1a-11	80+00 (L/R)	1.07	0.17	1.24
2a-2c	104+00-106+00 (L)	0.11	0.08	0.19
3a,3c-3e	109+00-126+00 (L/R)	2.61	0.58	3.19
6a-6g, 6i-6m	126+00 – 197+00 (L/R)	21.24	3.28	24.52
Totals		25.03	4.11	27.90

Action Taken/Required:

SDDOT will acquire credits equivalent to 24.40 acres from a wetland mitigation bank site or In-Lieu Fee program within the lower Big Sioux River Geographic Service Area 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.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B5: NORTHERN LONG-EARED BAT

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
98+00 to 105+00 (R)	April 1 to October 31
132+00 (L)	April 1 to October 31
145+00 to 149+00 (L/R)	April 1 to October 31
151+00 to 156+00 (L/R)	April 1 to October 31
173+00 to 195+00 (L/R)	April 1 to October 31

Tree removal will occur between November 1st and March 31st and avoid the summer maternity season.

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

General AMM.1. All operators, employees, and contractors working in areas of known or presumed bat habitat will be made aware of all environmental commitments as they relate to the northern long-eared bat.

Lighting AMM.1. Temporary lighting will be directed away from suitable habitat during the active season.

Lighting AMM.2. When installing new or replacing existing permanent lights, downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) will be used

Tree Removal AMM.2. Tree removal will occur between November 1st and March 31st, outside the species summer roosting season.

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 moved 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
95+00 to 110+00 (L/R)	April 1 to July 15
121+00 to 136+00 (L/R)	April 1 to July 15
144+00 to 202+00 (L/R)	April 1 to July 15

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COMMITMENT C: WATER SOURCE

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.

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: <http://sdleastwanted.com/maps/default.aspx>

< [South Dakota Administrative Rule 41:10.04 Aquatic Invasive Species: https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10.04](https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10.04) >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

All wetlands are 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 wetlands are 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 water quality 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

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.

Action Taken/Required:

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_AddTemplntoFillable.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: <http://denr.sd.gov/des/sw/WhatsDMR.aspx>

COMMITMENT E: STORM WATER

Construction activities constitute 1 acre or more of earth 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.

Action Taken/Required:

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_CGPAppeidkCCA2018Fillable.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.

COMMITMENT E: STORM WATER (CONTINUED)

Storm Water Pollution Prevention Plan

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> >



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COMMITMENT G: DEWATERING AND SEDIMENT COLLECTION

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". The PPP must be kept on-site and updated as site conditions change.

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 ROW. 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: HISTORICAL PRESERVATION OFFICE CLEARANCES

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.

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 100 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 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.



Table of U.S. Waterways to Protect

Station	Waterway	Ordinary High-Water Elevation
105+75	Unnamed Tributary	1,492

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

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.

If an on-site construction crossing is used at Sta. 105+75, the temporary crossing will need to be designed so it will not increase the Q_{100} water surface elevation. The Contractor will submit the proposed temporary crossing geometric layout and structure size at Sta. 105+75 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.

COMMITMENT N: SECTION 404 PERMIT

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

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 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 T2: CITY OF SIOUX FALLS SOUND PERMIT

This commitment applies should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m.

Action Taken/Required:

The contractor must obtain a City sound permit in accordance with City ordinance § 93.006 and adhere to the permit conditions.

COMMITMENT L: CONTAMINATED MATERIAL

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

Description	Station	L / R
Sinclair gas station	75+00	L

Action Taken/Required:

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 TBD (phone TBD). 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 TBD 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.

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COMMITMENT T3- EMERALD ASH BORER MANAGEMENT

The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Ash trees within the project limits are suitable habitat for the Emerald Ash Borer.

Action Taken/Required:

Project activities that include tree removal will adhere to the following protocol.

Ash wood cannot be transported off the project site between Memorial Day and Labor Day due to the presence of the Emerald Ash Borer in the area. If ash trees cannot be removed from the project site prior to Memorial Day or cannot wait to be removed from the project site until after Labor Day, the Contractor may still cut down the ash tree(s), but the ash wood must remain on the project site until after Labor Day.

Ash wood cannot be transported outside of the Quarantine Area designated by the South Dakota Department of Agriculture and the United States Department of Agriculture without a permit. The Quarantine Area is currently defined as all of Minnehaha County, Lincoln County north of US Highway 18, and Turner County north of US Highway 18 and east of SD Highway 19. Transport of ash wood outside the Quarantine Area without a permit will subject offenders to civil and/or criminal penalties. Facilities within the Quarantine Area that accept ash wood for disposal include:

Mueller Pallets
27163 471st Avenue
Sioux Falls, SD 57108
(605) 366-2440

Sioux Falls Regional Landfill
26750 464th Avenue
Hartford, SD 57033
(605) 367-8162

Grinding of ash tree stumps and disposal of ash tree stump grinding waste may occur at any time of the year with no restriction on transportation time frames within the Quarantine Area. If ash tree stumps are removed by any methods other than grinding (i.e., excavator, etc.), the same transportation restrictions as regular ash wood waste apply.

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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/mediadocuments/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.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 17.5 acres of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands.

Table of Impacted Wetlands (Veterans Parkway)

Wetland No.	Station	Permanent Impact (Acres)	Temp Impact (Acres)	Total Impact (Acres)
23a-c	324+00 to 341+00 (L/R)	4.08	0.77	4.85
24a-c	343+00 to 354+00 (L/R)	2.88	0.45	3.33
25	355+50 to 358+00 (L/R)	0.20	0.05	0.25
26a-c	378+00 to 393+00 (R)	5.36	1.09	6.45
28a-b	408+00 to 417+00 (L/R)	1.37	0.22	1.59
29	419+00 to 427+00 (L/R)	0.93	0.36	1.29
Totals		14.82	2.94	17.76

Action Taken/Required:

SDDOT will acquire credits equivalent to 14.82 acres from a wetland mitigation bank site or In-Lieu Fee program within the lower Big Sioux River Geographic Service Area 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.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B5: NORTHERN LONG-EARED BAT

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
350+00 to 353+00 (L/R)	April 1 to October 31
402+00 to 407+00 (L/R)	April 1 to October 31
414+00 to 419+00 (L/R)	April 1 to October 31
425+00 to 429+00 (L/R)	April 1 to October 31

Tree removal will occur between November 1st and March 31st and avoid the summer maternity season.

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

General AMM 1. All operators, employees, and contractors working in areas of known or presumed bat habitat will be made aware of all environmental commitments as they relate to the northern long-eared bat.

Lighting AMM 1. Temporary lighting will be directed away from suitable habitat during the active season.

Lighting AMM 2. When installing new or replacing existing permanent lights, downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) will be used

Tree Removal AMM 2. Tree removal will occur between November 1st and March 31st, outside the species summer roosting season.

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 moved 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
325+00 to 352+00 (L/R)	April 1 to July 15
375+00 to 392+00 (L/R)	April 1 to July 15
392+00 to 413+00 (L)	April 1 to July 15
413+00 to 430+00 (L/R)	April 1 to July 15

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COMMITMENT C: WATER SOURCE

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.

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:

< <http://sdleastwanted.com/maps/default.aspx> >

< South Dakota Administrative Rule 41:10.04 Aquatic Invasive Species: <https://sdslegislature.gov/rules/DisplayRule.aspx?Rule=41:10.04> >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

All wetlands are 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 wetlands are 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 water quality 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

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.

Action Taken/Required:

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_AddTermInfoFillable.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: <http://denr.sd.gov/des/sw/whatisDMR.aspx> >

COMMITMENT E: STORM WATER

Construction activities constitute 1 acre or more of earth 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.

Action Taken/Required:

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_CGPAppoeIndxCCA2018Fillable.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.

COMMITMENT E: STORM WATER (CONTINUED)

Storm Water Pollution Prevention Plan

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 G: DEWATERING AND SEDIMENT COLLECTION

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". The PPP must be kept on-site and updated as site conditions change.

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 ROW.

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: HISTORICAL PRESERVATION OFFICE CLEARANCES

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.

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 100 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 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 M: SECTION 4(f)/6(f) RESOURCES

COMMITMENT M1: SECTION 4(f) PROPERTY

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
381+00	KSOO Radio Transmission Tower

Action Taken/Required:

The following measures are required to minimize harm to the above Section 4(f) property: Construction plan sheets address the location adjacent to proposed construction limits to protect the existing 4(f) resource; the staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within or adjacent to the defined boundaries of the 4(f) resource.

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.

COMMITMENT N: SECTION 404 PERMIT

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

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 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 Q: ARCHAEOLOGICAL COORDINATION

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

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

Table of Historic/Archaeological Sites

Station	Offset (FL)	L/R	Environmental Sensitive Site	Action
380+00 to 388+00	0	R	KSOO Radio Transmission Tower	Do Not Disturb

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) 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.

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 T2: CITY OF SIOUX FALLS SOUND PERMIT

This commitment applies should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m.

Action Taken/Required:

The contractor must obtain a City sound permit in accordance with City ordinance § 93.006 and adhere to the permit conditions.

COMMITMENT T3: EMERALD ASH BORER MANAGEMENT

The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Ash trees within the project limits are suitable habitat for the Emerald Ash Borer.

Action Taken/Required:

Project activities that include tree removal will adhere to the following protocol.

Ash wood cannot be transported off the project site between Memorial Day and Labor Day due to the presence of the Emerald Ash Borer in the area. If ash trees cannot be removed from the project site prior to Memorial Day or cannot wait to be removed from the project site until after Labor Day, the Contractor may still cut down the ash tree(s), but the ash wood must remain on the project site until after Labor Day.

Ash wood cannot be transported outside of the Quarantine Area designated by the South Dakota Department of Agriculture and the United States Department of Agriculture without a permit. The Quarantine Area is currently defined as all of Minnehaha County, Lincoln County north of US Highway 18, and Turner County north of US Highway 18 and east of SD Highway 19. Transport of ash wood outside the Quarantine Area without a permit will subject offenders to civil and/or criminal penalties. Facilities within the Quarantine Area that accept ash wood for disposal include:

- Mueller Pallets
27163 471st Avenue
Sioux Falls, SD 57108
(605) 366-2440
- Sioux Falls Regional Landfill
26750 464th Avenue
Hartford, SD 57033
(605) 367-8162

Grinding of ash tree stumps and disposal of ash tree stump grinding waste may occur at any time of the year with no restriction on transportation time frames within the Quarantine Area. If ash tree stumps are removed by any methods other than grinding (i.e., excavator, etc.), the same transportation restrictions as regular ash wood waste apply.

Plotting Date: 1/20/2023

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/mediadocuments/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.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 16.12 acres of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands.

Table of Impacted Wetlands (Veterans Parkway)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
30	429+00 to 431+50 (L)	0.35	0.12	0.54
31	436+00 to 439+00 (L)	0.54	0.00	0.54
33	444+50 to 447+00 (L/R)	0.96	0.00	0.96
34a	448+00 (R)	0.01	0.00	0.01
35	458+00 to 460+00 (L)	0.63	0.00	0.63
36a-c	38+50 to 46+00 (L/R)	1.40	0.01	1.41
36d-e	479+00 to 481+00 (L/R)	2.66	0.05	2.71
37a	913+00 to 915+00 (L/R)	0.09	0.00	0.09
38a-c	908+00 to 913+00 (L/R)	0.91	0.00	0.91
38d-g	49+50 to 65+50 (L/R)	2.09	0.01	2.10
39a-b	62+00 to 65+50 (L)	0.21	0.00	0.21
41	497+50 to 499+00 (L)	0.13	0.13	0.26

Lighting AMM.2. When installing new or replacing existing permanent lights, downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) will be used

Tree Removal AMM.2. Tree removal will occur between November 1st and March 31st, outside the species summer roosting season.

42	512+00 to 519+00 (R)	0.00	0.60	0.60
43a-c	509+50 to 524+25 (L)	2.91	2.87	5.78
44	525+50 to 526+00 (R)	0.04	0.00	0.04
45	533+00 to 535+00 (L)	0.01	0.00	0.01
46	321+00–323+00 (R)	0.12	0.02	0.14
Totals		12.31	3.81	16.12

Action Taken/Required:

SDDOT will acquire credits equivalent to 11.79 acres from a wetland mitigation bank site or In-Lieu Fee program within the lower Big Sioux River Geographic Service Area 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.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B5: NORTHERN LONG-EARED BAT

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
434+00 (R)	April 1 to October 31
473+00 to 486+00 (L/R)	April 1 to October 31
492+00 (L/R)	April 1 to October 31
518+00 to 520+00 (L/R)	April 1 to October 31

Tree removal will occur between November 1st and March 31st and avoid the summer maternity season.

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

General AMM.1. All operators, employees, and contractors working in areas of known or presumed bat habitat will be made aware of all environmental commitments as they relate to the northern long-eared bat.

Lighting AMM.1. Temporary lighting will be directed away from suitable habitat during the active season.

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
434+00 (R)	April 1 to July 15
446+00 to 448+00 (L/R)	April 1 to July 15
456+00 to 462+00 (L/R)	April 1 to July 15
473+00 to 488+00 (L/R)	April 1 to July 15
492+00 to 519+00 (L/R)	April 1 to July 15
520+00 to 530+00 (L/R)	April 1 to July 15

COMMITMENT C: WATER SOURCE
 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.

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:
<http://sdsleaswanted.com/maps/default.aspx>

< [South Dakota Administrative Rule 41:10.04 Aquatic Invasive Species](https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41.10.04):
<https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41.10.04> >

COMMITMENT D: WATER QUALITY STANDARDS
COMMITMENT D1: SURFACE WATER QUALITY
 All wetlands are 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 wetlands are 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 (APSD) Chapter 74:51. Special construction measures may have to be taken to ensure that water quality 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

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.

Action Taken/Required:
 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_AddTemplnfofillable.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:
 <<http://denr.sd.gov/dess/sw/WhatsaDMR.aspx>>

COMMITMENT E: STORM WATER
 Construction activities constitute 1 acre or more of earth 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.

Action Taken/Required:
 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_CGPAppenidxCXA2018Fillable.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.

STATE OF SOUTH DAKOTA	PROJECT	TOTAL SHEETS
NH 0100(107)411, PCN 01VA		A3
Plotting Date: 1/20/2023		A8

COMMITTEE E: STORM WATER (CONTINUED)

Storm Water Pollution Prevention Plan

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/def](https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/stormwater/default.aspx)

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

COMMITTEE G: DEWATERING AND SEDIMENT COLLECTION

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". The PPP must be kept on-site and updated as site conditions change.

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 ROW.

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 AFRSD 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: HISTORICAL PRESERVATION OFFICE CLEARANCES

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.

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 100 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 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.

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.

If an on-site construction crossing is used at Stations noted in the following table, the temporary crossing will need to be designed so it will not increase the Q_{100} water surface elevation. The Contractor will submit the proposed temporary crossing geometric layout and structure size 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
448+00	Unnamed Tributary	1,418
485+00	Unnamed Tributary	1,420
41+00	Unnamed Tributary	1,420

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 N: SECTION 404 PERMIT

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

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 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 Q: ARCHAEOLOGICAL COORDINATION

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

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

Table of Historic/Archaeological Sites

Station	Offset (Ft.)	L/R	Environmental Sensitive Site	Action
70+00 to 75+00		R	ESS-1	Do Not Disturb/Fence

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) 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.

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.

STATE OF SOUTH DAKOTA	PROJECT NH 0100(107)411, PCN 01VA	SHEET A5	TOTAL SHEETS A8
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Plotting Date: 1/20/2023

COMMITMENT T1: LINED SNAKE

Lined snakes were noted to have potential habitat in the study area and SDGFP recommended that visual surveys for lined snakes occur prior to work in lined snake habitat (e.g., dry grassland areas) from April to October.

Action Taken/Required:

The Contractor will notify the SDDOT Environmental Office at a minimum of one week prior to completing the initial earth disturbing groundwork from Station 470+00 to 485+00. The SDDOT Environmental Office will arrange personnel that are qualified to handle State Endangered Species to conduct a visual survey for the presence of lined snakes and remove/relocate any lined snakes that are discovered during the survey. The survey is expected to take one day or less. If lined snake(s) are identified at any point during construction, the Contractor should contact the SDDOT Environmental Office to confirm the identification and document the relocation of the snake(s) to suitable habitat outside the project area.

Mueller Pallets
27163 471st Avenue
Sioux Falls, SD 57108
(605) 366-2440

Sioux Falls Regional Landfill
26750 464th Avenue
Hartford, SD 57033
(605) 367-8162

Grinding of ash tree stumps and disposal of ash tree stump grinding waste may occur at any time of the year with no restriction on transportation time frames within the Quarantine Area. If ash tree stumps are removed by any methods other than grinding (i.e., excavator, etc.), the same transportation restrictions as regular ash wood waste apply.

COMMITMENT T2: CITY OF SIOUX FALLS SOUND PERMIT

This commitment applies should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m.

Action Taken/Required:

The contractor must obtain a City sound permit in accordance with City ordinance § 93.006 and adhere to the permit conditions.

COMMITMENT T3: EMERALD ASH BORER MANAGEMENT

The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Ash trees within the project limits are suitable habitat for the Emerald Ash Borer.

Action Taken/Required:

Project activities that include tree removal will adhere to the following protocol.

Ash wood cannot be transported off the project site between Memorial Day and Labor Day due to the presence of the Emerald Ash Borer in the area. If ash trees cannot be removed from the project site prior to Memorial Day or cannot wait to be removed from the project site until after Labor Day, the Contractor may still cut down the ash tree(s), but the ash wood must remain on the project site until after Labor Day.

Ash wood cannot be transported outside of the Quarantine Area designated by the South Dakota Department of Agriculture and the United States Department of Agriculture without a permit. The Quarantine Area is currently defined as all of Minnehaha County, Lincoln County north of US Highway 18, and Turner County north of US Highway 18 and east of SD Highway 19. Transport of ash wood outside the Quarantine Area without a permit will subject offenders to civil and/or criminal penalties. Facilities within the Quarantine Area that accept ash wood for disposal include:



Appendix C: Section 4(f) Concurrence



Planning and Engineering

Environmental Office
 700 E Broadway Avenue
 Pierre, SD 57501-2586
 O: 605.773.4336
 dot.sd.gov

November 7, 2022

Tom Lehmkuhl, Environmental Engineer
 Federal Highway Administration
 South Dakota Division
 116 East Dakota Avenue, Suite A
 Pierre, SD 57501

RE: **Section 4(f)** De Minimis Impact Finding for KSOO Radio Station

Project: NH 0100(110)045, PCN 01V9; NH 0100(108)407, PCN 01V6; NH 0100(106)409, PCN 01V7; NH 0100(107)411, PCN 01VA; Minnehaha County

Location: I-29 to Western Ave, Western Ave to Cliff Ave, Cliff Ave to Sycamore Ave, Sycamore Ave to 57th St

Improvement Description: New Roadway Construction and Improvements

Dear Mr. Lehmkuhl:

This letter requests FHWA approval of a Section 4(f) *de minimis* finding for impacts to a historic property associated with the subject project. The project's compliance with NEPA will be documented as an Environmental Assessment.

Project Purpose and Need

The South Dakota Department of Transportation (SDDOT), in cooperation with the Federal Highway Administration (FHWA) and the City of Sioux Falls (City), has proposed the South Veterans Parkway Project to address continuity and capacity needs. Veterans Parkway would extend from Interstate 29 (I-29) to just south of 26th Street in Sioux Falls, South Dakota. Refer to **Attachment 1** for a project site map.

The purpose of this project is to improve continuity throughout the Sioux Falls area and prevent roadway deficiencies that would occur by the year 2050 if nothing is done. The need for this project derives from traffic forecasts for 2050 which identifies capacity and travel discontinuity issues within a 2050 planning horizon. In 2050, corridor traffic volumes are projected to range from 14,000 vehicles per day to over 36,000 vehicles per day. Growth in the area has increased congestion, resulting in an increased need for east-west connectivity in southern Sioux Falls for new commercial and residential areas. There is a need to prevent several existing City arterial streets with adjacent development from becoming congested as they are not designed to absorb these traffic volumes.

1 NH 0100(110)045, PCN 01V9; NH 0100(108)407, PCN 01V6; NH 0100(106)409, PCN 01V7; NH 0100(107)411, PCN 01VA - MINNEHAHA COUNTY

Description of 4(f) Resource(s)

The KSOO radio transmission property (SHPO ID LN00000746) is located adjacent to the project study area and is designated as a historic site that meets the definition of a 4(f) resource as defined in 23 CFR 774.17. The property retains its historic character-defining features including a radio transmission building that was built in 1952, original five-tower antenna array, and cable lines radiating out from the central building. The eligible property lies adjacent to the south side of the proposed parkway alignment. A non-historic concrete foundation for the northwest radio tower guy wire is within the Veterans Parkway construction limits. Refer to **Attachment 2** for the resource project location.

Description of 4(f) Impacts

The KSOO radio transmission site located at 26962 476th Avenue is adjacent to the intersection of South Veterans Parkway and its intersection with Southeastern Avenue. South Veterans Parkway will be approximately centered on the north property line of the KSOO radio transmission site. Southeastern Avenue on the west side of the radio tower site is now a gravel road but will be upgraded to a four-lane urban street with sidewalk and turning lanes in conjunction with the South Veterans Parkway project. The project will have no impact to any features or structures associated with the historic components or character-defining elements of the communications property, including the original radio towers or the transmission building. The site was recommended as eligible for NRHP listing for its state-level significance under Criterion A in the area of communications in a 2021 Level III archaeological resources survey. In October 2021, the South Dakota State Historic Preservation Office (SHPO) concurred with the determination that the residence was NRHP eligible (LN00000746). **Attachment 3** shows the project construction limits in the area of the KSOO radio station. All disturbed areas close to the 4(f) site will be fully restored after construction is complete.

Description of 6(f) Properties and Affects

There are no Land and Water Conservation Fund (Section 6(f)) properties adjacent to the project.

Avoidance, Minimization, and Mitigation

The property is adjacent to the proposed roadway, but no contributing features of the property are located within the limits of disturbance. The proposed limits of disturbance lie approximately 600 feet north of the transmission building and approximately 100 feet north of the nearest (northernmost) radio tower. Options are available to minimize or avoid impacts to the modern guy wire and foundation. The following measures to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the environmental document:

- Evaluate options to minimize or avoid impacts to the modern guy wire and foundation during final design.
- Avoidance of all historic character-defining features associated with the KSOO radio transmission site.
- Construction plan sheets will address the location adjacent to proposed construction limits to protect the existing 4(f) resource.
- The staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within or adjacent to the defined boundaries of the 4(f) resource.

Agency and Public Coordination

The intent to make a de minimis impact determination was coordinated with the Official with Jurisdiction (OWJ) on 9/21/2021. The Section 106 process resulted in a determination of “no adverse effect” with the written concurrence of the SHPO on 10/4/2022 (See **Attachment 3**). The public will be informed of the de minimis impact determination as part of the public comment period following the release of the Supplemental Environmental Assessment and be given opportunity to provide input.

Conclusion

Based on the information provided, SDDOT seeks FHWA’s determination that the construction activities associated with the subject project are a *de minimis* impact to the resources described as the project will not adversely affect the activities, features or attributes that make the KSOO radio transmission property (SHPO ID LN00000746) eligible for Section 4(f) protection.

If there are any questions, please contact me at (605-773-3568).

Sincerely,



Chad Babcock
Environmental Scientist Manager

The FHWA, SD Division has reviewed the information as described in this document and finds the impacts to Section 4(f) resource are *de minimis* as defined under 23 CFR 774.



Digitally signed by Tom
Lehmkuhl
Date: 2023.01.20 08:36:27 -06'00'

Tom Lehmkuhl
South Dakota Division
Federal Highway Administration

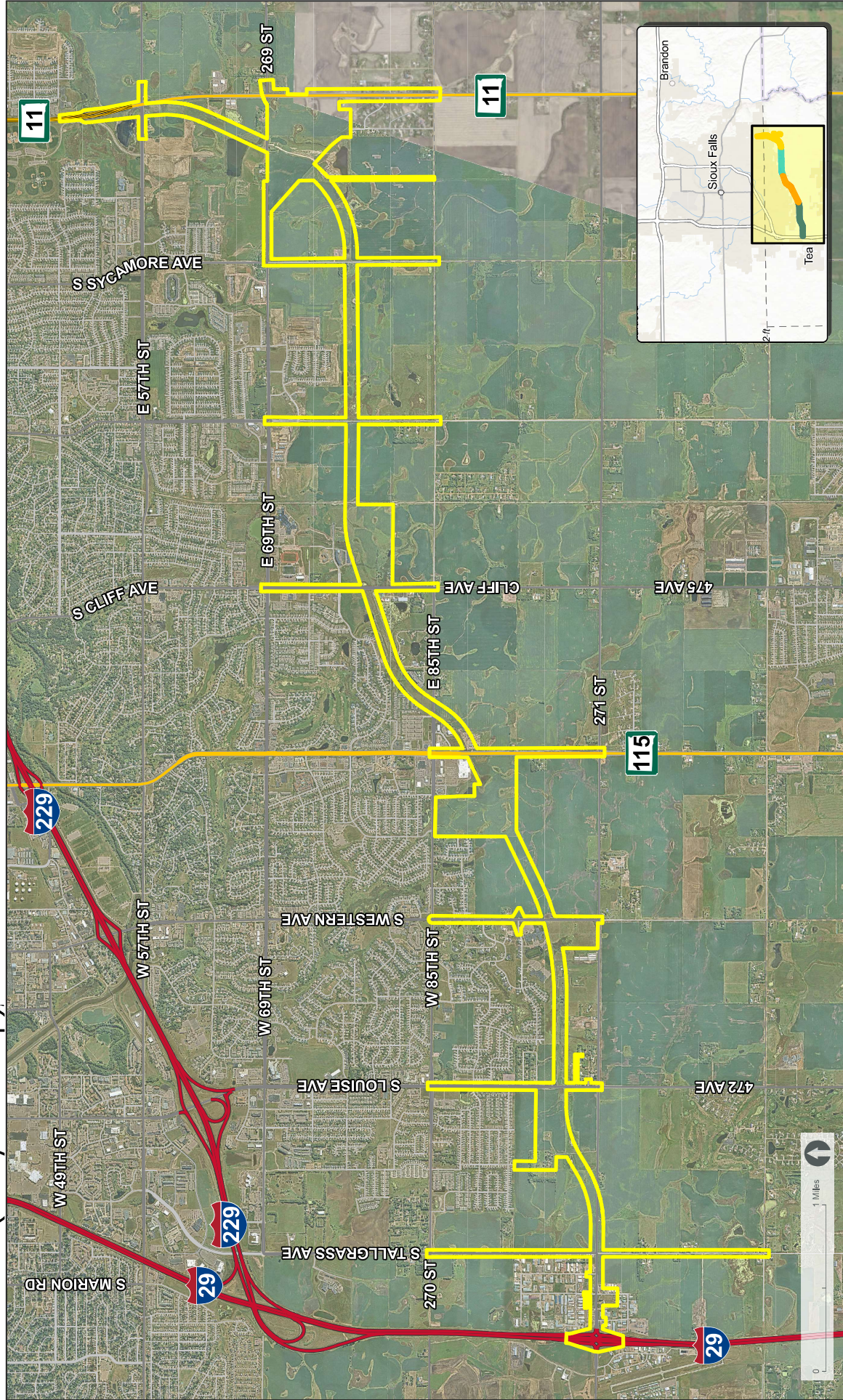
01/20/2023

Date

Cc: Joanne Hight, SDDOT

Attachment 1 (Study Area Map), Attachment 2 (KSOO Radio Transmission Site), Attachment 3 (Section 106 Consultation – OWJ Coordination)

Attachment 1 (Study Area Map)

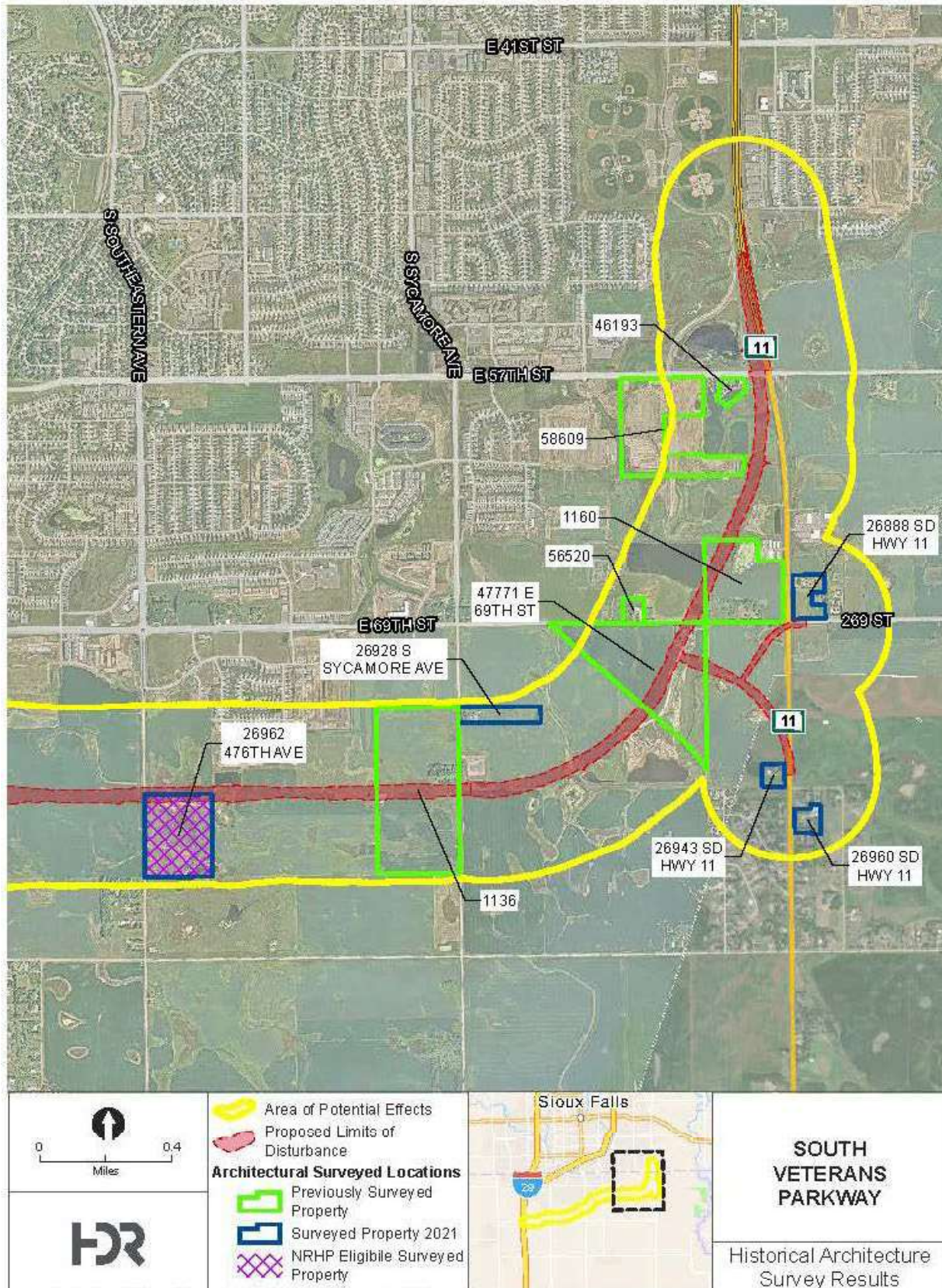


LOCATION MAP
 South Veterans Parkway
 SIOUX FALLS, SOUTH DAKOTA

Study Area

CITY OF SIOUX FALLS
 SD DOT
 U.S. Department of Transportation
 Federal Highway Administration

Attachment 2 (KSOO Radio Transmission Site)





September 21, 2021

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

RE: Project NH0100(110)045, PCN 01V9, I-29 to Western Ave
Project NH0100(108)407, PCNO 1V6, Western Ave to Cliff Ave
Project NH0100(106)409, PCNO 1V7, Cliff Ave to Sycamore Ave
Project NH0100(107)411, PCN 01VA, Sycamore Ave to 57th St
South Veterans Parkway, Sioux Falls, SD
Grading, PCC Surfacing, Curb & Gutter, Storm Sewer, Signals, Lighting

Dear Mr. Woods:

Attached for your review are two cultural resources survey reports: *Architectural Resources Investigation for South Veterans Parkway Project, Sioux Falls, South Dakota* by HDR Engineering and *A Level III Cultural Resources Survey of Previously Unsurveyed Portions of South Veterans Parkway Project Areas in Lincoln and Minnehaha County, South Dakota* by Kogel Archeological Consulting Services. The architectural resources report covers structures that were not previously old enough for evaluation during the 2003 and 2012 environmental assessments (EAs) completed for the project, while the archeological resources report covers minimal areas not previously surveyed due to minor design modifications. SHPO previously concurred with the *No Adverse Effect* and *No Effect to Historic Properties* findings associated with the EAs on 5/6/2010, 5/10/2010, 9/8/2011, and 9/15/2011.

A supplemental EA is being prepared address changes that have occurred since 2012, as such these additional cultural resource investigations were undertaken to supplement previous work. The architectural investigation identified 10 historic-age (built in or prior to 1976) above-ground resources in the Project APE in the 2021 survey. Two resources were previously identified (39LN2007 and 39LN2016) so the report addressed the 8 newly surveyed/evaluated properties. One newly recorded property, the KSOO radio transmission site at 26962 476th Avenue, is recommended eligible for the NRHP for state-level significance under Criterion A (LN00000746). The property is adjacent to the proposed roadway, but no contributing features of the property are located within the limits of disturbance. The proposed limits of disturbance lie approximately 600 feet north of the transmission building and approximately 100 feet north of the nearest (northernmost) radio tower. A non-historic concrete foundation for the northwest radio tower guy wire is within the Veterans Parkway construction limits. During the final design phase of the project, options will be reviewed to minimize or avoid impacts to the modern guy wire and foundation. SDDOT concurs that LN00000746 is eligible for NRHP listing and requests SHPO concurrence in this eligibility assessment.

The archaeological survey examined total of 19 discrete locations encompassing a total of approximately 9.6 acres within the APE. No archaeological sites were identified as a result of this work. Based on the previous ground disturbances noted across the survey area, numerous previous cultural resources surveys, coupled with the small area of the project areas, the potential for buried historic properties within the project area is considered low.



Planning and Engineering

Environmental Office

700 E Broadway Avenue

Pierre, SD 57501-2586

O: 605.773.4336

dot.sd.gov

As a result of ongoing cultural resource investigations three historic properties have been identified within the Project APE: 39LN2007, 39LN2016, and LN00000746. Eligibility and project effect associated with sites 39LN2007 and 39LN2016 was coordinated with your office in 2011. The supplemental cultural resource survey identified one additional historic property, LN00000746, the KSOO radio transmission site at 26962 476th Avenue. As currently designed, the Project will have no impact to any features or structures associated with the historic components or character-defining elements of the communications property, including the original radio towers or the transmission building. Given this, the SDDOT recommends and requests SHPO concurrence that the project will continue to have *No Adverse Effect* on historic properties, as previously determined in 2010 and 2011.

In 2011, SDDOT consulted with your office regarding the *de minimis* finding for the NRHP-eligible sites 39LN2016 and 39LN2007. There are no changes to the eligibility for either of these sites and we have determined that a *de minimis* finding is still appropriate. If your office concurs with the eligibility assessment outlined here for LN00000746, FHWA intends to make a *de minimis* impact determination in accordance with the 23 CFR 774.5.

Should any evidence of buried cultural resources be encountered during the project construction activities, such activities will cease and the SHPO in Pierre or the ARC in Rapid City will be notified immediately in order to determine an appropriate course of action.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kit Bramblee'. The signature is fluid and cursive.

Kit Bramblee
Environmental Scientist Manager
605.773.3721

Attachment



October 4th, 2021

Mr. Kit Bramblee
Department of Transportation
Environmental Office
700 E. Broadway Avenue
Pierre, SD 57501-2586

SECTION 106 PROJECT CONSULTATION

Project: 210923001F –
NH0100(110)045, PCN 01V9, I-29 to Western Ave
NH0100(108)407, PCN 01V6, Western Ave to Cliff Ave
NH0100(106)409, PCN 01V7, Cliff Ave to Sycamore Ave
NH0100(107)411, PCN 01VA, Sycamore Ave to 57th St
South Veterans Parkway, Sioux Falls SD Roadway Construction
Location: Minnehaha County and Lincoln County
(FHWA/DOT)

Dear Mr. Bramblee,

Thank you for the opportunity to comment on the above-referenced project pursuant to 54 U.S.C. 306108 (Section 106) of the National Historic Preservation Act of 1966 (as amended). The Office of the South Dakota State Historic Preservation Officer (SHPO) concurs with your determination regarding the effect of the proposed undertaking on the non-renewable cultural resources of South Dakota.

On September 23rd, 2021, we received your letter and enclosures pertaining to the proposed Roadway Construction for PCN 01V9, PCN 01V6, PCN 01V7, and PCN 01VA in Minnehaha and Lincoln Counties. Included in the enclosures was the report titled “A Level III Cultural Resources Survey of the Previously Unsurveyed Portions of South Veteran Parkway Project Areas in Lincoln and Minnehaha County, South Dakota” by Troy Kogel of Kogel Consulting Services, and “Architectural Resources Investigation for South Veterans Parkway Project South Veterans Parkway” by HDR inc. Mr. Kogel’s report identified two previously recorded archaeological sites: a portion of the Chicago, Milwaukee, and St. Paul (CMSP) Railroad (39LN2007) and a portion of the Chicago, Rock island Railroad (39LN2016) are within in the project area, which has been determined eligible for the National Register of Historic Places. Previous SHPO Concurrence determined these portions of the sites 39LN2007 and 39LN2016 were non-contributing elements. (SHPO ID: 071009009F) Based upon the information provided, the KSOO Radio Transmission tower (SHPO ID: LN00000746) should be considered “Eligible” for listing on the National

Register of Historic Places. Therefore, SHPO concurs with your determination of "No Adverse Effect" for the proposed undertaking.

Project activities occurring in any areas not identified in your original request, will require the submission of additional documentation as described in 36 C.F.R. § 800.4.

Concurrence of the SHPO does not relieve the federal agency official from consulting with other appropriate parties, as described in 36 C.F.R. § 800.2(c).

If historic properties are discovered or unanticipated effects on historic properties are found after the agency official has completed the process outlined by 54 U.S.C. 306108 (Section 106) of the National Historic Preservation Act, the agency official shall avoid, minimize, or mitigate the adverse effects to such properties and notify the SHPO and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery, pursuant to 36 C.F.R. § 800.13.

Should you require any additional information, please do not hesitate to contact Justin Woods at Justin.Woods@state.sd.us or at (605)773-6004. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,

Ted Spencer
State Historic Preservation Officer



Justin Woods
Review and Compliance Archaeologist

CC: Jane Watts - Archaeological Research Center, Rapid City
Brian Huot - Archaeological Research Center, Rapid City