FINDING OF
NO SIGNIFICANT IMPACT (FONSI)

FOR

I-29 and 85th Street Interchange Project
EM 1360(02), PCN 06JQ
IM 0292(88)74, PCN 07C6
IM 2292(104)0, PCN 07D0
Lincoln County, SD

March 2023

Submitted Pursuant to 42 U.S.C. 4332(2) (c) by the
U.S. Department of Transportation
Federal Highway Administration
South Dakota Department of Transportation
City of Sioux Falls
City of Tea

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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 Interstate 29 (I-29) at 85th Street Interchange (the 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 Environmental Assessment (EA) signed by FHWA and SDDOT. The EA was made available on November 2, 2022, to stakeholders, agencies, and the public for a 30-day comment period. A public meeting was held on November 17th, 2022, at the Sioux Falls Lutheran School.

A summary of comments received during the comment period is included in this FONSI and were also included as updates to the EA. Comments received are discussed in FONSI Section 4.1. No other agency or public comments were received that necessitated revisions to the EA, therefor the document will not be republished. The 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 EA and referenced reports have provided sufficient evidence for determining that an Environmental Impact Statement (EIS) is not required. The EA and supporting documents are incorporated by reference into this FONSI.

In addition, since the EA was published and the EA comment period closed, there were changes made to the project which advanced right of way acquisition, design, and construction on certain components. A summary of these changes is discussed in FONSI Section 2.2.

The Project was developed in accordance with the National Environmental Policy Act (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.

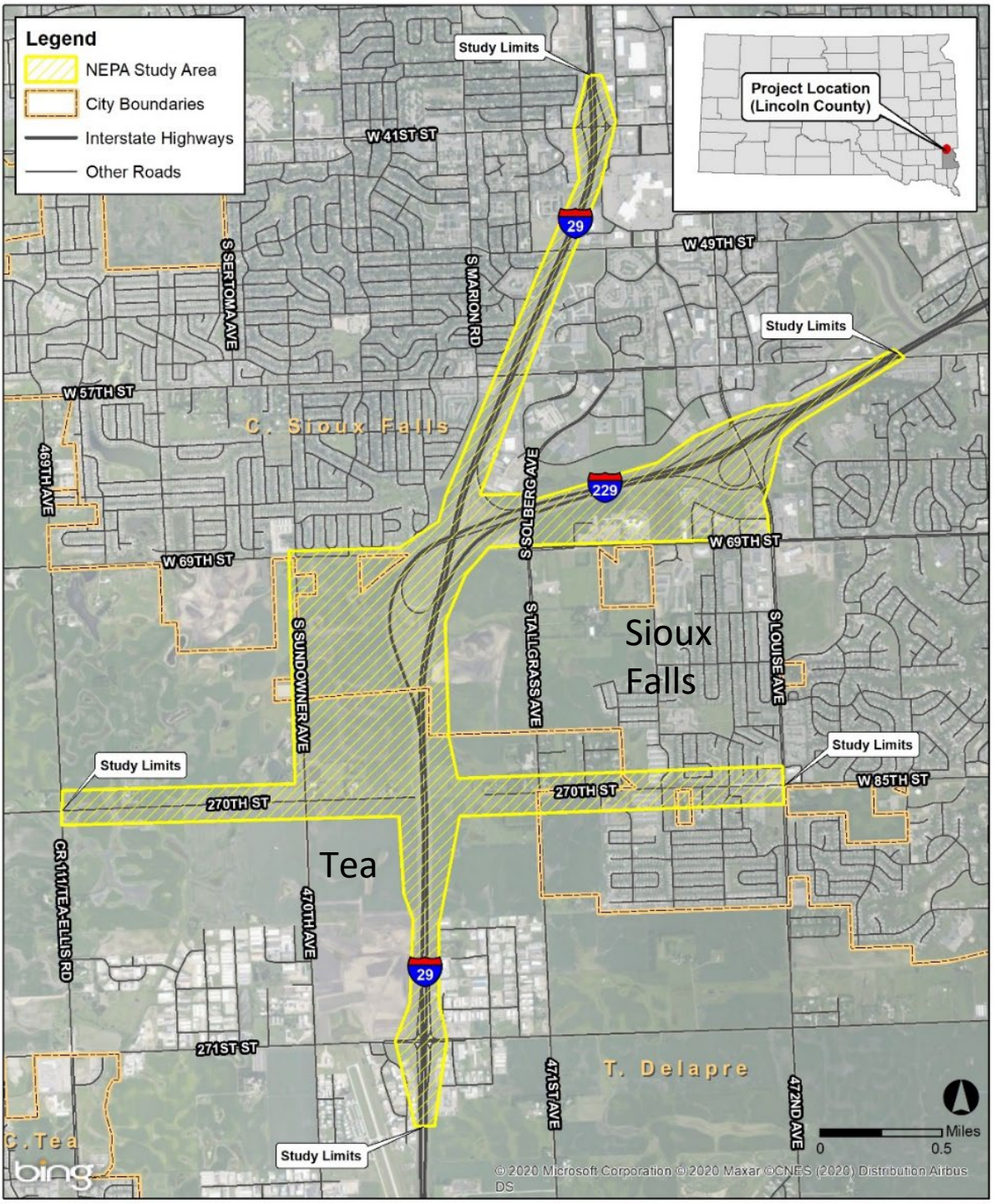
2.0 Description of Proposed Action

The Project is located in the City of Tea and the City of Sioux Falls, in Lincoln County, South Dakota. The study area (Figure 1) is the area used to evaluate the effects of the study alternatives on the environmental resources present. The study limits, which define the extent of the study area along the roadway network, include the following termini: 469th Avenue to the west, Louise Avenue to the east, the I-29/271st Street Interchange to the south and various northern termini including 69th Street at Sundowner Avenue, 57th Street at I-229, and the I-29/ 41st Street Interchange. The study area includes approximately 10.4 miles of roadway along I-29, I-229, 270th/85th Street, and Sundowner Avenue. The study area and limits do not indicate construction limits for any of the alternatives identified in this study, but rather, they define the area to be examined for potential impacts to resources and the transportation network which could result from any of the study alternatives. The Project involves evaluating alternatives for an overpass or interchange at 85th Street.

The study limits were chosen based on logical termini. Logical termini are defined as rational end points for a transportation project and corresponding environmental review. Three conditions must be met as set forth in 23 CFR 771.111(f) paraphrased as follows:

1). Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
2). Have independent utility or independent significance – that is, be usable and be a reasonable expenditure even if no additional transportation improvements are made.
3). Not restrict the consideration of alternatives for other reasonably foreseeable transportation improvements.

Figure 1: Project Location Map



SEH	401 East 8th Street Suite 309 Sioux Falls, SD 57103 (605) 330-7000	Print Date: 12/2/2020 Source: Bing Maps, Map by: mfalk Projection: State Plane South Dakota S	**Project Location Map** *I-29 and 85th Street Interchange* *Lincoln County, SD*

2.1 Purpose and Need for the Project

The purpose and need statement were developed with consideration of public input as well as agency and tribal input. Initial coordination with agencies and tribes occurred through scoping letters. In addition, meetings were held with each potentially affected landowner. Coordination with agencies, tribes, landowners, and the public will continue throughout the Project.

2.1.1 Purpose of the Project

The purpose of this project is to improve mobility and connectivity while achieving planned economic growth near the intersection of I-29 and the planned 85th Street Corridor.

2.1.2 Project Needs

The needs for the Project described in the EA include the following:

- **System Linkage (Connectivity)** – The project is needed to address route inefficiencies that will be introduced with planned development surrounding the current transportation system. The connectivity need of the study area will be met if the project demonstrates that vehicle hours traveled (VHT) within the study area throughout the 2045 design year of the project do not exceed 101.5 million hours.
- **Traffic Operations (Mobility)** – The project is needed to ensure adequate levels of operation are maintained throughout the transportation network under projected traffic conditions. Several roadway segments and intersections within the existing network are expected to fail operationally under the projected traffic volumes. The mobility need of the study area will be met if the project demonstrates that acceptable levels of service (LOS) will be maintained on all roadway segments and at intersections on the local transportation network, according to SDDOT and City of Sioux Falls standards, under the projected traffic conditions. Acceptable levels of service are defined as LOS C for all freeway sections of I-29, I-229, and all ramp terminals within the study area, and LOS D for all arterial roadway sections and signalized intersections in the study area.
- **Economic Development (Planned Economic Growth)** – The project is needed to achieve the planned development identified in local plans and proposals. The economic development need of the study area will be met if the project demonstrates a positive Net Present Value (NPV) will be achieved throughout its lifecycle. Supporting information for this need is included in EA Section 1.3.2.3.

2.2 Project Status

Since the publication of the project's signed Environmental Assessment (EA), and as planned and in concurrence with the I-29/85th Street Overpass EA approval and signed FONSI, several project implementation activities have now been completed as related, but as separate City of Sioux Falls-funded projects. With the successful completion of the current project's Interchange Justification Report (IJR) process, FHWA rescinded the previously approved Overpass project FONSI on August 27, 2019. SDDOT and FHWA signed an Environmental Assessment Methods and Assumptions document for the preparation of a new Interchange EA at this time with the understanding that the new EA would be the appropriate NEPA path for the I-29/85th Street Interchange project.

Each activity is profiled in Sections 2.2.1, 2.2.2, and 2.2.3, including mitigation measures that were considered during design and construction. Additional information related to project design, construction details, and property acquisitions, is available upon request from the City of Sioux Falls.

2.2.1 Construction of 85th Street (Tallgrass Avenue to Louise Avenue)

From the eastern Tallgrass Avenue intersection approach to its intersection with Louise Avenue, 85th Street was designed and constructed between 2019-2022 as a four-lane urban section, minor arterial roadway with a center median and left/right turning lanes at the major intersections with Townsley Avenue, Beal/Brett Avenue, Hughes Avenue, and Louise Avenue. This street section was locally funded and designed and constructed in accordance with City of Sioux Falls standards. Sidewalks were designed and constructed in accordance with the City of Sioux Falls' complete street standards. Wetland mitigation was completed on this segment of 85th Street using the I-29 and 85th Street Overpass project's wetland mitigation plan and purchase of credits from the Tetonka Wetland Mitigation Bank. In 2018, 6.8 wetland mitigation bank credits were purchased from the Tetonka Wetland Mitigation Bank for the previously approved 85th Street Overpass project. Some of these credits were applied to the recent construction of 85th Street east of Tallgrass Avenue. Based on permits for already completed work in the study area, there are presently 4.55 unused credits from the Overpass project that are expected to be available for application on the Interchange project.

2.2.2 Noise Wall Construction

The prior-approved 85th Street Overpass NEPA process included a mitigation measure to construct a 235-foot-long noise wall on the north side of 85th Street from the intersection of Beal Avenue. The updated noise analysis completed for the I-29 / 85th Street Interchange project identified a mitigation need for a noise barrier in the same location as was approved for the Overpass project's FONSI, with a slight modification to accommodate sightlines at the stop-controlled intersection. The noise wall design process began with the Overpass project that was completed in 2018 and was refined with the outcome of the Interchange project's noise analysis in 2021. The wall was a locally-designed and funded project conforming to the specific study analysis and NEPA mitigation requirements. Construction occurred in fall 2022 with completion on October 31, 2022.

2.2.3 Right-of-Way Acquisition and Related Environmental Concerns

In 2020, the City of Sioux Falls completed a process to acquire two parcels located within the I-29 Overpass embankment project area and now the future I-29 interchange access control area and necessary right of way embankment for the 85th Street bridge and southbound exit ramps from I-29. The two rural residential properties in the future interchange's access control area were located on the northwest side of the future interchange. These acquisitions were made in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act, as amended) regulations. One of the residences was physically moved to another location and the other was demolished.

One of these two acquired properties, located at 47036 85th Street, was identified in the project's Environmental Site Assessment (ESA) as a Recognized Environmental Condition (REC) property. This property's appraisal indicated the potential presence of hazardous materials could affect the value of the property. However, no such materials were found during the removal of the buildings on the property. Both properties were also identified as potential habitat locations for northern long-eared bat (NLEB), although no evidence of the NLEB was found during a habitat survey that was documented and completed for the Interchange EA.

Alternatives Considered

Four build alternatives were considered in the EA. In addition, both a No Build Alternative and a No Action Alternative has been included to satisfy the NEPA requirements and FHWA guidelines. In all, six alternatives were considered in the EA:

- **Existing Conditions (No-Action) Alternative:** The No-Action Alternative assumes that no interchange and no overpass would be constructed at I-29 and 85th Street.
- **No-Build Alternative:** With the No Build Alternative, an interchange would not be constructed at I-29 and 85th Street. However, the previously planned overpass at I-29 and 85th Street would be constructed.
- **Build Alternative:** The Build Alternative would include a Diverging Diamond Interchange at I-29 and 85th Street with other local roadway improvements on 85th Street, Sundowner Avenue, and Tallgrass Avenue.
- **Other Build Alternatives Dismissed Early in NEPA:** This includes several alternatives which were dismissed early in the NEPA process because they do not meet the purpose and need of the study. These will not be discussed further in this FONSI. These include:
    - An overpass of 85th Street over I-29 on a new alignment.
    - A diamond interchange at I 29 and 85th Street with no ramp braids
    - A diamond interchange at I 29 and 85th Street with braided ramp
    - A folded diamond interchange at I 29 and 85th Street

2.2.4 Existing Conditions (No Action) Alternative

The Existing Conditions Alternative is a “no action” alternative. This alternative assumes that no interchange and no overpass would be constructed at I-29 and 85th Street. Any future construction would be limited to repaving and routine maintenance. The approved IJR acknowledges a phasing plan for many additional programmed and planned arterial network street projects to improve capacity, safety, and mobility in coordination with new interchange access on I-29 at 85th Street. Many of these phasing plan projects would proceed on the local system and independently as development needs dictate if an interchange is not constructed.

2.2.5 No-Build Alternative

With the No Build Alternative, an interchange would not be constructed at I-29 and 85th Street. However, this is not a “no action” alternative. The No Build Alternative assumes that the previously planned overpass at I-29 and 85th Street would be constructed. The approved IJR acknowledges a phasing plan for many additional programmed and planned arterial network street projects to improve capacity, safety, and mobility in coordination with new interchange access on I-29 at 85th Street. Many of these phasing plan projects would proceed on the local system in conjunction with the construction of an interchange, or independently as development needs dictate if an interchange is not constructed.

2.2.6 Build Alternative

The Build Alternative includes the following components of the IJR Recommended Alternative:

- Construction of a Diverging Diamond Interchange (DDI) along I-29 at 85th Street. The configuration also includes a connector ramp from southbound I-229 to the 85th Street exit ramp and a braided exit ramp from southbound I-29 to the 85th Street Exit.

- Construction of a full auxiliary lane from 85th Street through the northbound I-229 Exit 1C (Louise Avenue) Ramp, including the reconstruction of the existing Exit Ramp 1C at Louise Avenue.
- Two-lane pavement of 270th Street from its future interchange at I-29 west to 469th Avenue (Tea/Ellis Road).
- Two-lane pavement of Sundowner Avenue from 69th Street to 270th Street.
- Two-lane pavement of Tallgrass Avenue from 85th Street to 271st Street.

2.3 Preferred Alternative

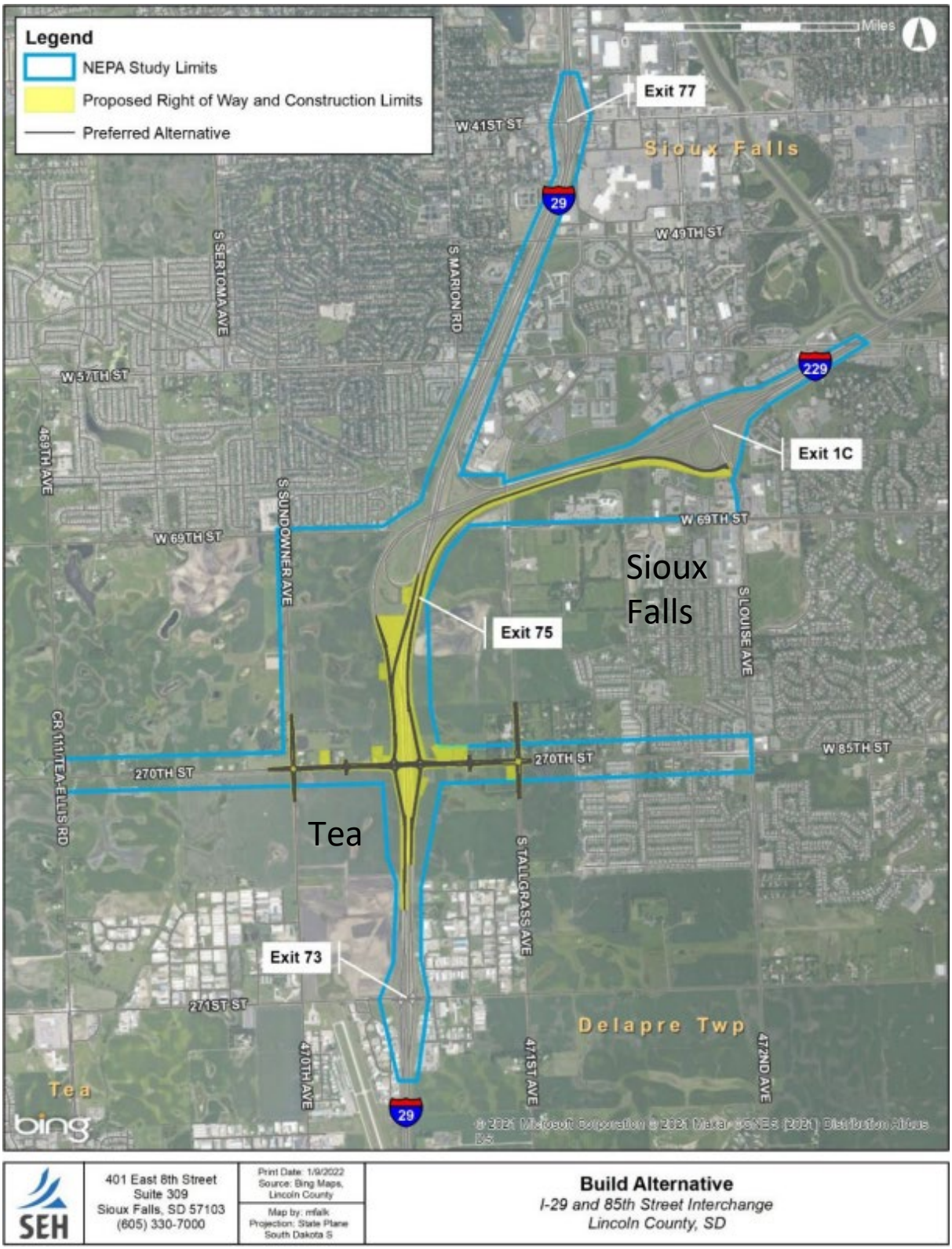
Based on the selection criteria identified, the Preferred Alternative is the Build Alternative. The Build Alternative was selected as the Preferred Alternative for the following reasons:

- The Build Alternative satisfies the project's purpose and need, while other alternatives do not.
- The Build Alternative provides numerous social and economic benefits over the Existing Conditions Alternative. While the Build Alternative does have environmental impacts, these impacts can be largely avoided, minimized, and mitigated, and any impacts resulting from the Preferred Alternative are not anticipated to cause significant environmental effects.

In addition to passing the project's screening criteria, there are a number of other benefits provided by the Build Alternative. These include:

- Project Goal of Safety: The Build Alternative was designed to meet all safety requirements for transportation projects and not impose additional safety issues on the surrounding network.
- Project Goal of Increasing Multimodal Transportation Opportunities: The Build Alternative includes sidewalks and trails sections, with a grade-separated crossing, which will provide infrastructure for bicyclists and pedestrians that is currently lacking.

Figure 2: Build Alternative



2.3.1 Summary of Impacts

Table 1 summarizes the environmental impacts associated with the Existing Conditions (No Action) Alternative and the Preferred Alternative.

Table 1: Impact Summary of the Existing Conditions (No Action) Alternative and Preferred Alternative

Environmental Resource	Existing Conditions (No Action) Alternative	Preferred Alternative
Land Use	• Development and land use changes would occur at a slower rate than with other alternatives but are still anticipated to occur as identified in future plans.	• Approximately 60.6 acres of new ROW converted from its existing use to transportation use: • 6.0 residential acres. • 0.5 commercial acres. • 21.3 agricultural acres. • 32.8 vacant/undeveloped/transportation acres. • Additional TLE during construction, with no long-term impact. • Development surrounding the proposed interchange is already planned and would not be an indirect impact of the Build Alternative. However, the Build Alternative could result in faster and or more robust development.
Farmland	• Conversion of farmland due to development activities would occur at a slower rate than with the other alternatives	• Farmland Conversion Impact Rating Form AD-1006 score below 160. • Approximately 21.3 acres of cropland and pastureland converted to a transportation corridor. • Conversion of farmland anticipated to occur at a faster rate compared to Existing Conditions Alternative
Acquisitions, Relocations, and Access	• No structures or land would need to be acquired or relocated.	• A total of three structures located on three residential parcels were identified as needing to be acquired for this alternative. Two of the residential parcels have been acquired by the City of Sioux Falls and one parcel was already purchased by a private developer and is anticipated to be redeveloped for commercial use with or without the implementation of the Build Alternative. • Two additional parcels with no structures would also need to be acquired.
Utilities, Public Facilities, and Services	• No Impact to utilities.	• Several utilities would likely have to be relocated within the new ROW or into a new utility easement. These utilities could include cable, phone, fiber optic, and water lines. • The Lewis and Clark water line would not need to be relocated with this alternative. • Relocations of utilities represent a short-term negative impact. • SDDOT and the City of Sioux Falls would coordinate with the utility companies about specific utility relocations prior to construction activities. • During construction, the public would be informed of any service interruption prior to the loss of service. Interruptions would be temporary and minimized to the extent possible
Economic Resources	• Income, employment opportunities, and tax base would remain similar to existing conditions, and changes would be in response to development activity in the surrounding area. Growth of income, jobs, and tax base could be hindered by inefficient traffic operations and congestions	• Project Net Present Value of $845.98 million. • Projected Peak increase of 207 Jobs. • Total user savings of $80M over the course of the project lifecycle from reduced VMT in comparison to the No Build Alternative. • Estimated benefit-cost ratio of 3.71. • Short-term beneficial economic impact due to the purchase of goods and services during construction. • Initial slight tax base decrease due to conversion of land to non-taxable ROW. Maximum loss in revenue would be less than 0.01 percent of the total county revenue. Potential for faster

Environmental Resource	Existing Conditions (No Action) Alternative	Preferred Alternative
Economic Resources (Continued)		development could result in a net increase in tax income over a longer period. With improved access, this return would likely be achieved earlier. • During construction, temporary impacts to economic resources including nominally increased travel times for brief durations
Considerations Relating to Pedestrians and Bicyclists	• No new bike lanes or sidewalks along 85th Street Corridor.	• Bike lanes along east and west bound lanes of 85th Street Corridor. • Safety improved for bicyclists and pedestrians crossing 85th Street with the inclusions of a grade-separated culvert crossing. • Assists Sioux Falls MPO in achieving goal of accommodating all modes of traffic
Air Quality	• Increased traffic volumes would have the potential to result in localized air quality impacts related to vehicle exhaust, especially during AM and PM peak hours.	• Temporary, minor impacts on air quality relating to increased dust levels and vehicle exhaust during construction. • Impacts would be short-term and localized, and no permit would be required. • No long-term major impacts are anticipated, and no air quality standards would be violated
Noise	• No impacts related to noise.	• Construction noise impacts would be short-term and limit to the duration of construction. • Modeled noise receptors exceeded FHWA criteria at 65 of 167 modeled receptor locations, with 29 of these being from a substantial increase in traffic noise resulting from the Build Alternative. • Noise mitigation was required and a noise barrier that met feasible and reasonable requirements was constructed. The barrier wall is 235 ft. long, 6-7 ft. high, and was constructed west of the intersection of 85th Street and Beal Avenue. • Detour traffic for I-29 traffic for 85th Street bridge construction would result in elevated noise levels that would be short-term and temporary
Water Quality	• Potential for indirect impacts to quality water could occur as the area surrounding the roadway develops. Increased impermeable surface could cause increased stormwater runoff which has a negative impact on water quality downstream.	• NPDES Permit (General Permit for Storm Water Discharges Associated with Construction Activities) under the South Dakota SWD program would be required. • Development of a SWPPP that outlines the BMP's. • Potential for indirect impacts to quality water could occur as the area surrounding the roadway develops. Increased impermeable surface could cause increased storm-water runoff which has a negative impact on water quality downstream
Floodplain	• No impact to floodplain	• No impact to floodplains is expected; however, if during final design the potential for floodplain impacts occurs, a Floodplain Development Permit may be required.
Wetlands and other Waters of the United States	• Development in the area would be expected to occur. This development would have the possibility of impacting wetlands in the area. These impacts cannot be quantified at this time. Additionally, private development is not bound by EO11990; therefore, impacts could potentially be greater than those associated with the other alternatives	• Approximately 14.76 acres of wetlands, including 10.09 acres of jurisdictional wetlands and 4.67 acres of non-jurisdictional wetlands, will be impacted by the project. These numbers include impacts from the stormwater ponds integrated into the project's conceptual design. Impacts resulting directly from stormwater ponds account for 4.86 acres of the project's total wetland impacts. Of the total impacted wetlands resulting from stormwater ponds, 3.23 acres are jurisdictional, and 1.63 acres are non-jurisdictional. • Non-jurisdictional wetlands mitigated under EO11990 and FHWA regulation 23 CFR 777.9. No net loss of wetlands. • Any impacts to jurisdictional wetlands would require a Section 404 Permit. • Credits which were purchased for the prior, but not constructed, I-29 overpass project can be applied to the anticipated Section 404 permit for the current proposed interchange project. The final amount of previous purchased credits that can be applied to this project will be determined

Environmental Resource	Existing Conditions (No Action) Alternative	Preferred Alternative
		in future discussions including the USACE and Tetonka LLP, including the amount and type of wetland credits that will be required.
Vegetation, Fish, and Wildlife	• BMP's, such as silt fences and/or bales, and other stipulations in the NPDES construction permit required for all projects disturbing one acre or more, the Existing Conditions Alternative would not have any indirect adverse effects on the Big Sioux River and associated aquatic resources. • The expected land use changes associated with the development would be consistent with city and county development plans for the area. Therefore, any adverse impacts to vegetation and terrestrial wildlife would be expected to less than those associated with the other alternatives	• Habitat loss (prairie grass, mowed lawn, crops, and wetlands) would occur as a result of implementing the Build Alternative. This would be largely associated with the conversion of 32.8 acres of vacant/undeveloped/transportation R/W and 21.3 acres of agricultural land. These habitats are considered to be of poor-quality and are plentiful in areas surrounding the study area. This would result in a negligible impact to wildlife. • With the use of BMP's, such as silt fences and/or bales, and other stipulations in the NPDES construction permit required for the project, no indirect adverse effect on the Big Sioux River and associated aquatic resources. • Adherence to the MBTA and its amendments and USFWS regulations should result in the avoidance and/or minimization of most impacts to migratory birds. Vegetation removal, including the removal of trees would be timed to the extent possible to avoid the migratory bird breeding and fledging season (April 1 through July 15).
Threatened and Endangered Species	• Potential for impact to federal and state-listed species due to private development. Impacts cannot be quantified at this time. Private development not bound by regulations	• Preferred habitat for the federal listed/ proposed for listing species and state listed species does not occur within the study area. • No Effect determination for all federal listed and candidate species, except the northern long eared bat. The bat determination was Not Likely to Adversely Affect. • No impact on state listed species.
Cultural (Historic and Archaeological) Resources	• No impact to cultural resources	• No historic properties affected.
Environmental Justice	• No direct adverse impact to low-income and/or minority populations.	• No disproportional impact to low-income and/or minority populations. • Improvements to alternate modes of transportation would potentially benefit low-income populations
Section 4(f) and Section 6(f) Resources	• No impact to Section 4(f) or Section 6(f) Properties	• No Section 6(f) properties occur within the study area and no Section 4(f) properties would be directly affected by project activities
Regulated Materials and Hazardous Waste	• No Impacts related to regulated materials and hazardous waste	• No regulated materials would be disturbed by construction. One site that was acquired for the project was identified as a potential concern for contamination and a Recognized Environmental Condition (REC). No contamination was identified as noted in the appraisal documentation prepared for removal of the property.
Visual Impacts and Aesthetics	• As this development occurs, the viewshed would be changed from a rural setting to an urban setting	• Temporarily altered by construction activities and construction equipment. • Post-construction minor changes due to the proposed interchange. • The indirect residential and commercial development projected to occur in the surrounding areas would present a greater change in the viewshed than the proposed roadway changes. • Visibility of the surrounding area from the Interstate system would be improved with the interchange
Indirect and Cumulative Impacts	• This alternative would contribute to a cumulative negative effect on traffic by not addressing future demand needs	• Would potentially spur development more quickly than the Existing Conditions Alternative. • Cumulative benefits to traffic operations and safety are anticipated with this alternative. • Bicycle and pedestrian facilities would, in conjunction with future projects, contribute to more complete multimodal routes in the region. • Other indirect and cumulative impacts are not anticipated to occur or would be fully mitigated.

Environmental Resource	Existing Conditions (No Action) Alternative	Preferred Alternative
Consistency with Local and Regional Plans	• This alternative is largely inconsistent with local and regional plans. It does not address transportation or economic need identified in these plans	• The Build Alternative is consistent with goals identified in many local and regional plans and policies including: • Go Sioux Falls 2040 Long-Range Transportation Plan – consistent with connectivity and economic vitality goal, addresses operations needs on roadways identified in the study area. • The Shape Sioux Falls 2040 Comprehensive Plan – capacity of transportation facilities goal. • The Shape Sioux Falls 2040 Growth Management Plan – supports residential/commercial/office development acreage targets. • City of Sioux Falls Complete Streets Policy – incorporates bike and pedestrian infrastructure with new transportation project. • City of Sioux Falls Bike Plan – supports multimodal facilities • City of Tea Comprehensive Plan (2018 Update) – addresses operations needs on roadways identified in the study area. • Lincoln County Technical Memos – addresses operations needs on roadways identified in the study area' • Sioux Falls 2021-2025 Capital Program – financial support for the project • Sioux Falls MPO 2021-2024 Transportation Improvement Program – financial support for the project

3.0 Coordination and Public Involvement

As indicated in the EA and supporting documentation, SDDOT coordinated with Federal, State, and local agencies, and Tribes during the development of the EA.

3.1 Public Involvement

Open House style public meetings were held throughout the project, which helped the study team identify impacts and obtain input on the alternatives. Stakeholder were notified of the meetings through postcard mailings, the project website, press release, local newspaper ads, and social media. The following Open Houses were held for the project:

- **Open House #1** – The focus of this meeting, held on April 17, 2019, was to introduce the project and provide an overview of the scope and schedule, present a draft purpose and need, and present a draft range of alternatives. A presentation was provided by project staff, and poster-board exhibits were set up at the meeting. Comment forms were provided, and members of the study team were on hand to answer questions. Postcard invitations were mailed directly to 158 properties surrounding the project area. Approximately 120 individuals signed in at the meeting.
- **Noise Abatement Analysis Meeting** – This meeting was held on August 7, 2020, to share the results of the noise analysis with stakeholders who rent or own property in the study area. This study shared concepts for the noise barrier proposed by the Build Alternative and commenced the balloting process for the barrier.
- **Open House #2** – An additional public information meeting was held on November 17, 2022, to present the findings of the EA. The meeting was held during the 30-day comment period for the EA. A prerecorded presentation was provided by project staff, and poster-board exhibits were set up at the meeting. Comment forms were provided, and members of the study team were on hand to answer questions. Postcard invitations were mailed directly to 259 properties surrounding the project area. Approximately 55 individuals signed in at the meeting. Public comments received and agency responses to these comments are summarized in Section 4.

3.2 Agency Coordination

Federal, state, and local agencies that were included in project coordination efforts include:

- South Dakota Department of Environment & Natural Resources (renamed South Dakota Department of Agriculture & Natural Resources during this study)
- South Dakota Department of Game, Fish and Parks
- U.S. Fish and Wildlife Services – South Dakota Field Office
- Natural Resources Conservation Service
- State Historic Preservation Office
- U.S. Army Corps of Engineers

The consultation letters sent to each agency and the agency responses are provided in EA Appendix D and summarized in EA Table 5-1.

3.3 Tribal Coordination

In accordance with Section 106 of the NHPA (36 CFR Part 800), the SDDOT solicited comments on this project from the following tribes:

- Flandreau Santee Sioux Tribe

- Iowa Tribe of Oklahoma
- Ponca Tribe of Nebraska
- Lower Brule Sioux Tribe
- Sisseton-Wahpeton Oyate Tribe
- Standing Rock Sioux Tribe
- Yankton Sioux Tribe
- Three Affiliated Tribes of North Dakota

Consultation letters were sent to each tribe on February 27, 2019 (Appendix D of the EA). One response letter was received from the Yankton Sioux Tribe on March 27, 2019, stating that the Tribal Historic Preservation Office does not have an interest in the proposed project but would like to be notified if any cultural artifacts are found. No other responses from tribes have been received.

4.0 Environmental Consequences and Summary of Comments

Chapter 3 of the EA discussed the existing environment and the effects of the alternatives carried forward, the Existing Conditions Alternative and the Build Alternative. No revisions to the alternatives were required after the public comment period and no additional environmental impacts were identified. This section includes a summary of comments received during the public comment period, and responses to these comments. It also includes a summary of meditation measures, commitments, and required permits for the project moving forward.

4.1 Public Comments and Responses

The Public Comment Period for the project began on November 2, 2022 and closed on December 2, 2022. Comments generally supported the study and the Build Alternative. A full list of these comments and how they were addressed is included in Appendix A.

4.2 Mitigation Measures and Commitments

The mitigation measures and environmental commitments for the preferred alternative are summarized in Tables 2 through 4 and will be implemented as part of this Project. Tables 2 through 4 note the phase of the Project for which the commitment will be completed, and the responsible party. The City of Sioux Falls and the City of Tea will be the responsible entities for commitments on local portions of the project. Although not signatories to this FONSI, coordination has taken place to confirm these mitigation commitments and the responsible entity's requirement to document their completion. The project phases included pre-construction, construction, and post-construction. In addition, a summary of anticipated permits that will be required prior to construction activities are listed in Table 5. The responsible entity must ensure that the project is constructed in accordance with and incorporates all committed environmental impact mitigation measures and/or commitments listed in Table 2 through 4 unless the responsible entity requests and receives written FHWA approval to modify or delete such mitigation and/or commitment features. The commitments that will be completed during construction can be found in an updated Section A, Environmental Commitments, document found in Appendix B.

Table 2: Mitigation Measures and Commitments for Interchange Improvements

(Interchange, Mainline, Ramps and Access Control Area)

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Land Use	The Cities of Sioux Falls and Tea, and Lincoln County, would need to coordinate transportation and land use plans to allow for expansion of the roadway system to accommodate future development.	Pre-Construction	Cities of Sioux Falls and Tea, and Lincoln County
Acquisitions, Relocations, Access	Acquisitions and relocations would be conducted in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended by the Surface Transportation Assistance Act of 1987 and 49 CFR, Part 24, effective April 1989. Relocation assistance would be made available to all affected persons without discrimination.	Pre-Construction	Cities of Sioux Falls and Tea, SDDOT
Utilities, Public Facilities and Services	SDDOT and the Cities of Sioux Falls and Tea would continue to coordinate with the utility companies about specific utility relocations and avoidance measures during final design and prior to construction activities to minimize impacts. During construction, the public would be informed of any service interruption prior to the loss of service. Interruptions would be temporary and minimized to the extent possible with the Build Alternative.	Pre-Construction	Cities of Sioux Falls and Tea, SDDOT
Economic Resources	Access would be maintained to surrounding businesses during construction. Construction would be phased to minimize traffic congestion impacts and overall time of construction in the project area.	Pre-Construction	Cities of Sioux Falls and Tea, SDDOT, Project Design/Engineer
Pedestrians and Bicyclists	The Build Alternative will include a grade-separated culvert crossing for pedestrians and bicyclists just east of the proposed interchange, to connect to planned shared-use trails between the communities of Sioux Falls and Tea and alleviate safety concerns related to crossing 85th Street.	Pre-Construction	Cities of Sioux Falls and Tea, SDDOT Project Design/Engineer
Air Quality	Construction equipment with point source emissions in many cases are required to have an air quality permit to operate. Any such equipment used during construction would obtain any necessary air quality permits if applicable. Fugitive emissions, although not covered under State air quality regulations, are a common source of public concern and may be subject to local or county ordinances. Fugitive emissions add to the deterioration of the ambient air quality and should be controlled to protect the health of communities within the construction areas. Construction contractors would be required to comply with the State statutory regulations for air pollution control and obtain appropriate permits. Contractors will adhere to requirements regarding open burning of grub material, fugitive dust, visible emissions, and permits.	Pre-Construction	Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Noise	One noise barrier was determined to be feasible and reasonable to mitigate noise impacts to residents on 85th Street just west of the Beal Avenue intersection. The barrier was designed to be consistent with SDDOT design requirements but was designed and constructed as a separate, locally funded project. In conformance with SDDOT's Noise Analysis & Abatement Guidance document Section 14, local officials were provided with information on noise compatible planning techniques that can be used to prevent future highway traffic noise impacts. During construction, contractors would be required to comply with sound control requirements identified in the SDDOT Standard Specifications for Roads and Bridges (SDDOT 2015). Construction noise abatement would be reviewed and specifically applied for this Project. SDDOT will not be responsible for providing highway traffic noise abatement for undeveloped lands permitted after the Date of Public Knowledge. The Date of Public Knowledge of the location and potential noise impacts of a Type I project will be the approval date of the environmental document, i.e., CE (Categorical Exclusion), FONSI or ROD (Record of Decision).	Pre-Construction	City of Sioux Falls, Project Design/Engineer, Project Contractor
Floodplain	During final design of the Build Alternative, a Floodplain Development Permit may be needed if project-related ground disturbances occur within designated flood plains within the Study Area.	Pre-Construction	Cities of Sioux Falls and Tea, Lincoln County, Project Design/Engineer
Wetlands	Jurisdictional and non-jurisdictional wetlands will be mitigated in accordance with EO 11990 and FHWA regulation 23 CFR 777.9. Credits will be purchased from the Tetonka Wetland Mitigation Bank prior to letting the contract. Temporary impacts will not be mitigated as original grades would be re-established. The final number of wetland credits needed would be determined during final design with the Tetonka Bank mitigation bank. Section 404 requires a permit before dredged or fill material may be discharged into WOUS, including jurisdictional wetlands. Section 404 Permit commitments are included as Commitment N. In addition, a wetland pre-construction commitment to avoid or minimize harm to a USACE Section 404 permitted wetland mitigation site that is unrelated to the project – but may be impacted by the project (Wetland 34) – shall be	Pre-Construction, Construction	Cities of Sioux Falls and Tea, SDDOT, Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Wetlands (Continued)	considered and incorporated where practicable. This will include avoidance and minimization measures that may include ditch slope adjustments, silt fencing, and barrier (cable, concrete, or steel) protection. Of the credits which were purchased for the prior, but not constructed, I-29 Overpass project, 4.55 can be applied to the anticipated Section 404 permit for the current proposed interchange project. The final amount and type of additional credits that will need to be purchased for the project will be verified in future discussions including the USACE and Tetonka LLP.		
Water Quality	Waters of the state are located in the Project Area and are protected under Administrative Rules of South Dakota Chapter 74:51 (SDDENR 2020). Special construction measures may have to be taken to ensure that water quality is not impacted. Project specific sediment, erosion control, and spill prevention measures will be developed during final design and included within the plans and specifications. The 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. SDDOT Standard Commitment E (Stormwater) will be incorporated into the plans and will require a stormwater permit, which requires revegetation of disturbed areas. Removal of vegetation shall be confined to those areas necessary for construction. A site-specific sediment erosion control plan will be implemented to provide interim control prior to reestablishing permanent vegetation cover on the disturbed site. If riparian vegetation is lost, it will be quantified and replaced on site. Seeding of indigenous species should occur immediately after construction to reduce sediment and erosion. 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 the watercourse through erosion or any other means.	Pre-Construction, Construction, Post-Construction	Cities of Sioux Falls and Tea, SDDOT, Project Design/Engineer, Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Water Quality (Continued)	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 such as banking or diking shall be used to prevent entry of these materials into a waterway. All newly created and disturbed areas above the ordinary highwater mark that are not riprapped shall be seeded or otherwise revegetated to protect against erosion. If construction dewatering is required, the Contractor shall obtain the General Permit for Temporary Discharge Activities from the SDDENR Surface Water Program. The Contractor shall provide a copy of the approved permit to the Project Engineer. Any groundwater wells would be confirmed during physical survey and, if impacted, would be properly capped and sealed. Any impacted wells and connections would be replaced for properties that were not fully acquired. It is anticipated that Build Alternative would not impact the water resources in the area due to the incorporation of BMPs into final design and construction.		
Federally Threatened, Endangered, and Protected Species	Bald Eagle: • If an occupied bald eagle nest is observed within one mile of the construction site, the Project Engineer will be notified immediately so a course of action can be determined. Additionally, the project will comply with the National Bald Eagle Management Guidelines. Sioux Falls and SDDOT will preserve any trees with active or unoccupied eagle nests. Northern Long-Eared Bat: • Tree removal activities would occur in accordance with the requirements of the Avoidance and Minimization Measures identified as part of the Range-wide Programmatic Consultation between the USFWS and FHWA for the Indiana Bat and Northern Long-eared Bat. Tree removal activities would occur outside of bat roosting period. Tree removal would occur after October and before April. Trees to be removed will be clearly demarcated prior to removal to assure no additional trees will be accidently removed from the project area. Therefore, potential bat roosting habitat would be removed during the hibernation period when the roosting sites are not being used by the bats.	Pre-Construction, Construction	SDDOT, Project Design/Engineer, Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Federally Threatened, Endangered, and Protected Species (Continued)	Migratory Birds: • If any trees need to be removed during this time period, the trees will be surveyed for nests and cleared by a qualified biologist prior to the initiation of work, and a migratory bird nest depredation permit under the MBTA will be obtained (if necessary), or appropriate inactive nest removal and hazing/exclusion measures will be incorporated into the work to avoid the need to disturb active migratory bird nests.	Pre-Construction, Construction	SDDOT, Project Design/Engineer, Project Contractor
Emerald Ash Borer Management	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.	Pre-Construction, Construction	City of Sioux Falls, SDDOT Project Design/Engineer
Historic Preservation Office Clearances	FHWA/SDDOT has obtained concurrence with the SHPO for all work included within the project limits. The contractor will be responsible for all earth disturbing activities not designated within the plans obtaining 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. If cultural resources are encountered during construction activities, construction will be stopped and the SHPO would be contacted. Construction will not be resumed until appropriate coordination has occurred and SHPO approval has been received. In the unlikely event that human skeletal remains or associated funerary objects are inadvertently discovered during construction activities, all work in the immediate area of the find will immediately cease and the following protocol be followed, pursuant to the provisions of South Dakota Codified Law 34-27.	Pre-Construction, Construction	Cities of Sioux Falls and Tea, SDDOT, Contractor
Contaminated Material	Commitments stipulated by SDDANR in their coordination letter data March 20, 2019, will be adhered to: • Should any hazardous waste be generated during the implementation of this project, the generator must abide by all applicable hazardous waste regulations found in ARSD 74:28 and 40 CFR Part 262. • If any contamination is encountered during construction activities, the contractor, owner, or party responsible for the release must report the contamination to the department. Any contaminated soil encountered must be	Pre-construction	Contractor, Project Design/Engineer

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Contaminated Material (Continued)	temporarily stockpiled and sampled to determine disposal requirements. • If road construction is planned for areas within a city or town, the DOT or contractor should contact this Department prior to construction. • Any solid waste generated that will not be reused in some beneficial manner must be disposed or managed at a permitted solid waste facility. Only Regional landfills are permitted to accept all wastes generated. • The SDDANR Asbestos Coordinator should be contacted prior to the demolition or renovation of a building structure. A Phase II Investigation work plan may be developed based on the findings of the Phase I Environmental Site Assessment and with anticipated construction and property acquisitions if satisfactory contaminated material remediation and disposal is not identified in property appraisal or acquisition documents prepared for project-related right of way purchases.	Pre-construction	Contractor, Project Design/Engineer
Waste Disposal	The Contractor will furnish appropriate sites for the disposal of construction and/or demolition debris generated by this project. Any waste disposal sites will be managed and reclaimed in accordance with the General Permit for Highway, Road, and Railway Construction/Demolition Debris Disposal under the South Dakota Waste Management Program issued by SDDANR. Any waste disposal sites 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 Project Engineer.	Pre-construction, Construction	Contractor, Project Design/ Engineer
Visual Impacts	For any construction areas that would remain un-vegetated for an extended period of time, such as over the winter, temporary seeding would be required in accordance with the SWPPP.	Pre-construction	Contractor, Project Design/Engineer
Access, Operations, and Safety	A Traffic Control Plan, including appropriate signage and construction barriers to alert motorists to altered traffic conditions, will be prepared. SDDOT, Cities of Sioux Falls and Tea, and Lincoln County will coordinate with emergency service providers and schools as necessary during the project. Access to all residences and businesses will be maintained throughout the construction period. Temporary and/or overnight closures may be necessary during construction. Detours would potentially be required along other roadways such as Highway 106, Louise Avenue, and I-229.	Pre-construction	Contractor, Project Design/Engineer

Table 3: Mitigation Measures and Commitments for 85th Street

(West of Interchange Access Control Area to Sundowner Avenue)

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Land Use	The Cities of Sioux Falls and Tea, and Lincoln County, would need to coordinate transportation and land use plans to allow for expansion of the roadway system to accommodate future development.	Pre-Construction	Cities of Sioux Falls and Tea, and Lincoln County
Acquisitions, Relocations, Access	Acquisitions and relocations would be conducted in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended by the Surface Transportation Assistance Act of 1987 and 49 CFR, Part 24, effective April 1989. Relocation assistance would be made available to all affected persons without discrimination.	Pre-Construction	Cities of Sioux Falls and Tea, SDDOT
Utilities, Public Facilities and Services	SDDOT and the Cities of Sioux Falls and Tea would continue to coordinate with the utility companies about specific utility relocations and avoidance measures during final design and prior to construction activities to minimize impacts. During construction, the public would be informed of any service interruption prior to the loss of service. Interruptions would be temporary and minimized to the extent possible with the Build Alternative.	Pre-Construction	Cities of Sioux Falls and Tea, SDDOT
Economic Resources	Access would be maintained to surrounding businesses during construction. Construction would be phased to minimize traffic congestion impacts and overall time of construction in the project area.	Pre-Construction	Cities of Sioux Falls and Tea, Project Design/Engineer
Pedestrians and Bicyclists	The Build Alternative includes a 10' path on the south side of 85th Street and 6'sidewalk on the north Side of 85th street which will connect to a grade separated crossing on the eastern portion of the project.	Pre-Construction	Cities of Sioux Falls and Tea, Project Design/Engineer
Air Quality	Construction equipment with point source emissions in many cases are required to have an air quality permit to operate. Any such equipment used during construction would obtain any necessary air quality permits if applicable. Fugitive emissions, although not covered under State air quality regulations, are a common source of public concern and may be subject to local or county ordinances. Fugitive emissions add to the deterioration of the ambient air quality and should be controlled to protect the health of communities within the construction areas. Construction contractors would be required to comply with the State statutory regulations for air pollution control and obtain appropriate permits. Contractors will adhere to	Pre-Construction	Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Air Quality, (Continued)	requirements regarding open burning of grub material, fugitive dust, visible emissions, and permits.		
Noise	In conformance with SDDOT's Noise Analysis & Abatement Guidance document Section 14, local officials were provided with information on noise compatible planning techniques that can be used to prevent future highway traffic noise impacts. During construction, contractors would be required to comply with sound control requirements identified in the SDDOT Standard Specifications for Roads and Bridges (SDDOT 2015). Construction noise abatement would be reviewed and specifically applied for this Project. SDDOT will not be responsible for providing highway traffic noise abatement for undeveloped lands permitted after the Date of Public Knowledge. The Date of Public Knowledge of the location and potential noise impacts of a Type I project will be the approval date of the environmental document, i.e., CE (Categorical Exclusion), FONSI or ROD (Record of Decision).	Pre-Construction	City of Sioux Falls, Project Design/Engineer, Project Contractor
Floodplain	During final design of the Build Alternative, a Floodplain Development Permit may be needed if project-related ground disturbances occur within designated flood plains within the Study Area.	Pre-Construction	Cities of Sioux Falls and Tea, Lincoln County, Project Design/Engineer
Wetlands	Jurisdictional and non-jurisdictional wetlands will be mitigated in accordance with EO 11990 and FHWA regulation 23 CFR 777.9. Credits will be purchased from the Tetonka Wetland Mitigation Bank prior to letting the contract. Temporary impacts will not be mitigated as original grades would be re-established. The final number of wetland credits needed would be determined during final design with the Tetonka Bank mitigation bank. Section 404 requires a permit before dredged or fill material may be discharged into WOUS, including jurisdictional wetlands. Section 404 Permit commitments are included as Commitment N. In addition, a wetland pre-construction commitment to avoid or minimize harm to a USACE Section 404 permitted wetland mitigation site that is unrelated to the project – but may be impacted by the project (Wetland 34) – shall be considered and incorporated where practicable. This will include avoidance and minimization measures that may include ditch slope adjustments, silt fencing, and barrier (cable, concrete, or steel) protection.	Pre-Construction, Construction	City of Sioux Falls, Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Wetlands (Continued)	Of the credits which were purchased for the prior, but not constructed, I-29 overpass project, 4.55 can be applied to the anticipated Section 404 permit for the current proposed interchange project. The final amount and type of additional credits that will need to be purchased for the project will be verified in future discussions including the USACE and Tetonka LLP.	Pre-Construction, Construction	City of Sioux Falls, Contractor
Water Quality	Waters of the state are located in the Project Area and are protected under Administrative Rules of South Dakota Chapter 74:51 (SDDENR 2020). Special construction measures may have to be taken to ensure that water quality is not impacted. Project specific sediment, erosion control, and spill prevention measures will be developed during final design and included within the plans and specifications. The 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. SDDOT Standard Commitment E (Stormwater) will be incorporated into the plans and will require a stormwater permit, which requires revegetation of disturbed areas. Removal of vegetation shall be confined to those areas necessary for construction. A site-specific sediment erosion control plan will be implemented to provide interim control prior to reestablishing permanent vegetation cover on the disturbed site. If riparian vegetation is lost, it will be quantified and replaced on site. Seeding of indigenous species should occur immediately after construction to reduce sediment and erosion. 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 the 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 such as banking or diking shall be used to prevent entry of these materials into a waterway. All newly created and disturbed areas above the ordinary	Pre-Construction, Construction, Post-Construction	Cities of Sioux Falls and Tea, Project Design/Engineer, Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Water Quality (Continued)	highwater mark that are not riprapped shall be seeded or otherwise revegetated to protect against erosion. If construction dewatering is required, the Contractor shall obtain the General Permit for Temporary Discharge Activities from the SDDENR Surface Water Program. The Contractor shall provide a copy of the approved permit to the Project Engineer. Any groundwater wells would be confirmed during physical survey and, if impacted, would be properly capped and sealed. Any impacted wells and connections would be replaced for properties that were not fully acquired. It is anticipated that Build Alternative would not impact the water resources in the area due to the incorporation of BMPs into final design and construction.	Pre-Construction, Construction, Post-Construction	Cities of Sioux Falls and Tea, Project Design/Engineer, Project Contractor
Federally Threatened, Endangered, and Protected Species	Bald Eagle: • If an occupied bald eagle nest is observed within one mile of the construction site, the Project Engineer will be notified immediately so a course of action can be determined. Additionally, the project will comply with the National Bald Eagle Management Guidelines. Sioux Falls and Tea will preserve any trees with active or unoccupied eagle nests. Northern Long-Eared Bat: • Tree removal activities would occur in accordance with the requirements of the Avoidance and Minimization Measures identified as part of the Range-wide Programmatic Consultation between the USFWS and FHWA for the Indiana Bat and Northern Long-eared Bat. Tree removal activities would occur outside of bat roosting period. Tree removal would occur after October and before April. Trees to be removed will be clearly demarcated prior to removal to assure no additional trees will be accidently removed from the project area. Therefore, potential bat roosting habitat would be removed during the hibernation period when the roosting sites are not being used by the bats. Migratory Birds: • If any trees need to be removed during this time period, the trees will be surveyed for nests and cleared by a qualified biologist prior to the initiation of work, and a migratory bird nest depredation permit under the MBTA will be obtained (if necessary), or appropriate inactive nest removal and hazing/exclusion measures will	Pre-Construction, Construction	Cities of Sioux Falls and Tea, Project Design/Engineer, Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Federally Threatened, Endangered, and Protected Species (Continued)	be incorporated into the work to avoid the need to disturb active migratory bird nests.		
Emerald Ash Borer Management	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.	Pre-Construction, Construction	Cities of Sioux Falls and Tea, Project Design/Engineer
Historic Preservation Office Clearances	FHWA/SDDOT has obtained concurrence with the SHPO for all work included within the project limits. The contractor will be responsible for all earth disturbing activities not designated within the plans obtaining 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. If cultural resources are encountered during construction activities, construction will be stopped and the SHPO would be contacted. Construction will not be resumed until appropriate coordination has occurred and SHPO approval has been received. In the unlikely event that human skeletal remains or associated funerary objects are inadvertently discovered during construction activities, all work in the immediate area of the find will immediately cease and the following protocol be followed, pursuant to the provisions of South Dakota Codified Law 34-27.	Pre-Construction, Construction	Cities of Sioux Falls and Tea, Contractor
Contaminated Material	Commitments stipulated by SDDANR in their coordination letter data March 20, 2019, will be adhered to: • Should any hazardous waste be generated during the implementation of this project, the generator must abide by all applicable hazardous waste regulations found in ARSD 74:28 and 40 CFR Part 262. • If any contamination is encountered during construction activities, the contractor, owner, or party responsible for the release must report the contamination to the department. Any contaminated soil encountered must be temporarily stockpiled and sampled to determine disposal requirements. • If road construction is planned for areas within a city or town, the DOT or contractor should contact this Department prior to construction.	Pre-construction	Cities of Sioux Falls and Tea, Contractor, Project Design/Engineer

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Contaminated Material (Continued)	• Any solid waste generated that will not be reused in some beneficial manner must be disposed or managed at a permitted solid waste facility. Only Regional landfills are permitted to accept all wastes generated. • The SDDANR Asbestos Coordinator should be contacted prior to the demolition or renovation of a building structure. A Phase II Investigation work plan may be developed based on the findings of the Phase I Environmental Site Assessment and with anticipated construction and property acquisitions if satisfactory contaminated material remediation and disposal is not identified in property appraisal or acquisition documents prepared for project-related right of way purchases.	Pre-construction	Cities of Sioux Falls and Tea, Contractor, Project Design/Engineer
Waste Disposal	The Contractor will furnish appropriate sites for the disposal of construction and/or demolition debris generated by this project. Any waste disposal sites will be managed and reclaimed in accordance with the General Permit for Highway, Road, and Railway Construction/Demolition Debris Disposal under the South Dakota Waste Management Program issued by SDDANR. Any waste disposal sites 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 Project Engineer.	Pre-construction, Construction	Contractor, Project Design/ Engineer
Visual Impacts	For any construction areas that would remain un-vegetated for an extended period of time, such as over the winter, temporary seeding would be required in accordance with the SWPPP.	Pre-construction	Contractor, Project Design/Engineer
Access, Operations, and Safety	A Traffic Control Plan, including appropriate signage and construction barriers to alert motorists to altered traffic conditions, will be prepared. SDDOT, Cities of Sioux Falls and Tea, and Lincoln County will coordinate with emergency service providers and schools as necessary during the project. Access to all residences and businesses will be maintained throughout the construction period. Temporary and/or overnight closures may be necessary during construction. Detours would potentially be required along other roadways such as Highway 106, Louise Avenue, and I-229.	Pre-construction	Cities of Sioux Falls and Tea, Contractor, Project Design/Engineer

Table 4: Mitigation Measures and Commitments for 85th Street

(East of Interchange Access Control Area to Tallgrass Avenue)

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Land Use	The Cities of Sioux Falls would need to coordinate transportation and land use plans to allow for expansion of the roadway system to accommodate future development.	Pre-Construction	City of Sioux Falls
Acquisitions, Relocations, Access	Acquisitions and relocations would be conducted in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended by the Surface Transportation Assistance Act of 1987 and 49 CFR, Part 24, effective April 1989. Relocation assistance would be made available to all affected persons without discrimination.	Pre-Construction	City of Sioux Falls
Utilities, Public Facilities and Services	The City of Sioux Falls would continue to coordinate with the utility companies about specific utility relocations and avoidance measures during final design and prior to construction activities to minimize impacts. During construction, the public would be informed of any service interruption prior to the loss of service. Interruptions would be temporary and minimized to the extent possible with the Build Alternative.	Pre-Construction	City of Sioux Falls
Economic Resources	Access would be maintained to surrounding businesses during construction. Construction would be phased to minimize traffic congestion impacts and overall time of construction in the project area.	Pre-Construction	City of Sioux Falls Project Design/Engineer
Pedestrians and Bicyclists	The Build Alternative will include a grade-separated culvert crossing for pedestrians and bicyclists just east of the proposed interchange, to connect to planned shared-use trails between the communities of Sioux Falls and Tea and alleviate safety concerns related to crossing 85th Street.	Pre-Construction	City of Sioux Falls Project Design/Engineer
Air Quality	Construction equipment with point source emissions in many cases are required to have an air quality permit to operate. Any such equipment used during construction would obtain any necessary air quality permits if applicable. Fugitive emissions, although not covered under State air quality regulations, are a common source of public concern and may be subject to local or county ordinances. Fugitive emissions add to the deterioration of the ambient air quality and should be controlled to protect the health of communities within the construction areas. Construction contractors would be required to comply with the State statutory regulations for air pollution control and obtain appropriate permits. Contractors will adhere to requirements regarding open burning of grub material, fugitive dust, visible emissions, and permits.	Pre-Construction	Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Noise	One noise barrier was determined to be feasible and reasonable to mitigate noise impacts to residents on 85th Street just west of the Beal Avenue intersection. The barrier was designed to be consistent with SDDOT design requirements, but was designed and constructed as a separate, locally funded project. In conformance with SDDOT's Noise Analysis & Abatement Guidance document Section 14, local officials were provided with information on noise compatible planning techniques that can be used to prevent future highway traffic noise impacts. During construction, contractors would be required to comply with sound control requirements identified in the SDDOT Standard Specifications for Roads and Bridges (SDDOT 2015). Construction noise abatement would be reviewed and specifically applied for this Project. The City of Sioux Falls will not be responsible for providing highway traffic noise abatement for undeveloped lands permitted after the Date of Public Knowledge. The Date of Public Knowledge of the location and potential noise impacts of a Type I project will be the approval date of the environmental document, i.e., CE (Categorical Exclusion), FONSI or ROD (Record of Decision).	Pre-Construction	City of Sioux Falls, Project Design/Engineer, Project Contractor
Floodplain	During final design of the Build Alternative, a Floodplain Development Permit may be needed if project-related ground disturbances occur within designated flood plains within the Study Area.	Pre-Construction	City of Sioux Falls, Project Design/Engineer
Water Quality	Waters of the state are located in the Project Area and are protected under Administrative Rules of South Dakota Chapter 74:51 (SDDENR 2020). Special construction measures may have to be taken to ensure that water quality is not impacted. Project specific sediment, erosion control, and spill prevention measures will be developed during final design and included within the plans and specifications. The 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. SDDOT Standard Commitment E (Stormwater) will be incorporated into the plans and will require a stormwater permit, which requires revegetation of disturbed areas. Removal of vegetation shall be confined to those areas necessary for construction. A site-specific sediment erosion	Pre-Construction, Construction, Post-Construction	City of Sioux Falls, Project Design/Engineer, Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Water Quality (Continued)	control plan will be implemented to provide interim control prior to reestablishing permanent vegetation cover on the disturbed site. If riparian vegetation is lost, it will be quantified and replaced on site. Seeding of indigenous species should occur immediately after construction to reduce sediment and erosion. 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 the 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 such as banking or diking shall be used to prevent entry of these materials into a waterway. All newly created and disturbed areas above the ordinary highwater mark that are not riprapped shall be seeded or otherwise revegetated to protect against erosion. If construction dewatering is required, the Contractor shall obtain the General Permit for Temporary Discharge Activities from the SDDENR Surface Water Program. The Contractor shall provide a copy of the approved permit to the Project Engineer. Any groundwater wells would be confirmed during physical survey and, if impacted, would be properly capped and sealed. Any impacted wells and connections would be replaced for properties that were not fully acquired. It is anticipated that Build Alternative would not impact the water resources in the area due to the incorporation of BMPs into final design and construction.	Pre-Construction, Construction, Post-Construction (Continued)	City of Sioux Falls, Project Design/Engineer, Project Contractor
Federally Threatened, Endangered, and Protected Species	Bald Eagle: • If an occupied bald eagle nest is observed within one mile of the construction site, the Project Engineer will be notified immediately so a course of action can be determined. Additionally, the project will comply with the National Bald Eagle Management Guidelines. Sioux Falls and SDDOT will preserve any trees with active or unoccupied eagle nests. Northern Long-Eared Bat:	Pre-Construction, Construction	Project Design/Engineer, Project Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Federally Threatened, Endangered, and Protected Species (Continued)	• Tree removal activities would occur in accordance with the requirements of the Avoidance and Minimization Measures identified as part of the Range-wide Programmatic Consultation between the USFWS and FHWA for the Indiana Bat and Northern Long-eared Bat. Tree removal activities would occur outside of bat roosting period. Tree removal would occur after October and before April. Trees to be removed will be clearly demarcated prior to removal to assure no additional trees will be accidently removed from the project area. Therefore, potential bat roosting habitat would be removed during the hibernation period when the roosting sites are not being used by the bats. Migratory Birds: • If any trees need to be removed during this time period, the trees will be surveyed for nests and cleared by a qualified biologist prior to the initiation of work, and a migratory bird nest depredation permit under the MBTA will be obtained (if necessary), or appropriate inactive nest removal and hazing/exclusion measures will be incorporated into the work to avoid the need to disturb active migratory bird nests.	Pre-Construction, Construction	Project Design/Engineer, Project Contractor
Emerald Ash Borer Management	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.	Pre-Construction, Construction	City of Sioux Falls, Project Design/Engineer
Historic Preservation Office Clearances	FHWA/SDDOT has obtained concurrence with the SHPO for all work included within the project limits. The contractor will be responsible for all earth disturbing activities not designated within the plans obtaining 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. If cultural resources are encountered during construction activities, construction will be stopped and the SHPO would be contacted. Construction will not be resumed until appropriate coordination has occurred and SHPO approval has been received. In the unlikely event that human skeletal remains or associated funerary objects are inadvertently discovered during construction activities, all work in the immediate area of the find will immediately cease and the following	Pre-Construction, Construction	City of Sioux Falls, Contractor

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Historic Preservation Office Clearances (continued)	protocol be followed, pursuant to the provisions of South Dakota Codified Law 34-27.		
Contaminated Material	Commitments stipulated by SDDANR in their coordination letter data March 20, 2019, will be adhered to: • Should any hazardous waste be generated during the implementation of this project, the generator must abide by all applicable hazardous waste regulations found in ARSD 74:28 and 40 CFR Part 262. • If any contamination is encountered during construction activities, the contractor, owner, or party responsible for the release must report the contamination to the department. Any contaminated soil encountered must be temporarily stockpiled and sampled to determine disposal requirements. • If road construction is planned for areas within a city or town, the DOT or contractor should contact this Department prior to construction. • Any solid waste generated that will not be reused in some beneficial manner must be disposed or managed at a permitted solid waste facility. Only Regional landfills are permitted to accept all wastes generated. • The SDDANR Asbestos Coordinator should be contacted prior to the demolition or renovation of a building structure. A Phase II Investigation work plan may be developed based on the findings of the Phase I Environmental Site Assessment and with anticipated construction and property acquisitions if satisfactory contaminated material remediation and disposal is not identified in property appraisal or acquisition documents prepared for project-related right of way purchases.	Pre-construction	Contractor, Project Design/Engineer
Waste Disposal	The Contractor will furnish appropriate sites for the disposal of construction and/or demolition debris generated by this project. Any waste disposal sites will be managed and reclaimed in accordance with the General Permit for Highway, Road, and Railway Construction/Demolition Debris Disposal under the South Dakota Waste Management Program issued by SDDANR. Any waste disposal sites 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 Project Engineer.	Pre-construction, Construction	Contractor, Project Design/Engineer

Environmental Commitment	Mitigation Measures	Project Phase	Responsible Entity
Visual Impacts	For any construction areas that would remain un-vegetated for an extended period of time, such as over the winter, temporary seeding would be required in accordance with the SWPPP.	Pre-construction	Contractor, Project Design/Engineer
Access, Operations, and Safety	A Traffic Control Plan, including appropriate signage and construction barriers to alert motorists to altered traffic conditions, will be prepared. SDDOT, Cities of Sioux Falls and Tea, and Lincoln County will coordinate with emergency service providers and schools as necessary during the project. Access to all residences and businesses will be maintained throughout the construction period. Temporary and/or overnight closures may be necessary during construction. Detours would potentially be required along other roadways such as Highway 106, Louise Avenue, and I-229.	Pre-construction	Contractor, Project Design/Engineer

Table 5: Summary of Anticipated Permits

Permit Name/Type	Permit Description	Issuing Agency	Permit Requirements
Section 404 of the Clean Water Act (Wetlands and OWUSs)	Regulates discharge of dredged or fill material into Waters of the United States	USACE	A permit application would be submitted to USACE prior to commencement of construction activities for the Project. Wetland mitigation will occur through purchase of credits through an approved USACE mitigation bank.
Migratory bird nest depredation permit	Regulates tree removal for potential migratory bird nest impacts	USFWS	If a nest is identified in any of the trees to be removed, a migratory bird nest depredation permit under the MBTA would be obtained from the USFWS, or appropriate inactive nest removal and hazing/exclusion measures would be incorporated into the work to avoid the need to disturb active migratory bird nests.
Clean Water Act NPDES General Permit for Stormwater Discharges Associated with Construction Activities	Regulates discharges of pollutants from nonpoint sources, construction sites greater than 1 acre, and temporary water use permits	SDDANR	BMPs would be implemented to minimize impacts to wetlands and OWUS in the Project area. 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.
Floodplain Development Permit	Regulates construction within floodplains	Lincoln County	Submit permits for Project construction within the FEMA effective Zone A SFHA floodplain.

5.0 FHWA Decision

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

Based upon the review and consideration of the analysis and evaluation contained in the EA; and after careful 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 I-29 Exit and 85th Street Interchange Project. FHWA furthers approves the Build Alternative as the preferred alternative for the Project. The preferred alternative will best fulfill the purpose and need for the project, meet the goals identified for the Project.

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

Appendix A

EA Review Period Comment Summary and Responses

Comments and Responses
I-29/85th Street Interchange Project
EA Comment Period: ***November 2, 2022 - December 2, 2022***

#	Date Received	Comment	Response
1	11/17/2022	The project for 85th St is laid out well and will be a major improvement for the area for traffic. I strongly think there should be an auxillary lane added between I-29 at 85th St and I-229 at Louise Ave. 69th St shoul be built over I-229 eventually but know that exits on 69th are not feasible.	In previous studies, the City of Sioux Falls has evaluated an overpass of 69th Street over I-229 as a potential transportation solution that could be implemented in the future. The 2010 corridor study conducted by the city determined this coureasonable and/or feasible option in the future. The project is planned for contruction between 2040 and 2045, as per the Sioux Falls MPO's 2045 Long Range Transportation Plan.
2	11/17/2022	I'm in favor of a build alternative. I believe it will benefit the city. I know if will make travel better for me.	No response needed.
3	11/17/2022	The News posted that we could send comments to you on the proposed interchange at 85th Street and I-29, and with today's public open house coming up I figured you're probably gearing up to deal with some confused and uncertain feedback, so I wanted to send a quick message thanking you and your teams for your hard work and creative solutions! Thanks for taking the time to offer the open house today. The information has been so helpful, especially with the 85th/I-29 project, because I was one of the confused people who looked at the interchange design and immediately made sense of it as a bizarre death trap with the lanes crossing over each other, but after watching some videos explaining what an improvement it brings to both traffic flow and safety I'm just amazed and grateful that there are people like you putting in time to figure this out and improve our city. I hope other hesitant people who attend the open house will have that same experience! Thank you for your ingenuity and forward-thinking to bring new solutions like this to our city, and also for your everyday decisions that don't make the news. It makes a huge difference, and I'm sure you don't get the thanks you deserve for it all. I hope the feedback at the open house tonight is overwhelmingly positive, but even if a lot of the comments seem negative today I hope it helps to know the information you share really helps, and there are quiet people out there who appreciate what you're doing and hope you succeed.	No response needed.
4	11/17/2022	I was primarily concerned w/timing of project and S. Veterans Parkway projects and layout of 85th Street Project due to living in Tea & using Interstate & adjacent roads.	Project coordination between City of Sioux Falls, City of Tea, SDDOT, and FHWA is currently ongoing. A communication plan for the project area and surrounding communities is currently being prepared and will be rolled out as soon as more details are known.
5	11/17/2022	Hello, The notice for tonight's meeting indicates that the prerecorded presentation that will be loop played at the meeting will be uploaded to the Project website today. Has it been uploaded to the website? If so, I have not been able to find the link. Please email me the link if it has been uploaded.	Please see the link below. The recording is on the right side of the page, under resources. Public meeting presentation November 17, 2022. https://www.siouxfalls.org/public-works/special-projects/projects-list/85th-st-improvements
6	11/17/2022	When will the above mentioned storm sewer project be completed so 85th Street and the Sage Meadow Project will no longer drain through our properties?	Thank you for your comment. We are currently in final design for Tallgrass Avenue from 85th Street to 74th Street. The interchange project does not have any direct impact on the drainage over by Sage Meadow. The designer for Tallgrass Avenue has been copied on your email and if you could let us know specifically your address we could see if our Tallgrass Project helps.
7	11/16/2022	Just wanted to pass along my thoughts as I can't attend the meeting tomorrow about the 85th interchange. I live in the area just south of 85th on Hughes avenue and wanted to let you know I hope it does get built. The convenience for those of us in this area to access I29 will be beneficial and I also believe these projects are vital to continue the growth of Sioux Falls and the surrounding communities. We need to be thinking ahead and accommodating that with infrastructure.	Thank you very much for your comments. It is good to hear the positive feedback on our project!

Appendix B

Section A Plan Commitments

ENVIRONMENTAL COMMITMENTS (I-29 / 85th Street Interchange Roadway and Associated I-29/I-229 Ramps and Bridges)

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

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

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

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

COMMITMENT A: AQUATIC RESOURCES

COMMITMENT A1: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 13.79 acre(s) 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

Wetland No.	Station	Perm. Impact Left (Acres)	Perm. Impact Right (Acres)	Temp. Impact Left (Acres)	Temp. Impact Right (Acres)	Total Impact (Acres)
1	63+82 to 66+49	0.00	0.12	0.00	0.00	0.12
2	63+01 to 70+03	0.00	2.03	0.00	0.00	2.03
3	63+43 to 76+00	0.00	1.00	0.00	0.00	1.00
5	59+02 to 61+85	0.00	0.06	0.00	0.00	0.06
6	59+24 to 62+76	0.00	0.32	0.00	0.00	0.32
9	55+15 to 56+71	0.00	0.13	0.00	0.00	0.13
10	46+73 to 62+66	0.07	0.00	0.00	0.00	0.07
11	63+33 to 77+75	2.58	0.00	0.00	0.00	2.58
23	80+55 to 93+02	1.34	0.00	0.00	0.00	1.34
33	99+88 to 105+13	0.78	0.00	0.00	0.00	0.78
34	91+26 to 151+29	5.09	0.00	0.00	0.00	5.09
35	88+61 to 90+54	0.22	0.00	0.00	0.00	0.22
38	63+13 to 63+18	0.03	0.00	0.00	0.00	0.03
39	63+22 to 63+28	0.02	0.00	0.00	0.00	0.02

Action Taken/Required:

Off-site wetland mitigation for this project will include the purchase of credits from the Tetonka Wetland Mitigation Bank. The City of Sioux Falls and SDDOT will work with the Tetonka and USACE to determine the final amount of credits required, as some credits have already been purchased which will apply to the project.

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/plan sheets. 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.

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

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

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
85th 403+15-405+00 L	April 1 to October 31
85th 412+10-414+90 L	April 1 to October 31
85th 415+85-417+15 L	April 1 to October 31
85th 317+85-318+40 L	April 1 to October 31
85th 323+85-336+65 R	April 1 to October 31
85th 433+00-439+30 L	April 1 to October 31
I-29 45+20 R	April 1 to October 31
Ex 229 Ramp C 19+50-23+35 L	April 1 to October 31

Tree removal will occur between November 1st and March 31st.

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 norther 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 permanent lights downward-facing, full cut-off lens lights 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 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.

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

< South Dakota Administrative Rule 41:10:04 Aquatic Invasive Species:
https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04 >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

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

Action Taken/Required:

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

COMMITMENT D2: SURFACE WATER DISCHARGE

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

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

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

Action Taken/Required:

If construction dewatering is required and this project is currently covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the contractor will need to submit the dewatering information to the SDDANR using the following form:
<
https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf>

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

Effluent monitoring, as a result of dewatering activities, will be summarized for each month and recorded on a separate Discharge Monitoring Report (DMR) and submitted to DANR monthly. Additional information can be found at:
<
https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/swdpermitting/Ereporting.aspx>

COMMITMENT E: STORM WATER

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

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_CGPAppendixCCA2018Fillable.pdf >

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

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”. Refer to the detail sheet OPTIONS FOR DEWATERING AND SEDIMENT COLLECTION in the plans. The PPP must be kept on-site and updated as site conditions change.

COMMITMENT H: WASTE DISPOSAL SITE

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

Action Taken/Required:

Construction and/or demolition debris may not be disposed of within the Public 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: HISTORIC 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 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 T: EMERALD ASH BORER MANAGEMENT

The existing ash trees within the project limits are suitable habitat for the Emerald Ash Borer within.

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 to be removed with the project 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) 368-2440

Mueller Pallets
46868 Sands Street
Sioux Falls, SD 57107
(605) 368-2440

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 method other than grinding (i.e. excavator, etc.), the same transportation restrictions as regular ash wood waste apply.

ENVIRONMENTAL COMMITMENTS (85th Street West of I-29 Interchange Access Control to Sundowner Avenue)

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

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

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

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

COMMITMENT A: AQUATIC RESOURCES

COMMITMENT A1: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 14.76 acre(s) 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

Wetland No.	Station	Perm. Impact Left (Acres)	Perm. Impact Right (Acres)	Temp. Impact Left (Acres)	Temp. Impact Right (Acres)	Total Impact (Acres)
12	56+03 to 63+22	0.79	0.00	0.00	0.00	0.79
15	57+85 to 62+86	0.01	0.00	0.00	0.00	0.01
40	63+19 to 63+35	0.06	0.00	0.00	0.00	0.06
43	66+93 to 69+76	0.11	0.00	0.00	0.00	0.11

Action Taken/Required:

Off-site wetland mitigation for this project will include the purchase of credits from the Tetonka Wetland Mitigation Bank. The City of Sioux Falls and SDDOT will work with the Tetonka and USACE to determine the final amount of credits required, as some credits have already been purchased which will apply to the project.

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/plan sheets. 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.

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

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

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
85th 394+60-400+40 L	April 1 to October 31

Tree removal will occur between November 1st and March 31st.

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 norther 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 permanent lights downward-facing, full cut-off lens lights 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 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.

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

< South Dakota Administrative Rule 41:10:04 Aquatic Invasive Species:
https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04 >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

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

Action Taken/Required:

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

COMMITMENT D2: SURFACE WATER DISCHARGE

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

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

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

Action Taken/Required:

If construction dewatering is required and this project is currently covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the contractor will need to submit the dewatering information to the SDDANR using the following form:
< https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf>

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

Effluent monitoring, as a result of dewatering activities, will be summarized for each month and recorded on a separate Discharge Monitoring Report (DMR) and submitted to DANR monthly. Additional information can be found at:
< https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/swdpermitting/Ereporting.aspx>

COMMITMENT E: STORM WATER

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

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_CGPAppendixCCA2018Fillable.pdf >

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

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". Refer to the detail sheet OPTIONS FOR DEWATERING AND SEDIMENT COLLECTION in the plans. The PPP must be kept on-site and updated as site conditions change.

COMMITMENT H: WASTE DISPOSAL SITE

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

Action Taken/Required:

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

COMMITMENT H: WASTE DISPOSAL SITE (CONTINUED)

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

The above requirements will not apply to waste disposal sites that are covered by an individual solid waste permit as specified in SDCL 34A-6-58, SDCL 34A-6-1.13, and ARSD 74:27:10:06.
Failure to comply with the requirements stated above may result in civil penalties in accordance with South Dakota Solid Waste Law, SDCL 34A-6-1.31.

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

COMMITMENT I: HISTORIC PRESERVATION OFFICE CLEARANCES

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 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 T: EMERALD ASH BORER MANAGEMENT

The existing ash trees within the project limits are suitable habitat for the Emerald Ash Borer within.

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 to be removed with the project 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) 368-2440

Mueller Pallets
46868 Sands Street
Sioux Falls, SD 57107
(605) 368-2440

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 method other than grinding (i.e. excavator, etc.), the same transportation restrictions as regular ash wood waste apply.

ENVIRONMENTAL COMMITMENTS (85th Street East of I-29 Interchange Access Control to Tallgrass Avenue)

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

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

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

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

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
85th 439+30-448+35 L	April 1 to October 31

Tree removal will occur between November 1st and March 31st.

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 norther 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 permanent lights downward-facing, full cut-off lens lights 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 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.

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

< South Dakota Administrative Rule 41:10:04 Aquatic Invasive Species:
https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04 >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

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

Action Taken/Required:

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

COMMITMENT D2: SURFACE WATER DISCHARGE

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

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

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

Action Taken/Required:

If construction dewatering is required and this project is currently covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the contractor will need to submit the dewatering information to the SDDANR using the following form:
<
https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf>

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

Effluent monitoring, as a result of dewatering activities, will be summarized for each month and recorded on a separate Discharge Monitoring Report (DMR) and submitted to DANR monthly. Additional information can be found at:
< https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/swdpermitting/Ereporting.aspx>

COMMITMENT E: STORM WATER

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

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_CGPAppendixCCA2018Fillable.pdf >

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

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". Refer to the detail sheet OPTIONS FOR DEWATERING AND SEDIMENT COLLECTION in the plans. The PPP must be kept on-site and updated as site conditions change.

COMMITMENT H: WASTE DISPOSAL SITE

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

Action Taken/Required:

Construction and/or demolition debris may not be disposed of within the Public 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: HISTORIC 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 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 T: EMERALD ASH BORER MANAGEMENT

The existing ash trees within the project limits are suitable habitat for the Emerald Ash Borer within.

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 to be removed with the project 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) 368-2440

Mueller Pallets
46868 Sands Street
Sioux Falls, SD 57107
(605) 368-2440

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 method other than grinding (i.e. excavator, etc.), the same transportation restrictions as regular ash wood waste apply.