

**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND
SECTION 4(F) *DE MINIMIS* IMPACT FINDING**

FOR

East Side Corridor (SD100)

I-90 to South of Madison Street
Sioux Falls, South Dakota

Minnehaha County
South Dakota

Submitted Pursuant to 42 U.S.C. 4332(2) (c) and 49 U.S.C 303

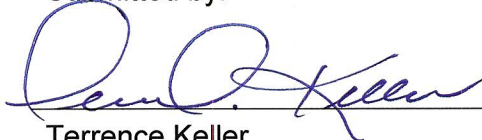
By the

U.S. Department of Transportation
Federal Highway Administration

and

South Dakota Department of Transportation

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01/27/2015

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I. Introduction

The Federal Highway Administration (FHWA) has determined that in accordance with 23 CFR § 771.119 and § 771.121, that SD100 (I-90 to South of Madison Street) (the Project) will not have a significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) for Alternative 4a, the preferred alternative, is based on the Final Environmental Assessment (EA) and Section 4(f) *De Minimis* Analysis, signed by FHWA on September 23, 2014, and made available to stakeholders, agencies, and the public for a 30-day comment period. A Public Meeting was held on October 21, 2014 to discuss the Draft EA and provide the public an opportunity to comment on the Project.

A summary of agency and public comments received during the comment period is included in this FONSI. No significant agency or public comments were received that necessitate the revisions to the document; therefore, the document will not be republished. This 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 provide sufficient evidence for determining that an Environmental Impact Statement (EIS) is not required. The EA and supporting documents are incorporated by reference into this document.

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

II. Description of the Proposed Project

SD100 is a proposed limited-access regional arterial roadway being planned to address future transportation system needs and consists of a paved 17-mile roadway that will connect I-29 to I-90 (see Figure 1). The Northern Segment of SD100 is approximately 4 miles long and extends from the interchange of I-90 and N. Timberline Avenue to south of Madison Street. A realignment of 60th Street North, Rice Street, and Redwood Blvd would also be part of the design to maintain east-west traffic flow through the Study Area. Completion of the Northern Segment of SD100 would provide a more efficient transportation corridor along the east side of Sioux Falls and would serve the transportation needs based on the historic growth and future growth projections in northeast portions of the Cities of Sioux Falls and Brandon. As development around City of Sioux Falls warrants, the specific portions of the Northern Segment would be constructed.

a. Project Purpose and Need

The purpose and need for the Project, identified in Section 1.5 of the EA, are based on the following factors:

- Adequately prepare the City of Sioux Falls for needs consistent with planning decisions and future construction of other public and private infrastructure investments.

- Prevent study area highway transportation deficiencies that will occur if nothing is done. These potential deficiencies include highway capacity, safety, and access issues.
- Accommodate the traffic growth needs of northeastern Sioux Falls.

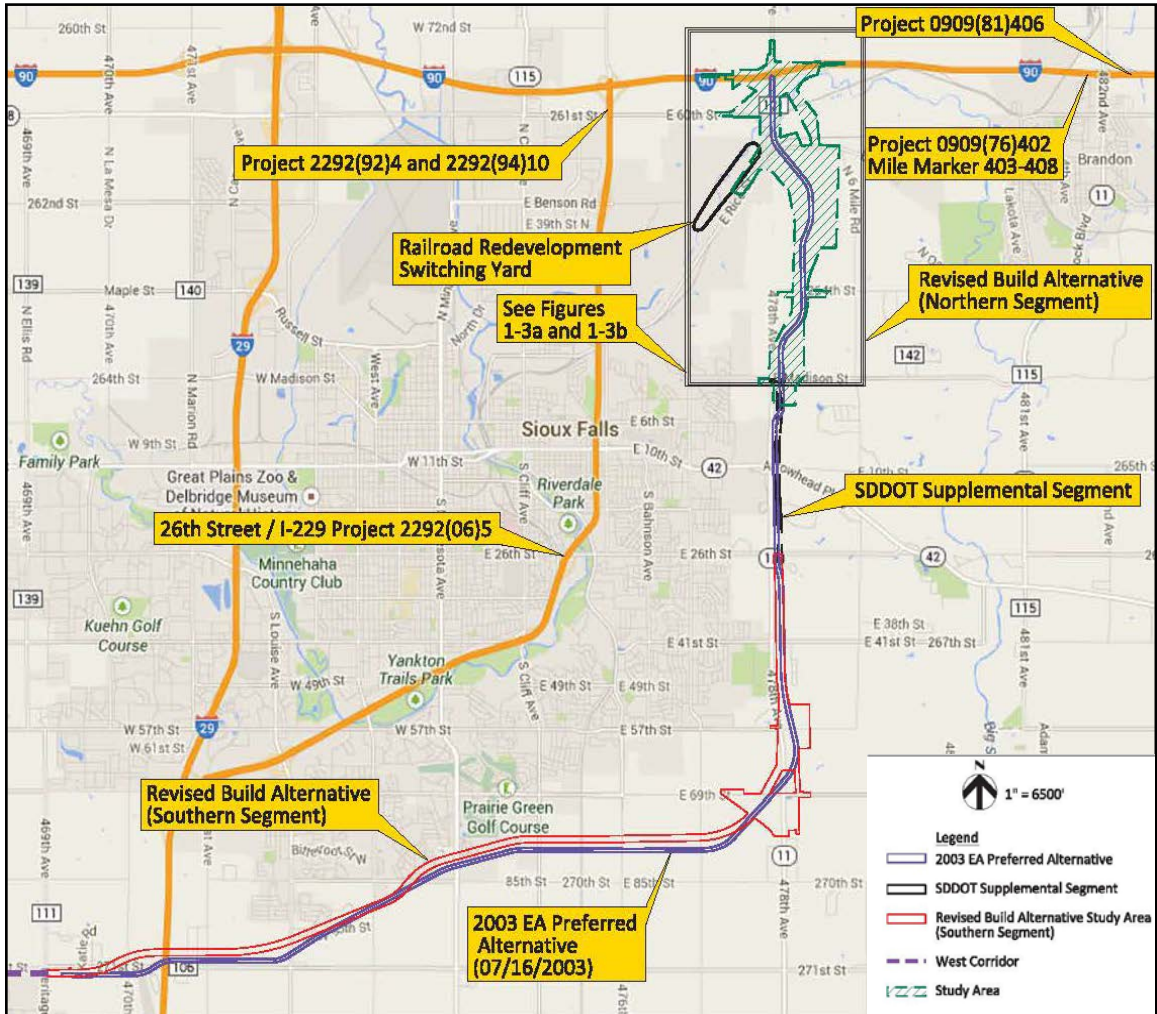


Figure 1. Study Area- All Segments of SD100 (Figure 1-2 in the EA)

b. Alternatives Considered

The range of build alternatives considered for this Project include: the 2003 EA Preferred Alternative, Revised Build Alternative, Alternatives 1-8, and Alternative 4a. The 2003 EA Preferred Alternative was eliminated from further analysis due to no longer meeting the purpose and need for the Project. The 2003 EA Preferred Alternative was eliminated during the preliminary evaluation of the alternatives. Alternatives 5, 6, and 8 were eliminated from further analysis due to not meeting design standards. After the preliminary evaluation, the Study Advisory Team met on May 21, 2013 to identify and initiate the discussion on the benefits and drawbacks of each of the remaining build alternatives (Alternatives 1, 2, 3, 4, 4a, and 7). Following this discussion, Revised Build Alternative and Alternatives 1, 2, and 3 were eliminated from further analysis due to the

existing WAPA and Xcel utilities causing major complications to the construction of the bridge. A memorandum was completed to describe the alternatives discussion in further detail (see Appendix A of the Northern Segment SD100 EA).

Within the EA, three build alternatives were retained and evaluated. The three build alternatives include: Alternative 4, Alternative 4a, and Alternative 7.

III. Preferred Alternative

Based on the impact analysis and geometric comparison, Alternative 4a has been recommended as the preferred alternative. Alternative 4a has a similar alignment to the 2003 EA Preferred Alternative that was described in the EA. The horizontal and vertical alignment was adjusted to accommodate a 60 mph design speed for Alternatives 4a. Alternative 4a includes a grade separated crossing at both BNSF and E&E railroads. Due to factors such as the vicinity of the E&E line north of Rice Street and west of Timberline Avenue, Rice Street would be realigned to the south. The realignment of Rice Street would require a relocation of the at-grade crossing of E&E railroad south of the existing at-grade crossing. 60th Street N. and Redwood Blvd would be realigned and joined with SD100 at a full intersection. Realignment of 60th Street N. would require an additional crossing of Slip-Up Creek.

The social, economic, and environmental impacts associated with Alternative 4a were evaluated in the EA.

The preferred alternative will have no effect on the following resources:

- *Energy and Green House Gases, Climate Change, Vibration, Wild and Scenic Rivers, Coastal Barriers and Zones, Air Quality, Regulated Materials, Land Use, Social Environment, Public Facilities, Railroads, Environmental Justice, Water Quality*

Table 1 summarizes the remaining resources associated with the preferred alternative.

Table 1. Impacts Associated with the Preferred Alternative.

Resource	Summary of Impacts
Utilities	Requires coordination and relocation of utilities. However, avoids impacts to major transmission lines and towers.
Pedestrians and Bicycles	Improved access with construction of 10-foot wide path along the western side to approximately ¼ mile north of Madison Street with the remainder of the path on the eastern side.
Visual Impacts and Aesthetics	Alter the landscape from a rural, agricultural setting to an urban limited access roadway.
Archeological and Historic Resources	No Adverse Effect
Economic Resources	Minor ROW acquisition of 6 businesses and ROW of land owned by Xcel Energy. All businesses north of I-90/N. Timberline Avenue Interchange and WAPA would be temporarily impacted during construction, due to modifications to their existing access and potential impacts to their existing landscaping.
Noise	Two impacted residences

Resource	Summary of Impacts
Relocations	Two residences would be acquired. Minor ROW acquisition from 6 businesses. ROW acquisition from Xcel Energy.
Farmland	Farmland Conversion Impact Ratings indicate the proposed ~115 acres of conversion will not adversely affect important farmlands.
Wetlands and Other Waters of the US	The preliminary impact analysis for this Project noted 5.03 acres of wetland impact for the preferred alternative. The culvert crossings would result in approximately 725 linear feet of Other Water of the U.S impacts. The bridge crossing over the Big Sioux River would result in approximately 145 linear feet of Other Water of the U.S. impacts. The preferred alternative would also result in approximately 375 linear feet of Other Water of the U.S. being realigned.
Floodplain	The preliminary analysis for this Project and coordination with the local floodplain administrator demonstrates that the build alternatives would have minimal rise and would not have a cumulative effect on the water elevations in the area. A floodplain development permit or CLOMR would be the required before construction.
Vegetation, Fish, and Wildlife	Minor loss of habitat, moderate in Cactus Hills; Surveys required for the bald eagle and migratory birds in suitable habitat before construction.
Federal Threatened and Endangered Species	Topeka Shiner-May affect, likely to adversely affect; Western prairie fringed orchid- May affect, not likely to adversely affect; Lined snake- surveys and if habitat or species found mitigation measures.
Section 4(f) and 6(f) Resources	<i>De minimis</i> impact on the following cultural sites: Site 39MH2000, Site 39MH2003, Site MH03000001-MH03000010, and Site 39MH231.

IV. Coordination and Public Involvement

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

a. Agency and Tribal Coordination

Federal and State agencies that were consulted regarding the build alternatives include:

- South Dakota Division of Emergency Management
- U.S. Department of Agriculture Natural Resources Conservation Service
- South Dakota Department of Game, Fish, and Parks
- U.S. Fish & Wildlife Service – South Dakota Field Office
- U.S. Army Corps of Engineers
- South Dakota Department of Environment and Natural Resources

- South Dakota State Historical Preservation Office

Table 6-1 in the EA summarizes the agency responses received that are relevant to the Northern Segment of SD100.

In 2007, the FHWA prepared and sent early coordination letters to seven American Indian Tribes that may have an interest in the initiation of this EA. In 2013, the SDDOT also sent a coordination email out regarding the Northern Segment. The tribal parties that were consulted regarding the Project are:

- Three Affiliated Tribes
- Ponca Tribe of Nebraska
- Flandreau-Santee Sioux Tribe
- Lower Brule Sioux Tribe
- Sisseton-Wahpeton Oyate
- Standing Rock Sioux Tribe
- Yankton Sioux Tribe

One letter was received from Flandreau-Santee Sioux Tribe with no objections to the Project.

b. Public Participation

A Public Information Meeting was held on October 21, 2014 following the release of the EA and Section 4(f) *De Minimis* Analysis for public comment.

The public was able to comment through four different methods:

- Informal discussion with the project team during the open house portion of the public information meeting/open house. Individual project team members were responsible for documenting verbal questions and comments they received.
- Verbal questions and comments received following the presentation during the public information meeting/open house.
- Comment forms received during and after the public information meeting/open house.
- Contacting the Consultant's Project Manager, Steve Hoff, at (605) 977-7740.

Public comments received at the public meeting and during the public comment period are summarized in Appendix A.

V. Section 4(f)

The following describes the preferred alternative's impacts to the four identified Section 4(f) properties:

- Alternative 4a would require modifications to the existing railroad crossings in order to maintain highway crossings of the two rail lines identified as Site 39MH2000 and 39MH2003. The rail lines are considered eligible for the NRHP under two criterion, Criterion A (significance associated with the overall history of the region) and Criterion C (significance as a representation of the transportation,

technology, and engineering of the time period). Realignment of the roadway would require removal of the existing at-grade railroad crossing at Rice Street and construction of a new crossing. All build alternatives would also include construction of two grade separated railroad crossings to eliminate two other existing at-grade crossings. These modifications would not alter the characteristics that make the sites eligible for the NRHP; therefore, there is no adverse effect to these resources.

- The residential structures at 5100 Timberline Avenue are recommended as eligible for the NRHP under Site MH030000001-10. This Site is considered eligible for its contribution to the early twentieth century agricultural expansion of Minnehaha County and Brandon, and the settlement of Swedes in the area¹. While the preliminary design shows a portion of the front yard may be impacted by the project, all construction and project activities, including staging and borrow areas, will avoid the structures. Therefore there will be no affect to this historic property.
- The limits of archeological Site 39MH231 were previously mapped and recorded as eligible for the NRHP. For this Project, the Site was reevaluated. Alternative 4a would disturb the southeast corner of this site which is part of the existing SD100 roadway ROW just south of Madison Street. This area has been previously disturbed by roadway construction and no longer retains the characteristics which make the site eligible for the NRHP. Therefore, there would be no affect to this historic property.

In making a "No Adverse Effect" determination, all measures were considered to avoid, minimize, mitigate, and enhance the Section 4(f) historic properties as stated above. SHPO concurred with this determination as discussed in Section 3.6 in the EA. Therefore, in accordance with 23 CFR 774.3(b), use of these resources is determined to be a *De Minimis* Section 4(f) impact.

VI. Summary of Mitigation/Commitments

The preferred alternative has avoided or minimized impacts to environmental resources to the extent practicable. For those unavoidable impacts, mitigation measures and commitments were proposed in the EA. The measures are summarized below in Table 2 and will be implemented as part of this Project. Appropriate permits will also be secured prior to construction activities, which are summarized in Table 3.

Table 2. Mitigation Measures and Commitments

Mitigation Measure or Commitment	Responsibility
Coordination with the utility companies would be required during final design of the preferred alternative.	SDDOT/Consultant
Coordination with BNSF and E&E would be required during final design of	

¹ HDR, September 2013a. An Addendum Report to: A Level III Cultural Resources Evaluation of the Proposed South Dakota Department of Transportation Eastside Highway Corridor (SD100) Realignment Project Alterations, Sioux Falls, Minnehaha and Lincoln Counties, South Dakota.

Mitigation Measure or Commitment	Responsibility
the preferred alternative.	
<p>Although the entire area proposed for disturbance for this Project has been surveyed, in the event that additional land is needed based on final design, the area would be surveyed prior to construction and additional documentation and coordination with FHWA and SHPO would be required.</p> <p>For the residence at 5100 North Timberline Avenue, the SDDOT will make sure of the following:</p> <ul style="list-style-type: none"> • No building or structure will be demolished, relocated, or modified due to this Project. • This residence will continue to have access to North Timberline Avenue. • SDDOT will work with the property owner to plant trees and/or other landscaping to provide a buffer of the house to the road. <p>For Site 39MH231, the effect determination is based on the following stipulation:</p> <ul style="list-style-type: none"> • Work associated with the Project would not extend beyond the existing road ROW in the vicinity of Site 39MH231. If work associated with the Project must extend beyond the ROW in the vicinity of Site 39MH231, archaeological monitoring during construction is recommended. For any features identified during monitoring, data recovery would also be recommended. If Site 39MH231 can be avoided, no further cultural work is recommended and cultural resource clearance for the proposed project is recommended. <p>In addition, SDDOT will incorporate an environmental commitment referred to as into the final design plans, which states:</p> <ul style="list-style-type: none"> • Coordination with State Archeological Research Center will also be incorporated into the Project. Prior to construction, the Contractor shall contact Jim Donohue, State Archaeological Research Center (SARC) at 605-394-1936 to coordinate the installation of orange plastic safety fence at the existing road ROW within the vicinity of Site 39MH231. Work within the vicinity of Site 39MH231 shall not begin until the safety fence is installed. Work, equipment, or material storage will not be allowed beyond the ROW in the vicinity of the site which will be marked by safety fence. <p>If evidence of cultural resources is uncovered during project construction activities, then such activities shall cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Engineer in order to determine an appropriate course of action. [SDDOT Commitment I, Historical Preservation Office Clearances, will be included the final plan sheets.]</p>	SDDOT/Consultant/ Contractor
All ROW and relocation impacts would be mitigated in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act (UA) of 1970, as amended by the Surface Transportation Assistance Act of 1987 and as codified in 49 CFR 24, effective April 1989.	SDDOT/Consultant
During final design, impacts to wetlands and other waters of the U.S. would be avoided if feasible, and then minimized to the extent possible. For wetlands and Other Waters of the U.S. that cannot be avoided, a USACE	

Mitigation Measure or Commitment	Responsibility
<p>Section 404 permit, with Section 401 Water Quality Certification from SDDENR, would be required for any fill activities in jurisdictional wetlands or other waters of the U.S. A permit application would be submitted to USACE prior to commencement of construction activities for the Project.</p> <p>If required by USACE, mitigation measures would be undertaken. A mitigation plan would be prepared for the USACE Section 404/401 permit application, and a mitigation plan would be developed and coordinated with the resource agencies. For wetlands found not to be under USACE jurisdiction, FHWA regulations (23 CFR 777.9) would apply and mitigation for permanent impacts to wetlands would be required. Mitigation would occur through the on-site, off site mitigation, or a mitigation bank. [SDDOT Commitment A: Wetlands, and Commitment N: Section 404 Permit, will be included in the final plan sheets for the preferred alternative.]</p>	SDDOT/Consultant
<p>BMPs would be implemented through the NPDES General Permit for Storm Water Discharges Associated with Construction Activities to minimize impacts to the Slip-Up Creek, Big Sioux River, and the unnamed intermittent stream.</p> <p>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. [SDDOT Commitment D1: Surface Water Quality, Commitment D2: Surface Water Discharge, Commitment C: Water Source, and Commitment E: Storm Water will be included in the final plan sheets for the preferred alternative.]</p>	SDDOT/Consultant/ Contractor
<p>Coordination would occur with the Minnehaha County Floodplain Administrator before the construction of the preferred alternative to complete a floodplain development permit or CLOMR. Timberline Bridge over the Big Sioux River would also be removed as part of this Project.</p>	SDDOT/Consultant
<p>If construction is planned within the nesting season, surveys for migratory birds would occur in suitable areas that have not been mowed or cleared prior to mid-April to determine if there are current nests. If found, construction would need to cease until birds hatch and fledge. Surveys would be conducted within the same year, but prior to construction start in order to capture the current conditions. Surveys would be completed in areas containing suitable habitat where the vegetation has not been cleared prior to migratory bird nesting season. If trees or brush would be impacted by the Project, a ratio of at least 2:1 acres planted versus acres impacted would be incorporated into mitigation plans.</p> <p>Pre-construction surveys are recommended prior to construction to determine if any active bald eagle nests are located in the Study Area. SDDOT will notify the USFWS if a bald eagle nest is located within 1-mile of the project at time of construction.</p> <p>For the culvert crossings, a regional condition under the USACE Nationwide Permit would require, when applicable based on culvert type and drainage area, culvert countersink depths to allow for aquatic organism passage. This condition would be incorporated into final design during the 404 application process. [SDDOT Commitment S: Migratory Birds Work Restriction and Commitment B4: Bald Eagle, will be included in the final plan sheets for the preferred alternative.]</p>	SDDOT/Contractor
<p>The SDDOT would conduct surveys for the western prairie fringed orchid in areas that were noted as marginal habitat prior to construction. Coordination</p>	

Mitigation Measure or Commitment	Responsibility
<p>would take place with USFWS prior to the survey and results of the survey would be forwarded to USFWS and FHWA.</p> <p>For the Topeka shiner, SDDOT Commitment B1: Construction Practices for Streams inhabited by the Topeka shiner will be included in the final plan sheets for the preferred alternative.</p> <p>In regards to the lined snake, the following commitments will be included for the preferred alternative:</p> <p><i>Survey-</i> A survey would be conducted during final design to determine if the lined snake is present or if suitable habitat for the lined snake is present. This survey would be conducted during the spring when the species are known to begin their emergence from their winter hibernation areas, increasing the likelihood of observing the species during migration. The specific survey protocol would be provided to the SDGFP for approval prior to conducting surveys.</p> <ul style="list-style-type: none"> • If the lined snake is not observed during the surveys and no suitable habitat is present within the area, no further action is necessary by the SDDOT. • If the lined snake or suitable habitat is observed during the surveys, mitigation measures would be implemented in design of the roadway through Cactus Hills. Mitigation for the lined snake would include two means of mitigation: prevention of an incidental take and habitat protection. The mitigation measures would be incorporated during the final design of the preferred alternative. <ul style="list-style-type: none"> ○ <i>Mitigation Measure-</i> Prevention of Incidental Take: For the prevention of incidental take, the design would include: <ol style="list-style-type: none"> 1. Approved culvert crossings, such as an arch pipe or RCP, to allow for the lined snake passage across the roadway, and 2. An approved exclusion barrier would be incorporated into the design of the roadway. An exclusion barrier is defined as a continuous obstruction alongside the roadway within habitat to prevent the snake from crossing or to direct them to a specific crossing point. The exclusion barrier would be included within the ROW to prevent the lined snake from crossing the roadway and lead the lined snake to the dry culvert crossings. 3. During final design, details of these mitigation measures will be evaluated and approved by a qualified herpetologist and approved by the SDGFP. ○ <i>Mitigation Measure-</i> Habitat Conservation: For habitat conservation, the City would initiate the process to develop and implement a conservation easement or a similar agreement that protects habitat at a 1:1 ratio of habitat removed for the SD100 ROW. If establishing an easement within Cactus Hills is not feasible, the City would pursue protecting lined snake habitat within Minnehaha County for conservation. If locating and conserving habitat for the lined snake is not possible or becomes cost prohibitive, the City would work with the SDGFP to determine another appropriate mitigation strategy, such as providing funding for SDGFP lined snake habitat preservation, research for the species, or habitat enhancements. The City would request guidance, 	<p>SDDOT/Consultant/ Contractor</p> <p>SDDOT/Consultant/ Contractor/City of Sioux Falls</p>

Mitigation Measure or Commitment	Responsibility
<p>participation and consultation from the SDGFP and other resource agencies to assist with the negotiations, design, and implementation of these measures.</p> <p>For the northern long-eared bat, clearing and grubbing activities would occur outside of migratory bird nesting season, which coincides with bat roosting time frames. Clearing of trees may occur after October and before April. Therefore, potential bat roosting habitat would be removed prior to their use of the area.</p> <p>Follow up consultation would be performed to address any USFWS Section 7 updates (new T&E species, changes to law, etc.) with each portion of the Project being designed.</p>	<p>SDDOT/Consultant/ Contractor</p>
<p>If the Lined snake or suitable habitat is observed during the surveys, the following would be incorporated into the final design of the preferred alternative:</p> <p>Erosion control measures, such as silt fencing, would be properly installed around the project's disturbance boundary within Lined snake habitat. This fence would assist in limiting lined snakes from entering the construction area, thus limit the possibility of injury or mortality.</p> <ul style="list-style-type: none"> o To prevent entrapment of the lined snake during construction, all excavated, steep walled holes or trenches would either be covered by plywood at the end of each day or provided with one or more escape ramps constructed of earth fill or wooden planks. o Each morning before construction activities resume and before such holes or trenches are filled, they will be inspected for trapped animals, including the lined snake. Upon the discovery of a lined snake the reptile will be allowed to escape voluntarily (by escape ramps) or a person trained to handle the snake will be contacted to remove the snake. <p>[Dependent on survey findings, SDDOT Commitment B5: Lined Snake will be included in the final plan sheets for the preferred alternative.]</p>	<p>SDDOT/Contractor</p>
<p>To avoid and/or minimize impacts to RECs in the Study Area, a construction BMP would be implemented. The contractor should be alert for the large areas of soil staining, buried drums, or USTs, and coordinate with SDDOT and SDDENR if any obvious contamination is found prior to continuing work in those areas.</p>	
<p>Previously defined BMPs, in accordance with SDDOT construction manuals, would be used to mitigate construction-related noise impacts. Emissions caused by vehicle delays, construction vehicles, and related equipment and activities generating dust would be minimized to the extent possible by implementing smooth traffic-flow patterns and water sprinkling. Therefore, the Project is not expected to change the attainment air quality status of the area.</p>	
<p>The amount of sedimentation from soil erosion would not increase substantially due to the NPDES General Permit for Storm Water Discharges Associated with Construction Activities requirements that limit post construction erosion to preconstruction levels (typically achieved through reestablishment of vegetation, and structural devices such as berms and energy dissipation structures). BMPs would be implemented through the General Permit to minimize impacts to the Slip-Up Creek, Big Sioux River,</p>	

Mitigation Measure or Commitment	Responsibility
and the unnamed intermittent stream.	
Native vegetation would be planted along areas disturbed by the selected alternative to minimize the establishment of invasive plant species. The selected alternative ROW would be maintained to prevent the spread of invasive species (e.g., spraying and mowing of invasive species).	
<p>A traffic control plan would be developed during final roadway design. As part of this process, the traffic control plan developed during final design would minimize the amount of disruption to traffic while ensuring the safety of motorists. Arterial roadways would remain open or closed for short durations throughout construction. Due to the location of the Project in an undeveloped area, the detour routes would have minimal sensitive noise receptors (i.e. schools, residences) located adjacent to the routes. This factor as well as the anticipation of the detours to be for a short duration and short length, the impacts to sensitive receptors would be minor and short term.</p> <p>In order to provide access, temporary connections would be maintained during construction from the I-90 west bound ramps to the north side businesses to allow customers to continue to access the businesses. Eastbound I-90 traffic would access the north side businesses by going to the next interchange east or west of Timberline Road and then using the westbound I-90 lanes and ramps.</p>	SDDOT/Contractor
If dewatering is found to be necessary during construction, the effects on the water tables of aquifers would be localized and short term. Dewatering groundwater would be properly discharged to minimize erosion and facilitate infiltration back into the ground. Construction activities would adhere to local, state, and Federal water quality regulations.	
Methods would be implemented to minimize the spill of chemicals used in vehicles during construction activities such as petroleum, oils and lubricants. If discharge does occur, containment procedures such as banking or diking would be used to prevent entry of these materials into the waterway.	

Table 3. Anticipated Permits

Permit Name/Type	Permit Description	Issuing Agency	Permit Requirements
Clean Water Act- Section 404 (Wetlands and Other Waters)	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. If required, a mitigation plan would be prepared through coordination with the resource agencies for the 404 permit and the 401 certification. All mitigation would occur through on-site, off site, or a mitigation bank as approved by the USACE.
Clean Water Act- Section 401 (Water Quality Certification)	Water quality verification and compliance with state statutes	SDDENR	Submit plans and proposed impacts to SDDENR. Conditionals in Individual water quality certification would need to be followed.
Floodplain Development Permit or CLOMR	Regulates construction within floodplains	Sioux Falls and Minnehaha County	Submit permits for Project construction within the Big Sioux River floodplain.
Clean Water Act- NPDES General Permit for Stormwater Discharges Associated with Construction Activities	Regulates discharges of pollutants from non-point sources and construction sites greater than 1 acre	SDDENR	BMPs would be implemented to minimize impacts to Slip-Up Creek, Big Sioux River, and the unnamed intermittent stream.

VII. 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 our independent review and analysis, we find that the EA analyzed and considered all the relevant potential environmental impacts and issues.

Based upon our 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 SD100 (I-90 to South of Madison Street) Project with the *De Minimis* Section 4(f) impact finding. FHWA further approves Alternative 4a 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, and minimize impacts to Section 4(f) resources.

Regarding mitigation and commitments, FHWA will ensure all commitments outlined above will be fulfilled by the SDDOT and the City of Sioux Falls and set out specifically in the EA. SDDOT and the City of Sioux Falls 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- Public Comments and Responses

Verbal questions and comments received by the project team during the Open House. Our responses to the comments, if comments were needed are also listed below:

- Received a question regarding the maintenance of what is now Timberline Avenue from the Big Sioux River south to Rice Street.
 - **Response:** Timberline Avenue south of the Big Sioux River will be maintained as an access to a residence. The road will end in a cul-de-sac south of the Big Sioux River.

- Several comments were received stating that the Project is needed and should be built.
 - **Response:** No response needed.

- Ron Tisle owns property south of Madison Street. He noted he would like to discuss ROW soon and wants the Project to get going.
 - **Response:** No response needed.

- Jim and Laura Slade expressed concern about the Hwy 100 street lights to the east of their home. They asked if some of the lights could remain off until all of the Hwy 100 construction is completed and open to traffic.
 - **Response:** This request will be provided to the final design team to work with landowner and determine solutions.

- Ode agreed to permission to complete the soil borings on his property.
 - **Response:** No response needed.

- Bennett Sundvold is concerned about roadway and the additional ROW needed for the Project. He feels Hwy 100 will be right in his living room. He would like the SDDOT to purchase his property. Sundvold believes his property value has taken a hit.
 - **Response:** A project team member at the open house referred him to the SDDOT ROW office. The project team member explained the I-90 to Rice portion of Hwy 100 and the reasoning behind the profile grades – the bridge over E&E Rail, BNSF Rail and the River, I-90 crossing, and access to his property. The project team member said his home is potentially a historic site and access will be maintained to his property. The access will be a right in and right out to maintain the purpose and need for Hwy 100 as a limited access roadway. The project team member stated that Sundvold would be directed to the stoplight at 60th Street to make a U-turn when heading south from his property. The project team member referred Sundvold to the lead Environmental Scientist in HDR's Sioux

Falls Office for more details on his questions about his home's potential historical site designation. The project team member said there will be a transition from the new grade of Hwy 100, which is approximately 1' higher than existing grade, to his existing driveway. A smooth transition will be made and not a bump.

- Sundvold asked why Hwy 100 could not be raised the entire length, which would result in a flatter profile and more potential for his home to be purchased by SDDOT.
 - **Response:** A project team member at the open house said the Project is 1.6 million CY short of material and raising the profile would result in even more material needed. Also, the EA stated access will be maintained to his property. The access will be a right in and right out driveway since full access points are limited to specific spacing referenced in the EA.

- Sundvold asked about 60th St North realignment, and if there are plans to extend Redwood further east.
 - **Response:** A project team member at the open house said 60th Street North/Redwood alignment was largely driven by the floodway of the Big Sioux River. The project team member said Redwood Blvd east of Hwy 100 is under the City of Brandon's jurisdiction and did not know of any plans to extend Redwood. The project team member said HDR will be contacting him around April of 2015 for landowner meetings.

- Ken Eckert is concerned about accessing his field south of the new 60th St North alignment, east of Slip-Up Creek. Eckert also did not want a shared driveway with his neighbor to the west. He desires his own access to 60th Street North. Eckert would like gradual cut slopes in the large cut area near Hwy 100 if possible. He does not want the area to look like a hole. He reiterated that SDDOT placed crushed concrete and other construction debris in his land when the interstate was built. SDDOT originally used gravel on his land for base material when building the interstate. He asked if a bridge would be installed over Slip-Up Creek. Eckert expressed concern over tree branches clogging the boxes. Eckert asked how owners of property south of the existing 60th Street North would access their property when 60th is relocated to the new alignment.
 - **Response:** A project team member at the open house said access to the field will be from 60th Street North. A project team member at the open house stated that box culverts would be utilized for this crossing over Slip-Up Creek. A project team member at the open house encouraged Eckert to submit these concerns as a comment. The project team member said HDR will be contacting him around April of 2015 for landowner meetings.

- Bruce Aljets reiterated the need for the I-90 interchange to stay open during construction. He said his busy months are June, July, August and the first half of September.
 - **Response:** A project team member at the open house asked his thoughts on maintaining full access to west bound traffic, but detouring east bound off ramp traffic to Brandon.

- Aljets felt that would be acceptable - and that his business needed to share in the pain of the construction.
 - **Response:** The EA included a stipulation regarding the access to the interchange during construction: Regarding economic impacts due to traffic detours, the businesses located within the Project Area that rely upon the traveling public are located north of I-90. In order to provide access, temporary connections would be maintained during construction from the I-90 west bound ramps to the north side businesses to allow customers to continue to access the businesses. Eastbound I-90 traffic would access the north side business by going to the next interchange east or west of Timberline Road and then using the westbound I-90 lanes and ramps.

- A gentleman expressed his support and excitement for the multi-use path.
 - **Response:** No response needed.

- A gentleman thought there should be additional pavement for a wider shoulder at the skewed Rice Street intersection with the Ellis and Eastern Railroad tracks. Bikers and motorcyclists need to cross the tracks perpendicular to avoid sinking into the gaps created by the track crossing. Wider shoulders in the area would allow them to maneuver to a perpendicular crossing and avoid accidents.
 - **Response:** A project team member at the open house referred him to a member of the design team regarding improvements to Rice Street west of this project.

- Pat Beckman owns a potential residential development site south of Maple Street and west of Hwy 100. He is concerned about access to his development for construction and for residents.
 - **Response:** A project team member at the open house noted that Powderhouse Road, including the Madison Street intersection, will remain open to traffic until construction of Hwy100 from Madison Street to Maple Street is complete. Then Powderhouse Road will be closed at Madison Street; however Powderhouse Road north of Madison Street will remain open to provide access to adjacent properties.

- Pat Beckman was in favor of this. Three copies of the Madison to Maple Street layout were provided to Mr. Beckman.
- A comment was received from a concerned couple that owns the house at the new intersection of Redwood and Timberline. They mentioned they understand the need for the Project and are acceptable to buy-out. The husband would like to be bought out ASAP, whereas the wife wanted to wait until the project was ready. They are an elderly couple, and were considering moving into Sioux Falls before hearing their residence was going to be acquired.
 - **Response:** A ROW agent has met with the couple before this public meeting. The agent will continue to meet and discuss the acquisition process.

Verbal questions and comments received immediately following the presentation included:

- Will the portion of Hwy 100 from Arrowhead Park to Madison Street be completed before or during the construction of the other segments?
 - **Response:** Yes. The City of Sioux Falls currently has this project scheduled in 2017.
- Why is there no construction determined for 2016? You show 2015 then 2017.
 - **Response:** The segment of Hwy 100 between Madison Street and Maple Street was originally scheduled for a September 2015 letting with construction beginning in the fall of 2015 and completed in 2016. The Project letting has been moved up to a March 2015 letting allowing the Project to be completed in 2015.
- Will Timberline Avenue remain open during construction?
 - **Response:** The construction sequencing is still being developed for the segment between Rice Street and I-90. The SDDOT does understand the importance of maintaining traffic along Timberline Avenue including maintaining access at the interchange during construction and are looking at all options to accommodate these concerns.

Written comments currently received (submission due date 11/06/14):

- Bennett L. Sundvold of 5100 N. Timberline Ave. Sioux Falls, SD 57104 commented on 11/06/14.
 1. At this address: I will be left with 60' of space from my front porch. So: take 115' on west side and 85' on east side for ROW. Vice opposite.
 2. Open the highway so I will have right and left egress to road.
 3. Also, I will be left here as the only residence on an island in a sea of highways and intersections. This will cause a tremendous loss of value to

my Property. Therefore I will sell you the Property at an agreed to amount and you can take the loss of value.

Please advise on who to contact to let my concerns be known.

- **Response:** We have taken your comments concerning your property at 5100 N. Timberline Avenue into account and the following response via letter was sent on January 6, 2015:
 - Comment 1 and 3: The SDDOT/HDR design staff will include subsequent landowner meetings with the process of the Project from I-90 to Rice (PCNs 00WN/00X8).
 - Comment 2: Opening the highway and providing a break in the median at your location has been reviewed. In order to meet the purpose of this roadway, the current plan of a right entrance and exit only to your residence will remain as planned. A break in the median to provide a left entrance and exit will not be provided.

In addition to the response sent, the right-in / right-out access noted in the letter allows Hwy 100 to function as intended; a limited access urban arterial, designed to accommodate 2035 traffic projections. Allowing full access at 5100 N. Timberline Avenue may adversely affect the functionality of Hwy 100 with a drop in Level of Service.

- Jim and Laura Slade of 2102 N Powder House Road Sioux Falls, SD 57110 commented on 11/11/14 (after submission due date). Regarding the mile of SD100 (Madison to Maple): limit the amount of lighting please. After completion of this mile segment, it is our understanding that no further construction will take place until 2017 – that is two years of SD100 ending at Maple, which will still be a gravel road. The farm land on either side of SD100 will still be farmed and used for cattle grazing. We value the aesthetics of the night sky and cherish our “country” acreage. Please keep the light pollution to a minimum. This will save money as well. We understand the necessity of wiring for future lighting needs, and that preliminary wiring must be installed. Please wire for lighting, but don’t implement turning it on. Thank you for your consideration of our concerns.

- **Response:** We have taken your comment into account and the following response was sent on January 6, 2015:

During final design, the lighting along Hwy 100 will be designed to meet state and city guidelines for an urban arterial roadway. Construction of the project will include installation of light foundations and poles, wiring, etc. Your request to limit the use of the lights until Hwy 100 opens to traffic north of Maple Street is certainly a valid and reasonable request. We will work with the City of Sioux Falls, who will be responsible for operation and maintenance of the light system, to limit the use of the roadway lighting until Hwy100 is open to traffic north of Maple Street. As you noted, this is planned for year 2017 or later.