



6. CONTRACTOR PROCEDURES

The construction phase may require continued involvement from the EO or resource agencies to ensure that the project is proceeding in accordance with permit conditions or environmental requirements. Once a construction Contractor is selected through the bidding process, the Contractor is responsible for demonstrating compliance with SDDOT environmental commitments. The Contractor will work with the Project Engineer to comply with all the environmental commitments and other applicable Tribal, local, state, and federal laws regarding the environment and protection of resources. If questions arise at any time during the project, the Project Engineer will contact the EO to ensure compliance with all environmental commitments.

Chapter 6 discusses the major environmental commitments that could be encountered on a project. Each resource is introduced and a summary of the Environmental section of the DOT-272 and Section A Environmental Commitments are provided in the tables that follow.

6.1 Preconstruction Meetings

The Contractor is responsible for organizing a preconstruction meeting, under the guidelines set forth in the Special Provision for Contractor Administered Preconstruction Meeting. The purpose of the meeting is to ensure SDDOT that the Contractor fully understands all the requirements of the transportation project, including the environmental commitments, environmental special provisions,

environmental permits, mitigation requirements, environmental sensitive areas, or other environmental considerations. The Contractor must submit a DOT-270, Authorization for the Preconstruction Meeting, to the Area Office. Once scheduled, the Contractor will receive a preconstruction meeting outline, DOT-271, from the Area Office. The Contractor will fill out details related to the meeting and send the DOT-270, DOT-271, and DOT-272, with all submittals back to the Area Office prior to scheduling the preconstruction meeting. This includes the required submittals such as detailed construction plans and sequencing that include associated products, materials, and methods of construction and removal. The Contractor's submittal shall include all necessary information to provide assurance that the environmental commitments for the project are adequately addressed.

An environmental commitment is a measure that SDDOT commits to implement in order to avoid, minimize, and/or mitigate a real or potential environmental impact. Environmental commitments to various agencies and the public are made to secure approval of each project. An agency mentioned within an environmental commitment with permitting authority can influence a project if perceived environmental impacts have not been adequately addressed. Environmental commitments are not subject to change without prior written approval from the EO.

6.2 DOT-272 Environmental Section

The Contractor is required to comply with the DOT-272 form. In the DOT-272 Environmental section, some items are required to be completed prior to construction activities occurring, whereas others can be submitted or requested when appropriate. Prior to scheduling the preconstruction meeting, the Contractor will complete and provide the Area Engineer with a list of required environmental submittals before scheduling a preconstruction meeting. This includes items such as detailed construction plans and sequencing that include associated products, materials, and methods of construction and removal. The Contractor's submittal will include all necessary information to provide assurance that the environmental commitments to this project are adequately addressed.

If the Contractor cannot complete a required submittal item prior to scheduling the preconstruction meeting, the Contractor will contact the Area Engineer to establish a mutually agreed upon date when the required submittal will be completed. The Area Engineer can indicate the items on the list that are not applicable to the project prior to sending the form to the Contractor.

Once the construction project is underway, the Contractor is required to continue meeting the environmental commitments set forth in the plans and specifications, including actions to protect resources, especially in the areas of wetlands, erosion, sediment and storm water management, threatened and endangered species, cultural resources, and 4(f) and 6(f) properties.

Table 28 includes the contractor's required submittals for projects.

6.2.1 Construction Plan for Work in Topeka Shiner Streams

Section A Environmental Commitments related to Topeka Shiner

Commitment B1: Construction Practices for Streams Inhabited by the Topeka Shiner

Commitment F: Seasonal Work Restriction

Submittal Prior to Scheduling the Preconstruction Meeting

- ▶ A construction plan for work in Topeka shiner streams is required to ensure protection of the species during construction. The plan should include products, materials, and methods of construction and removal for temporary water barriers, cofferdams, and diversion channels, including de-watering, handling, storage, and disposal of excavated material and pumped effluent.
- ▶ The contractor shall submit a construction plan for work in Topeka shiner streams to Project Engineer and EO for approval prior to the preconstruction meeting.
- ▶ The contractor's work plan will adhere to the "Special Provision for Construction Practices in Streams Inhabited by the Topeka Shiner" and Section 423.3, A. 1, 2, 3 of the 2015 Spec Book.
- ▶ The contractor's work plan will provide documentation of the design of temporary works and how they will comply with Section 404 Permit requirements, which are outlined in Section 423.3 of the Spec Book.

Table 28. DOT-272 Contractor's Required Environmental Submittals

CONTRACTOR'S REQUIRED SUBMITTALS							
Line #	ITEM	Chapter Location	Submit to:	Submittal Before Start of Related Work	CONTRACTOR SECTION Date Submitted	CONTRACTOR SECTION Scheduled Date of Submittal	ENGINEER SECTION Date Received or Alternate Submittal Schedule Approved
ENVIRONMENTAL - IN PROJECT LIMITS	Construction Activities Within Limits of the Project:						
	Commitment B1: Topeka Shiner						
	1. Construction Plan for work in Topeka Shiner Streams	6.2.1	SDDOT, Environmental Office *	Prior to Scheduling PreCon			
	2. Fish transfer at locations designated as T.S. Streams	6.2.2	SDDOT Biologist *	2 Days (minimum)			
	Commitment C: Water Source						
	3. Temporary Permit to Use Public Waters for Highway Construction Purposes	6.2.3	SDDANR, Water Rights Program *	Prior to Withdrawal			
	Commitment D2: Surface Water Discharge						
	Temporary Discharge Permit - not required to have a General Permit for Stormwater Discharges Associated with Construction Activities.	6.2.4	SDDANR, Water Quality Program *	Prior to Scheduling PreCon			
	Temporary Discharge Permit - required to have a General Permit for Stormwater Discharges Associated with Construction Activities.	6.2.4	SDDOT Dewatering Info CDX Submit form to Project Engineer	Prior to Scheduling PreCon			
	Commitment E: Storm Water						
ENVIRONMENTAL - CONTRACTOR OPERATIONS	5. SWD General Permit - Contractor Certification Form (Attachment C)	6.2.5	SDDANR, Water Quality Program *	Prior to Scheduling PreCon			
	6. Approval of Coverage under General Permit for Storm Water Discharges Associated with Construction Activities w/ Operator Information Completed	6.2.5	SDDOT, Area Office	Prior to Scheduling PreCon			
	7. SWPPP Implementation - Identify responsible party for conducting stormwater inspections and responsible party for installation, maintenance, or repair of erosion and sediment controls. Discuss how the SWPPP will be implemented during each phase of construction.	6.2.5	SDDOT, Area Office	At the PreCon Meeting			
	Construction Activities for Contractor Furnished Materials Sites, Waste Sites, Plant Sites, Others outside project plan limits, or Contractor Operations not addressed in the plans but within project plan limits. All submittals will require a legal description along with a map highlighting offsite location(s).						
	Commitment A: Aquatic Resources						
	1. Wetland/Stream Determination and Section 404 of CWA	6.2.6	US Army Corps of Engineers, Omaha District *	Prior to Scheduling PreCon			
	Commitment B: Threatened and Endangered Species						
	2. Threatened & Endangered Species Review	6.2.7	SD Ecological Services Field Office *	Prior to Scheduling PreCon			
	Commitment E: Storm Water						
	3. Notice of Intent for the general storm water discharges associated.	6.2.8	DANR, Surface Water Quality Program *	Prior to Scheduling PreCon			
	4. Approval of coverage under General Permit for Storm Water Discharges Associated with Construction Activities w/ Operator Information Completed.	6.2.8	SDDOT, Area Office	Prior to Scheduling PreCon			
	5. SWPPP	6.2.8	SDDOT, Area Office	Prior to Scheduling PreCon			
	Commitment I: Historic Preservation Office Clearances						
	6. Cultural Resources Clearances (SHPO/THPO)	6.2.10	Archaeological Research Center or other qualified professional archaeologist SDDOT, Environmental Office *	Prior to Scheduling PreCon			
	7. Timeline for measures to protect sites identified for avoidance	6.2.11	SDDOT, Environmental Office, Area Office and SARC/Tribal Monitor	Prior to work			
	8. Notice of installation of safety fence at Historic Properties or Traditional Cultural Properties	6.2.12	Archaeological Research Center and/or Tribal Monitor *	7 Days			
	Commitment K: Locational Permits						
	9. K1. Air Quality Construction Permits (Rapid City Area only)	6.2.13	https://danr.sd.gov/Environment/AirQuality/PermitForms/Forms/NOIConstruction%2021.docx Rapid City, Air Quality Division *	7 Days Prior to work			
	10. K2. Mining Permit	6.2.14	DANR, Minerals & Mining Program SDDOT, Area Office	Prior to Scheduling PreCon			
	11. K3. Sound Level Permit (City of Sioux Falls only)	6.2.15	City of Sioux Falls - Apply/Sound Level	Prior to Scheduling PreCon			
	12. K4. Asphalt or Concrete Plant Operating Permit	6.2.16	https://danr.sd.gov/Environment/AirQuality/PermitForms/Applications.aspx https://unioncountysd.org/planning-zoning/ SDDOT, Area Office	Prior to Scheduling PreCon			
	Commitment L: Contaminated Material						
	13. Written notice of work on known contaminated material.	6.2.17	SDDOT, Area Office, and DANR	30 Days			
	14. Written notice of work on known contaminated material.	6.2.17	SDDOT, Area Office	7 Days			
	Commitment N: Section 404 Permit						
	15. Obtain a Section 404 Permit for any dredge, excavation, or fill activities that affect wetlands or waters of the US.	6.2.6	US Army Corps of Engineers, Omaha District *	Prior to work			

Notes: CWA – Clean Water Act, SDDANR – South Dakota Department of Agriculture and Natural Resources, ARC – Archeological Research Center, SD – South Dakota, SDDOT – South Dakota Department of Transportation, SHPO – State Historic Preservation Office, SWD – Surface Water Discharge, SWPPP – Storm Water Pollution Prevention Plan, T.S. – Topeka Shiner, THPO – Tribal Historic Preservation Office

* Verbal or written notification must be given to the Area Office

- ▶ The contractor's work plan will follow Standard Plate 734.30 for temporary stream diversions.
- ▶ The contractor's work plan will provide a plan of removal/demolition/disposal of materials used in the stream diversion in accordance to Section 110 of the 2015 Spec Book.
- ▶ The contractor's work plan will provide a dewatering plan which will include specifics of water extraction, including the volume of water to be extracted, the duration of extraction, the rate at which extraction will occur, and the locations(s) of where the extraction will occur, as outlined in III.C of the Topeka Shiner Special Provisions.
- ▶ The contractor's work plan will follow the requirements of stream turbidity measurements/monitoring/documentation as outlined in III.B of the Topeka Shiner Special Provisions.

For construction activities for Contractor-furnished material sites, waste sites, plant sites, or other construction activities located outside project plan limits:

- ▶ Threatened and endangered species review—submit to Project Engineer and USFWS, South Dakota Ecological Services Field Office.

6.2.2 Fish Transfer at Locations Designated as Topeka Shiner Streams

- ▶ The Contractor shall notify the Biologist of the preconstruction meeting. The Biologist will review the conditions of this provision and all environmental permits. The Contractor shall provide an estimated date at the pre-construction meeting when the Biologist needs to be on site to conduct

fish transfer. The Contractor shall notify the Engineer and EO two business days (minimum) before the Biologist needs to be on site.

6.2.3 Temporary Permit to Use Public Waters for Highway Construction Purposes

If a Contractor may need access to state waters for extraction, before work begins, the Contractor must obtain a water right, through the application of a Temporary Permit to Use Public Waters.

Section A Environmental Commitments related to Water Right
Commitment C: Water Source

Submittal before Start of Related Construction Work

- ▶ Temporary permit to use public waters for highway construction purposes application can be found on the SDDANR website, under Office of Water, Water Rights, Forms, <https://danr.sd.gov/OfficeOfWater/WaterRights/PermitForms/default.aspx>
- ▶ There are three ways to apply -
 - Print, sign, & submit form to the SDDANR Water Rights Program
 - Fill out and submit online to the SDDANR Water Rights Program
 - Call the SDDANR Water Rights Program (605-910-5187) and staff will assist in submitting form to SDDANR.

Once approved, a copy of the permit will be given to the Project Engineer for the project file.

6.2.4 Temporary Discharge Permit

Section A Environmental Commitments related to Temporary Water Discharge

Commitment D: Water Quality Standards

Commitment E: Storm Water

Any project, no matter the size, that plans to discharge water to surface waters of the state requires coverage under the *General Surface Water Discharge Permit for Temporary Discharge Activities* (General Permit). The General Permit is meant for projects where the discharge will occur for one year or less and is relatively uncontaminated waters. Effective April 1, 2018, South Dakota's General Permit for Temporary Discharge Activities was reissued and administratively continued as of April 1, 2023.

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

Submittal Prior to Scheduling the Preconstruction Meeting

- ▶ Temporary discharge permit—
 - ◆ If the project is covered by a stormwater general permit, then the dewatering/temp discharge is covered under that permit. The Contractor fills out the permit application and provides it to the Project Engineer to update the NOI in CDX.
 - ◆ If the permit is not covered by a stormwater general permit, then the Contractor fills out the permit application and submits directly to the DANR, Water Quality Program.

6.2.5 Storm Water Discharge (SWD) General Permit – Contractor Form

Any construction activity disturbing one or more acres or work in a waterway must have coverage under a stormwater permit. Any sites that are part of a larger plan may also need a permit, if the total plan meets the acreage requirement.

Submittal Prior to Scheduling the Preconstruction Meeting

- ▶ The Contractor Authorization form for coverage under the General Permit for Stormwater Discharges Associated with Construction Activities, must be filed by any contractor doing dirt work or responsible for day to day erosion and sediment control measures. Storm water discharge General Permit-Contractor Authorization Form is found in Appendix C of the General Permit and is submitted to the SDDANR, Water Quality Program. Verbal or written notice must be given to the Area Office.

At the Preconstruction Meeting

- ▶ SWPPP implementation must be discussed and documented as a required training component of the General Permit.
- ▶ The preconstruction notes will include:
 - ◆ Responsible party for conducting stormwater inspections.
 - ◆ Responsible party for installation, maintenance, or repair of erosion and sediment controls.
 - ◆ How the SWPPP will be implemented during each phase of construction.

6.2.6 Wetland Determination and Section 404 of the Clean Water Act

to Wetlands and Section 404

Commitment A: Aquatic Resources

Commitment N: Section 404 Permit

If wetlands are to be disturbed in the project area, SDDOT will already have secured the appropriate CWA Section 404 permit, and the approved mitigation plan will have been incorporated in the plans and specifications. The Contractor must understand the location of the existing wetlands to be protected and the mitigation wetland areas to be constructed, if applicable. Wetland mitigation is required for all projects that have impacts to jurisdictional and/or non-jurisdictional wetlands.

Submittal Prior to Scheduling the Preconstruction Meeting

For Contractor-furnished material sites, waste sites, plant sites, or others outside project plan limits:

- ▶ Wetland determination and Section 404 CWA—submit to the USACE, Omaha District and provide verbal or written notification to the Area Office.

6.2.7 Threatened and Endangered Species Review

Commitment B: Federally Threatened, Endangered, and Protected Species

Commitment F: Seasonal Work Restriction

Commitment J: Construction Practices for Temporary Works in Waterways of the U.S.

SDDOT will have obtained the necessary permits to address threatened and endangered species and their habitats for impacts for activities shown in the plans on Federal aid projects.

For construction activities for Contractor-furnished material sites, waste sites, plant sites, or other construction activities located outside project plan limits, the Contractor will be responsible to ensure will not have an impact on Threatened and Endangered species.

Submittal Prior to Scheduling the Preconstruction Meeting

- ▶ Contractor will complete Threatened and Endangered species review—submit to the USFWS, South Dakota Ecological Services Field Office:
<https://www.fws.gov/office/south-dakota-ecological-services>
- ▶ Construction plan for work in Topeka shiner streams—submit to Project Engineer and EO

6.2.8 Storm Water Discharges Associated with Construction Activities-Contractor Option Sites

The Contractor must obtain an approval of coverage under the General Permit for Storm Water Discharges Associated with Construction Activities for construction activities regarding Contractor-furnished material sites, waste sites, plant sites, or other construction activities located outside SDDOT vertical and horizontal project plan limits.

Section A Environmental Commitments related to Storm Water

Commitment E: Storm Water

Submittal Prior to Scheduling the Preconstruction Meeting

- ▶ Amendment approval to project's coverage under General Permit for stormwater discharges associated with construction activities—submit to SDDANR, Water Quality Program and provide verbal or written notification to the Area Office.

6.2.9 Stormwater Pollution Prevention Plans

Section A Environmental Commitments related to SWPPP

Commitment E: Storm Water

Effective November 1, 2023, South Dakota's General Permit for Stormwater Discharges Associated with Construction Activities was reissued. A SWPPP is required to be developed prior to submitting your NOI. Section 5.0 of the General Permit contains all the SWPPP requirements.

Submittal Prior to Scheduling the Preconstruction Meeting

- ▶ The Contractor will create a SWPPP for Contractor Option sites.
- ▶ SWPPP will be submitted to the Project Engineer and Area Office

6.2.10 Cultural Resource Clearances (SHPO/THPO)

Section A Environmental Commitments related to Contractor Option Clearances

Commitment I: Historical Preservation Office Clearances

For earth disturbing activities occurring outside of the project plan limits, the Contractor must obtain clearances from the SHPO or, if working on Tribal lands, the THPO. These types of sites can consist of contractor-furnished material sites, waste sites, plant sites, or other construction activities located outside project plan limits.

Prior to the pre-construction meeting, 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) 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 the archaeological consultant 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.

The Contractor is responsible for obtaining any additional permits and clearances for Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas that affect wetlands, threatened and endangered species, or waterways. The Contractor will not utilize a site known or suspected of having contaminated soil or water. The Contractor will provide the required permits and clearances to the Project Engineer at the preconstruction meeting.

6.2.11 Timeline for Measures to Protect Sites for Avoidance

Section A Environmental Commitments related to historic and archaeological resources

Commitment P: Traditional Cultural Property Monitoring

Commitment Q: Archaeological Coordination

Within the project work limits on Federal aid projects, SDDOT will have secured the necessary permits and clearances required for protecting historic properties, as defined in 36 CFR Part 800.16. However, for construction activities for Contractor-furnished material

sites, waste sites, plant sites, or other construction activities located outside project plan limits, the Contractor is responsible for protecting the historic properties in accordance with state and federal laws.

Submittal before Start of Related Construction Work

- ▶ The Contractor will submit a timeline showing dates expected to be working around protected sites to the Project Engineer, EPC, qualified Archaeologist, and/or Tribal Monitor.

6.2.12 Notice of Installation of Safety Fence at Historic Properties or Traditional Cultural Properties

Section A Environmental Commitments related to archaeological sites

Commitment P: Traditional Cultural Property Monitoring

Commitment Q: Archaeological Coordination

All measures must be taken to protect Traditional Cultural Properties, including the installation of safety fence near earth-disturbing activities.

Submittal before Start of Related Construction Work

- ▶ The Contractor will give written notice to the Engineer seven days prior to work activities near archaeological or culturally sensitive sites and/or earth disturbing activities near listed sites in the plans so the Engineer may notify ARC and/or the tribal representative for the installation of orange safety fence.

6.2.13 Air Quality Construction Permits (Rapid City Area Only)

Section A Environmental Commitments related to Air Quality

Commitment K1: Rapid City Area Air Quality Control Zone

Any construction conducted within the Rapid City area quality control zone must have an Air Quality Construction Permit. Rapid City provides for a program of fugitive emissions control by applying reasonably available control technology. A permit must be resubmitted if there is:

- ◆ an increase in the area to be disturbed,
- ◆ a change in site operations,
- ◆ or renewed if the project will not be completed within the one-year time frame for which the original permit was issued.

Submittal Before Start of Related Construction Work

- ▶ Air quality construction permits (Rapid City area only)—submit to Rapid City Air Quality Division and provide verbal or written notice to the Area Office.
- ▶ <https://www.rcgov.org/departments/community-planning-development/air-quality/air-quality-permits-and-fees-356.html>

6.2.14 Mining Permit

The mining of sand, gravel, rock to be crushed and used in construction, pegmatite minerals, limestone, iron ore, sand, gypsum, shale, or limestone used to make cement, or dredging for commercial resale requires a mining license. The Contractor must provide the mining permit obtained for the aggregate materials for the construction project.

Submittal Prior to Scheduling the Preconstruction Meeting

- ▶ The Contractor will apply for a mining permit for aggregate materials for the construction project and provide the approved permit to the Project Engineer and SDDANR Minerals and Mining Program prior to scheduling the preconstruction meeting.
- ▶ <https://danr.sd.gov/Environment/Minerals/Mining/Exploration/MinePermits.aspx>

6.2.15 Sound Level Permit

City of Sioux Falls City ordinance requires amplified sound permits for sound variances over a certain decibel level.

The Contractor must apply for a sound level permit for construction activities within the boundary of the City of Sioux Falls when construction activities will produce amplified or elevated sound levels (i.e. pile driving).

Submittal Prior to Scheduling the Preconstruction Meeting

The approved permit with the City of Sioux Falls should be submitted prior to scheduling the preconstruction meeting.

https://www.sioxfalls.gov/files/assets/public/v/1/parks-and-recreation/special-events/3y18008_sound_permit_app_20.pdf

6.2.16 Asphalt or Concrete Plant Operating Permit

The Contractor must provide the asphalt or concrete plant operating permit for the products for the construction project, as may be required by SDDANR. Also, Union County requires a local Conditional Use Permit temporary asphalt, concrete, stockpiling, or crushing plants.

Submittal Prior to Scheduling the Preconstruction Meeting

- ▶ The Contractor will complete the Asphalt or concrete plant operating permit <https://danr.sd.gov/Environment/AirQuality/PermitForms/Applications.aspx> with SD DANR and submit completed permit to Project Engineer.

Union County

Union County has a final County Ordinance that under Article 6, Section 603, allows land to be used for temporary asphalt, concrete, stockpiling, or crushing plants with an approved Conditional Use Permit. An application for a Conditional Use Permit is available from the Planning Director, shall be completed by the landowner requesting the Conditional Use Permit.

- ▶ If in Union County, the Contractor will complete the Conditional Use Form and submit the approved permit to the Project Engineer prior to scheduling the preconstruction meeting. <https://unioncountysd.org/planning-zoning/>

6.2.17 Written Notice of Work on Known Contaminated Material

Section A Environmental Commitments related to Contaminated Materials

Commitment L: Contaminated Material

Any known contaminated materials are identified by the EO during the initial coordination for a project and addressed in the plans and specifications. If other materials are uncovered during the construction, the Contractor must notify the Project Engineer within 24 hours.

Submittal Before Start of Related Construction Work

- ▶ Written notice of work on known contaminated material
 - ◆ At 30 days, notify the Project Engineer and SDDANR
 - ◆ At 7 days, notify the Project Engineer

6.3 Section A Environmental Commitments

The Contractor is required to comply with all Section A Environmental Commitments. The Contractor will consult with the Project Engineer to clarify the measures to be taken to meet the environmental commitments required for the project. Unless otherwise designated, the Contractor's primary contact during construction activities regarding matters associated with environmental commitments will be the Project Engineer.

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 to determine whether an environmental analysis and/or resource agency coordination is necessary.

Representatives from resource agencies may visit the project site during construction to inspect the progress of the work. SDDOT's Environmental Specialists also may inspect construction sites to monitor progress and compliance with special provisions and mitigation requirements.

This section discusses the environmental commitments that could be encountered on a project. Refer to the [Section A Environmental Commitments](#) for full commitment information as this section contains an overview of possible topics and what could be encountered in the field.

6.3.1 Commitment A: Aquatic Resources

DOT-272 Wetlands Submittal Prior to Scheduling the Preconstruction Meeting

For Contractor-furnished material sites, waste sites, plant sites, or others outside project plan limits:

- ▶ *Wetland determination and Section 404 CWA – submit to Project Engineer and U.S. Army Corps of Engineers, Omaha District*

If aquatic resources (wetlands and streams) are to be disturbed in the project area, SDDOT will already have secured the appropriate CWA Section 404 permit, and the approved mitigation plan will have been incorporated in the plans and specifications. The Contractor must understand the location of the existing aquatic resources to be protected and the mitigation wetland areas to be constructed.

During construction, the Contractor must protect existing aquatic resources to prevent unintended and unpermitted impacts that could lead to violations of federal laws. The Contractor may consult with the Project Engineer to identify critical wetland areas and protect them from impacts.

If the Contractor is constructing a wetland or stream mitigation site(s), the areas must be developed in accordance with the plans and specifications to ensure the soils, vegetation, and hydrology provide the conditions for a functioning wetland or stream area.

The Contractor must obtain a Section 404 permit for construction activities associated with Contractor-furnished material sites, waste sites, plant sites, or other construction activities located outside project plan limits. The Contractor provides confirmation to the Project Engineer of the aquatic resource determination and Section 404 permit.

Mitigation may be required for projects that have impacts on jurisdictional and/or non-jurisdictional wetlands or streams. This also includes impacts on aquatic resources located within the existing ROW.



Aquatic resources are an environmental resource that would be important to locate for project construction. (SDDOT)

Refer to Section B, Grading Plans or the non-section plans, for location and boundaries of the impacted aquatic resources. Also included within the plan sheets are any mitigation areas

to be constructed onsite or offsite. If the site is in an area with an approved wetland mitigation bank, there may be a reference to the purchase of credits from the specified bank. FHWA requires that wetland mitigation ultimately provide a “net gain” of wetland area. This means that more wetlands should be constructed than will be lost due to construction. It is also important to keep wetland topsoil that is stripped from the designated wetland areas. Wetland soil must be stock-piled separately from other topsoil to be used for mitigation site construction. Salvaged wetland topsoil will be stripped to a depth that sufficiently allows 6 inches of the wetland topsoil to be placed as the upper layer of the wetland mitigation site(s). Wetland stockpiles must be kept a minimum of 50 feet away concentrated flows of stormwater, waterways, drainage courses, and inlets.

If the project impacts are identified as ‘temporary impacts’ within Commitment A then it is not necessary to mitigate because project construction shall re-establish original contours and elevations.

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

Refer to Section A Environmental Commitments for full commitment information.

6.3.2 Commitment B: Federally Threatened, Endangered, and Protected Species

DOT-272 Threatened & Endangered Species Submittal Prior to Scheduling the Preconstruction Meeting

For Contractor-furnished material sites, waste sites, plant sites, or others outside project plan limits:

- ▶ *Threatened and endangered species review—submit to Project Engineer and the U.S. Fish and Wildlife Service (USFWS), South Dakota Ecological Services Field Office*

During project development, SDDOT will have obtained the necessary permits to address threatened and endangered species and their habitats. As part of the environmental commitments to protect threatened and endangered species, the Contractor must comply with all work restrictions as indicated in Section A Environmental Commitments. Typical species of concern on SDDOT projects include the Topeka shiner, whooping crane, American burying beetle, bald eagle, and the northern long-eared bat.



A minimum of 2-day notice is required for the Wildlife Biologist to schedule a trip out to seine projects that may affect Topeka shiner streams. (SDDOT)

Commitment B1: Construction Practices for Streams Inhabited by the Topeka Shiner

DOT-272 Topeka Shiner Species Submittal Prior to Scheduling the Preconstruction Meeting

Construction plan for work in Topeka shiner streams—submit to Project Engineer and EO

Submittal Before Start of Related Construction Work

Fish transfer at locations designated as Topeka shiner streams—provide at least a 2-day notice to the Project Engineer and SDDOT Wildlife Biologist

The Topeka shiner, an endangered species, is a small minnow that lives in small to mid-size prairie streams in the central United States where it is usually found in pool and run areas.



Topeka Shiners have been found in streams and tributaries of the James River, Big Sioux River, and Vermillion River watersheds. Most stream crossing projects constructed in these watersheds will impact the Topeka Shiner.

If a stream has been designated as a Topeka shiner stream, the Contractor shall adhere to the “Special Provision for Construction Practices in Streams Inhabited by the Topeka Shiner” and the streams will be denoted in this commitment.

The Construction Work Plan applies to this provision so that the Wildlife Biologist can

ensure that the requirements of the 404 permits, effects of flooding, and impacts on the stream are minimized where possible. Turbidity measurements are also required to limit the amount of sediment that is sent downstream that could potentially affect developing eggs or larvae of many species.

Stream turbidity will be monitored during all stages of the project. Turbidity measurements should be taken in conjunction with normal stormwater inspections.

The Contractor shall submit a comprehensive Construction Work Plan that includes all products, materials, and methods of construction and removal for temporary water barriers, cofferdams, and diversion channels including de-watering, handling, storage, and disposal of excavated material and pumped effluent throughout all phases of construction, including post-construction stabilization. The Construction Work Plan shall include all necessary information to provide assurance that the conditions of this provision are adequately addressed.

This plan shall be approved by the SDDOT Environmental office prior to any work occurring in the above streams. Upon plan approval the Construction Plan shall be amended to the SWPPP document located in Section D – Erosion and Sediment Control Plans.

The Contractor will provide an estimated date at the preconstruction meeting when the Wildlife Biologist will be needed on site to monitor any fish transfer. The Contractor will notify the Project Engineer and Wildlife Biologist at least 2 days before the Wildlife Biologist is needed on site. If the water depth in the area to be dewatered is more than 3.5 feet deep, the Contractor and/or Project

Engineer will contact the Wildlife Biologist as needed to determine the appropriate course of action, so the site is ready for seining. Fish rescue and seining activities cannot be conducted in freezing conditions or during inclement weather events.

The Contractor will conduct construction activities in a manner that does not produce sediment discharges that increase stream turbidity (i.e., water clarity) by more than 50 nephelometric turbidity units over the background turbidity level. Measurement procedures are included in the Special Provision for Construction Practices in Streams Inhabited by the Topeka Shiner. Construction methods that produce sediment discharges exceeding this turbidity standard must cease and may resume only after the Engineer has approved an acceptable plan. The Contractor must immediately notify the Project Engineer if it is suspected that stream turbidity has been increased. Turbidity will be monitored during all stages of the project. An emphasis will be placed on monitoring construction activities causing disturbance to the stream channel.

Refer to Section A Environmental Commitments for full commitment information.

Commitment B2: Whooping Crane



At about 5.0-foot-tall, whooping cranes are the tallest bird in North America. Adults are white

with black primaries and a bare red face and crown. The bill is an olive-gray, eyes are yellow, and legs and feet are gray-black. While in flight, their long necks are kept straight and their long dark legs trail behind. Adult Whooping Cranes' black wing tips are visible during flight.

Whooping cranes breed and nest along lake margins or among rushes and sedges in marshes and meadows. The water in these wetlands is anywhere from 8 to 10 inches to as much as 18 inches deep. Many of the ponds have border growths of bulrushes and cattails, which occasionally cover entire bays and arms of the larger lakes. Nesting has also been reported on muskrat houses and on damp prairie sites. Whooping cranes prefer sites with minimal human disturbance. Wetlands provide the whooping crane with protection from terrestrial predators.

Whooping cranes can tolerate very little human disturbance, especially during nesting, brood rearing, and during flightless molt (May to mid-August). Slight human disturbance is often sufficient to cause adults to desert nests. Some typical construction activities that disturb Whooping Cranes include draining wetlands, fencing, and earth disturbing activities with equipment.

Harassment or other measures to cause the whooping crane to leave the site is a violation of the ESA. If a whooping crane is sighted roosting within the vicinity of project, borrow pits, waste areas, or staging areas associated with the project, cease construction activities in the affected area until the Whooping Crane departs. The Project Engineer is to be contacted immediately. The Project Engineer will contact the EO so that the sighting can be reported to USFWS.

Commitment B2 does not apply to urban areas; it is included in all project plans EXCEPT those in Brookings, Clay, Deuel, Fall River, Grant, Lake, Lincoln, Minnehaha, Moody, Roberts, or Union Counties.

Commitment B3: American Burying Beetle



This species is the largest carrion feeding insect in North America. The American burying beetle is approximately 1-1.4 inches long with a shiny black body that has four orange-red markings. The most identifiable mark is the orange-red marking on the beetle's pronotum. It also has orange facial markings and orange tips on the antennae. Once widely distributed throughout eastern North America, this species has disappeared from most of its historic range. Historical records are located in 32 states, the District of Columbia, and 3 Canadian provinces. This range covers most of the eastern United States and southeastern Canada. Presently isolated American burying beetle populations are known to exist in Rhode Island, Oklahoma, Kansas, Arkansas, South Dakota, and Nebraska. The current American burying beetle range presently known in South

Dakota includes Gregory, Tripp, Todd, and Bennett counties.

When a project is located in these counties, minimizing ground-disturbing activities within project limits will be required. The Contractor must obtain clearances for any construction-related activities outside of the project limits from USFWS.

Most roadway and stream crossing projects do not impact the American Burying Beetle; however, some projects in Gregory, Tripp, Todd, and Bennett Counties may affect this species. Impacts to this species are minimized by reducing the project footprint to the minimum practical. Impacts to riparian habitat should be avoided.

Commitment B4: Bald and Golden Eagle



A white feathered head, neck, and tail are the distinguishing characteristics of the adult Bald eagle. The distinguishing adult feathers typically appear at the age of four. The remainder of the eagle plumage is dark brown. The heavy yellow beak and distal one-half to two-thirds of the yellow tarsus are bare of feathers. The bald eagles can be found throughout North America.

The Golden Eagle is dark brown, with lighter golden-brown plumage on their heads and necks.



Eagles are usually associated with dominant or co-dominant trees in both the nesting and wintering periods. The vast majority of eagle nests can be found within one-half mile of water and are rarely located greater than two miles from water. Nests, constructed primarily of sticks with other material added for lining, are almost exclusively found in live trees. Wintering sites consist of very large perch trees that are usually located near open water or in close proximity to other available prey items.

Bald Eagles have nested in Gregory, Brown, Yankton, Bon Homme, Spink, Charles Mix, Union, Robert, Sanborn, Hutchinson, Bennett, Lyman, Marshall, Clay, Minnehaha, Hughes, and Meade Counties in SD. The bald eagle winters regularly in large numbers along the Missouri River from Pierre to Yankton and in scattered locations across the state.

Golden Eagles have nested in Gregory and Lyman Counties, and Central South Dakota.

Construction projects located within a half mile of active eagle nests may have special provisions to reduce impact or disturbance to the nesting eagles.

During review for environmental clearances, the EPC reviews maps within 1 mile of the project site to determine if there are known nests in the area. If nests are identified, this note is included in the Final Plan set. The

Contractor must report any nests to the Project Engineer.

Commitment B5: Northern Long-Eared Bat and Tri-colored Bat

The Northern Long Eared bat's fur color can be medium to dark brown on the back and tawny to pale-brown on the underside. As its name suggests, this bat is distinguished by its long ears, particularly as compared to other bats.



The tricolored bat is distinguished by its unique tricolored fur that appears dark at the base, lighter in the middle and dark at the tip. Tricolored bats often appear yellowish, varying from pale yellow to nearly orange, but may also appear silvery-gray, chocolate brown or black. Newly flying young are much darker and grayer than adults.



The Northern long-eared bat and Tri-colored

Bat note is included on all projects with tree cutting, clearing, or removal as well as projects which will conduct any structure work. Northern Long Eared Bats (NLEB) and Tri-Colored Bat (TCB) utilize trees with cracks, crevices, exfoliating bark, holes, or hollows. They will also roost in cracks and crevices in structures which get them out of the wind and rain. If work limits change and cause impacts to additional trees, the contractor or project engineer must contact the EO prior to conducting tree removals.

Project sponsors implement standard measures as part of other environmental compliance processes, and many of these measures reduce potential effects on the NLEB.

In addition, specific Avoidance and Minimization Measures (AMMs) related to the NLEB will be implemented where applicable. AMMs included in the Environmental Commitments, if adopted under appropriate circumstances, are expected to reduce potential impacts of the stressors.

Descriptions of the NLEB AMMs and when they would apply to specific projects can be found in the *Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana Bat and Northern Long-Eared Bat*.

<https://www.fws.gov/media/programmatic-biological-opinion-transportation-projects-range-indiana-bat-and-northern-long>

Commitment B6: Migratory Birds Work Restrictions

This note is included when migratory birds are known to use a portion of the project area for nesting. Depending on the species, nesting can occur between April 1st and July 15th. The

Swallow utilizes structures for nesting typically between April 1st and August 31st.

Clearing or mowing prior to April 1 helps limit use by nesting birds for projects without structure work. If suitable areas are present, a survey must be conducted to determine if there are nests and to determine if offsetting measures need to be applied to protect the nests. Construction activities should not occur in the areas listed in the note without approval from the EO.

Refer to Section A Environmental Commitments for full commitment information.

Commitment B7: Other

This commitment is reserved for any additional project specific requirements or restrictions to federally listed T&E species or species of state importance or another environmental measure or permit requirements specific to T&E species derived through the environmental review.

6.3.3 Commitment C: Water Source

DOT-272 Water Right Submittal before Start of Related Construction Work

- ▶ Temporary permit to use public waters for highway construction purposes— submit to the Project Engineer and SDDANR Water Rights Program

Before work begins that requires water for construction, the Contractor must obtain a water right, through the application of [Temporary water use permit for construction activities, drilling or testing purposes](#).

The water source note is required for projects that have a potential to withdraw (extract)

water from waters within the state. The Contractor must apply for and obtain this permit from SDDANR and USACE prior to any extraction of water.

If the water is being extracted from streams in the James, Big Sioux, and Vermillion watersheds, the Wildlife Biologist in the EO must be contacted to verify pump size and screen size to ensure fish are not caught in pumps or pipes related to the water movement. Contractors are also responsible for ensuring they do not transfer invasive species into or around the state. 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.

This requires that the Contractor wash any equipment coming into the state or before moving between water bodies in the state. It is also helpful to remove any plant debris and allow equipment to dry completely before being used in a new water body.

Refer to Section A Environmental Commitments for full commitment information.

6.3.4 Commitment D: Water Quality Standards

This Commitment includes both surface water quality and surface water discharge.

Commitment D1: Surface Water Quality

Surface water quality standards are identified through a coordination process between the EPC and SDDANR. Four classifications SDDANR

can provides to assist in protecting surface waters in South Dakota include:

- ▶ Warmwater, marginal fishery—total suspended solids cannot exceed 150 milligrams/liter
- ▶ Coldwater marginal/warmwater permanent/warmwater semi-permanent—total suspended solids cannot exceed 90 milligrams/liter.
- ▶ Coldwater permanent fishery—total suspended solids cannot exceed 30 milligrams/liter
- ▶ Fish and wildlife propagation, recreation, irrigation and stock watering waters—special construction measures may have to be taken for these waters.
- ▶ 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.

Refer to Section A Environmental Commitments for full commitment information.

Commitment D2: Surface Water Discharge

A surface water discharge permit is required when water will be moved by pumping during dewatering activities or from stormwater activities. If these activities are anticipated, the Contractor needs to acquire a temporary discharge permit prior to the preconstruction meeting. The related stream classifications are the same as those described above for surface water quality and should match the designations provided by SDDANR.

Refer to Section A Environmental Commitments for full commitment information.

6.3.5 Commitment E: Stormwater

The Contractor must obtain an approval of coverage under the General Permit for Stormwater Discharges Associated with Construction Activities for construction activities regarding Contractor-furnished material sites, waste sites, plant sites, or other construction activities located outside SDDOT vertical and horizontal project plan limits.

A stormwater permit is required for any project disturbing more than 1 acre of ground and all structure replacement projects. However, on every project, appropriate erosion and sediment control measures must be implemented to control discharge of pollutants (including soil, construction debris, and material or chemicals onsite). Discharge is any natural means that could carry pollutants off the construction site, typically referring to water run-off and wind erosion.

The SWPPP checklist is the major component of the stormwater construction permit. The SWPPP checklist is a living document that is reviewed and revised as field conditions require. BMPs are inspected by the Contractor and Project Engineer weekly with the 298 form. The SWPPP checklist can be found in Section D of the Final Plan set.

Refer to Section A Environmental Commitments for full commitment information.

6.3.6 Commitment F: Seasonal Work Restriction

This commitment is required for any work in fisheries. No instream work can occur from October through the end of March for fish

such as trout that spawn during those times; the designation of a seasonal work restriction comes from SDGFP. If there are areas known for good spawning in the stream reach the project is affecting, this note is applied. For coldwater streams, the blackout is October 1 to April 1. For warmwater streams, the blackout is from April 1 to June 30. If the Project Engineer or Contractor can provide photos showing there is no flow or extremely low flow during the blackout, the EO may be able to remove the work restriction.

Any instream work must be approved by the EO.

Refer to Section A Environmental Commitments for full commitment information.

6.3.7 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.”

This commitment is only included for urban grading and storm sewer projects. Please note, If Commitment G is required, then Commitment D1, Surface Water Quality, is also needed.

Refer to Section A Environmental Commitments for full commitment information.

6.3.8 Commitment H: Waste Disposal Site

When this commitment is on a project, the Contractor is required to locate and obtain

permission to dispose of materials from the project at that location (i.e., a Contractor furnished site). The Contractor-furnished waste disposal site cannot be in a wetland; within 200 feet of surface waters (lakes or streams); or in an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species.

Any waste disposal site that is within view of the ROW must comply with the following:

- ▶ All construction debris must be buried in a trench, separate from wood debris, with at least 1 foot of soil capable of supporting vegetation. NRCS provides the appropriate seed mixes for sites outside of the state ROW. Entrances to the site must be controlled by the Contractor with fences and gates, and “No Dumping Signs” must be installed.
- ▶ Debris can be stockpiled within view of the ROW for a period of time not to exceed the duration of the project. Prior to the completion of the project, the debris must be removed or buried, and the waste disposed of as outlined in the above bullet.

The Contractor is responsible for obtaining historic and archaeological clearance from an approved archaeologist. The state often uses the Archaeological Research Center for project clearances, but other qualified archaeologists are available. The Contractor also must obtain wildlife clearances from USFWS, Ecological Field Office in Pierre, South Dakota (these requirements apply to any Contractor-furnished site). There may be sites available that have previously been cleared under solid waste permits, i.e. landfills. Failure to comply with stated requirements may result in civil penalties under the South Dakota Solid Waste Law.

Please note, when Commitment H is included in the plans, Commitment I, Historical Preservation Office Clearances, must also be included.

Refer to Section A Environmental Commitments for full commitment information.

6.3.9 Commitment I: Historical Preservation Office Clearances

The project limits and borrow sites on Federal Aid projects, as defined in the Final Plan set released for bid will have received concurrence from the SHPO and/or THPO.

Any earth-disturbing activities not identified in the plans require a review for cultural resources. The Contractor is responsible for this review (and any associated costs). Any Standard of the Interior qualified archaeologist can be engaged to conduct a records search or cultural resources survey. A qualified archaeologist will need to review the following information: a topographical map or aerial view where the site is clearly outlined, site dimensions, project number, and the PCN. If there is documentation that the site was previously disturbed by farming, mining, or construction activities, a landowner may provide a statement that artifacts have not been found on the site. The report generated by the qualified archaeologist must be sent to SDDOT Environmental Engineer for submittal to the appropriate SHPO/THPO. SHPO/THPO have 30 days to comment and send comments back to SDDOT.

If cultural resources are uncovered during construction activities, activities must cease, and the Contractor must notify the Project Engineer immediately so that the EO can be

contacted to determine the appropriate course of action.

Refer to Section A Environmental Commitments for full commitment information.

6.3.10 Commitment J: Construction Practices for Temporary Works in the Waterways of the U.S.

This note is included for waterways that do not contain Topeka shiners but are close to a lake, stream, wetland or other water body.

Any disturbance of areas below the ordinary high-water elevation (OHWE) must be identified in plans. No work will be authorized below the OHWE outside of the project limits. Dredged or excavated materials must be placed above the OHWE in a confined area that is not designated as wetland or within 50 feet of flows from stormwater, drainage courses, and inlets that could erode dirt or carry it into the waterway.

The only material permitted below the OHWE, with approval, is class B riprap or larger. All temporary caissons, cribs, cofferdams, steel piling, sheeting, work platforms, crossings, and berms must be removed in a manner that limits disturbance to the stream bottom. Proper construction practices must be used to limit the release of soil or debris into water. Temporary water crossings must follow these requirements and support adequate drainage structure size and minimum fill height to reduce the potential for upstream flooding. Work plans for temporary stream crossings or traffic diversions must be provided at the preconstruction meeting.

Refer to Section A Environmental Commitments for full commitment information.

6.3.11 Commitment K: Locational Permits

Commitment K1: Rapid City Area Air Quality Control Zone

This note is included when projects fall within the Air Quality Control Zone in Rapid City and some of the surrounding area in Pennington County. Any construction activity that may cause fugitive emissions of particulate to be released into the ambient air must first obtain a permit from the SDDANR Air Quality Program and Rapid City Air Quality Division.

The permit requires the Contractor to use technology that is available to control fugitive dust emissions from activities on paved areas, unpaved roads, unpaved parking lots, disturbed areas, and for material handling and storage.

Refer to Section A Environmental Commitments for full commitment information.

Commitment K2: Mining Permit

The mining of sand, gravel, rock to be crushed and used in construction, pegmatite minerals, limestone, iron ore, sand, gypsum, shale, or limestone used to make cement, or dredging for commercial resale requires a mining license. The Contractor must provide the mining permit obtained for the aggregate materials for the construction project.

The Contractor will apply for a mining permit for aggregate materials for the construction project and provide the approved permit to the Project Engineer prior to scheduling the preconstruction meeting.

Refer to Section A Environmental Commitments for full commitment information.

<<https://danr.sd.gov/Environment/MineralsMining/Exploration/MinePermits.aspx>>

Commitment K3: City of Sioux Falls Sound Level Permit Mining Permit

The City of Sioux Falls City ordinance requires amplified sound permits for sound variations over a certain decibel level.

The Contractor will apply for a sound level permit for construction activities within the boundary of the City of Sioux Falls when construction activities will produce amplified or elevated sound levels (e.g. pile driving). The Contractor will provide the approved permit to the Project Engineer prior to scheduling the preconstruction meeting.

Refer to Section A Environmental Commitments for full commitment information.

Commitment K4: Asphalt or Concrete Operating Plant

The Contractor will provide the asphalt or concrete plant operating permit for the products for the construction project, as may be required by SDDANR.

Union County requires a local Conditional Use Permit temporary asphalt, concrete, stockpiling, or crushing plants.

The Contractor will complete the asphalt or concrete plant operating permit with SD DANR and submit the completed permit to the Project Engineer prior to scheduling the preconstruction meeting. Additionally for asphalt or concrete plants in Union County, the

Contractor will complete the Conditional Use Form and submit the approved permit to the Project Engineer prior to scheduling the preconstruction meeting.

Refer to Section A Environmental Commitments for full commitment information.

6.3.12 Commitment L: Contaminated Materials

This note is included when there is known contaminated soil on the project or gas stations were located along the project limits. Gas stations, underground storage tanks, or any other contaminated material will have been identified by SDDANR in coordination with the EO and will be identified in the Section A Environmental Commitments for the project.

When the Contractor is 30 days from start of construction activities, a written notification will be sent to the Area Engineer and SDDANR. Another written notice will be sent to the Project Engineer 7 days in advance of the start of work. This commitment will include the estimated cubic yards of contaminated materials that will be removed and list the landfill that accepts such materials.

It is possible that locations of contaminated material exist within the project limits which have not been documented. If the Contractor encounters contaminated soil, the Project Engineer must contact the EO, and contact will then be made with SDDANR, so the site can be inspected and monitored while material is removed. The EO will assist the Project Engineer in contracting a qualified consultant for testing as needed.

Refer to Section A Environmental Commitments for full commitment information.

6.3.13 Commitment M: Section 4(f)/6(f) Resources

Section 4(f) regulations provide protection to publicly owned parks, recreational areas, wildlife or wildfowl refuges, or any publicly or privately-owned historic site listed or eligible for listing in the NRHP. Any requirements under Section 4(f) are met prior to bid-letting.

Section 6(f) regulations provide protection for the quality and quantity of outdoor parks and recreation areas for present and future generations. Any requirements under Section 6(f) are met prior to bid-letting.

Commitment M1: Section 4(f) Property

This note is included when an identified 4(f) property will be used because no feasible and prudent alternative exists that would avoid the property. Property(ies) must be listed in the plan note by station and include required measures for the Contractor to comply with Section 4(f). The Project Engineer will contact the EO if changes to an easement adjacent to the 4(f) property occurs, before proceeding with any plans that may affect Section 4(f) property.

Refer to Section A Environmental Commitments for full commitment information.

Commitment M2: Section 6(f) Property

This note is included when, in the process of scoping and design, the project limits cannot avoid a 6(f) property. Should this occur, there must be a use of features, attributes, or activities supported by the LWCF. Known properties will be listed by station in the

Section A Environmental Commitments. The Project Engineer will notify the EO if there is a change to easements adjacent to a 6(f) property, so that required approvals or concurrences can be obtained. Measures to protect the Section 6(f) property are included in the note as applicable.

Refer to Section A Environmental Commitments for full commitment information.

6.3.14 Commitment N: Section 404 Permit

This note is included when a dredge and fill permit is required from USACE. SDDOT receives this permit for all activities within the project limits. Dredge, excavation, and fill activities outside the project limits, affecting wetlands or waters of the United States associated with staging areas, borrow sites, waste disposal sites, or material processing sites require that the Contractor obtain a 404 permit from USACE.

Refer to Section A Environmental Commitments for full commitment information.

6.3.15 Commitment O: Section 401 Water Quality Certification

This note is included for all projects with a CWA Section 401 Water Quality Certification. Section 401 of the CWA requires states to review projects and federal permits to ensure they will not impact the stream quality or violate our Surface Water Quality Standards. Projects that have a Section 404 permit and are on Indian lands are subject to Section 401.

Refer to Section A Environmental Commitments for full commitment information.

6.3.16 Commitment P: Tribal Monitoring

This note is included when Tribal monitoring has been deemed necessary to avoid historic or archaeological sites.

If a TCP has been identified in the plans, the contractor must comply with the action listed in the plans. If evidence of a TCP is identified by during project construction activities, then such activities within 150 feet of the inadvertent discovery will immediately cease, and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office who will consult with the Archaeological Research Center (ARC), the THPO (and/or SHPO if applicable), and FHWA, to determine the appropriate course of action. Any artifacts, features, or other items of archaeological or paleontological significance will be left in place until THPO/SHPO consent to movement.

If orange safety fence is identified in the plans as a project action, the Contractor must notify the ARC and the appropriate THPO(s) 7 days prior to safety fence installation so that the proper locations are fenced.

If monitoring is required in the plans, the Contractor must contact the ARC and the appropriate THPO(s) to coordinate a monitoring schedule prior to the preconstruction meeting. The ARC will be given a minimum 7-day notification to when earth disturbing activities near listed sites will occur in order to schedule the appropriate actions. When required, ARC and the tribal monitor are to be present during earth disturbing activities

to monitor the removal of topsoil, ensure avoidance of the fenced sites, and identify any culturally sensitive sites that may be uncovered.

Refer to Section A Environmental Commitments for full commitment information.

6.3.17 Commitment Q: Archaeological Coordination

This note is included when historic properties have been identified within and/or adjacent to the project rights-of-way.

If historic properties have been identified in the plans, the contractor must comply with the action listed in the plans. If evidence of cultural resources are uncovered during project construction activities, then such activities within 150 feet of the inadvertent discovery will immediately cease, and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office who will consult with the Archaeological Research Center (ARC), the THPO (and/or SHPO if applicable), and FHWA, to determine the appropriate course of action. Any artifacts, features, or other items of archaeological or paleontological significance will be left in place until the landowner and SHPO consent to movement.

If orange safety fence is identified in the plans as a project action, the Contractor must notify the ARC 7-days prior to safety fence installation so that the proper locations are fenced.

If monitoring is required in the plans, the Contractor must contact the ARC to coordinate a monitoring schedule prior to the preconstruction meeting. The ARC will be given a minimum 7-day notification to when earth disturbing activities near listed sites will occur

in order to schedule the appropriate actions. When required, ARC is to be present during earth disturbing activities to monitor the removal of topsoil, ensure avoidance of the fenced sites, and identify any culturally sensitive sites that may be uncovered.

Refer to Section A Environmental Commitments for full commitment information.

6.3.18 Commitment R: Tree Replacement

The Contractor must mitigate any impacts on trees in the project area, as required in the bid documents.

This note is included when impacts on trees require mitigation. When included, the number of acres impacted must be replaced at a ratio of 2:1. For every 1 acre affected, 2 acres must be replanted.

Refer to Section A Environmental Commitments for full commitment information.

6.3.19 Commitment S: Fire Prevention in the Black Hills Area

The Contractor must adhere to rules provided by USFS when working within the boundaries of the Black Hills National Forest.

This note is included when the project will impact property within the boundary of Black Hills National Forest Fire Protection Boundary. The Contractor must adhere to the “Special Provision for Fire Plan.”

Refer to Section A Environmental Commitments for full commitment information.

6.3.20 Commitment T: Other

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