

**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT (FONSI)
AND SECTION 4(f) EVALUATION**

FOR


**PROJECT NH 0016(72)11, PCN 022E
CUSTER COUNTY
SOUTH DAKOTA**

**US16 – From 1 mile West of Jewel Cave National Monument
to 0.5 miles East of Jewel Cave National Monument**

Grading and Asphalt Concrete Surfacing

The FHWA has determined that Option 3 will have no significant impact on the human environment. This FONSI is based on the Environmental Assessment (EA) and Section 4(f) Evaluation, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project, and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an EIS is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.


Submitted by:



Tom Lehmkuhl
Environmental Engineer
South Dakota Department of Transportation
700 E. Broadway Ave.
Pierre, SD 57501

08/30/2013
Date

Approved by:



Virginia Tsu, Acting Division Administrator
Federal Highway Administration
116 E. Dakota Ave., Suite A
Pierre, SD 57501

09 / 01 / 2013
Date

The Federal Highway Administration (FHWA) has determined, in accordance with 23 CFR § 771.119 and § 771.121, that Project NH 0016(72)11, PCN 022E (the Project) will not have a significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) for Option 3 – Grading Along Existing Alignment (Preferred Alternative) is based on the Environmental Assessment and Section 4(f) Evaluation (EA), which was approved by FHWA on July 19, 2013, and made available to stakeholders, including agencies and the public for review and comment.

Comments Received

Comments were received from the Black Hills National Forest – Hell Canyon Ranger District and the National Park Service – Jewel Cave National Monument during the comment period. The following table is summary of the comments received.

Jewel Cave National Monument		August 27, 2013
Comment 1	Request to amend the document language of 1 st paragraph, 2 nd sentence on page 19, "Sites eligible for listing on the NRHP would be considered Section 4(f) resources except for archaeological sites important for preservation in place...."	
Response	The EA is revised with the following pen and ink revision to Page 19, Paragraph 1, 2 nd sentence: Section 4(f) properties include historic sites on or eligible for the NRHP and archaeological sites on or eligible for the NRHP and which warrant preservation in place as determined by FHWA and the official with jurisdiction.	
Black Hills National Forest		August 26, 2013
Comment 1	Utilization of National Forest approved seed mixture on National Forest lands.	
Response	SDDOT Section D: Erosion & Sediment Control Plan notes include National Forest Service approved seed mixture that will be used on all newly graded areas with the Project.	
Comment 2	Maintain highway access during construction activities for emergency services.	
Response	Through traffic will be maintained during all phases of construction activities.	
Comment 3	Protection of archaeological sites within and adjacent to Project area.	
Response	Environmental commitments for avoiding archaeologically sensitive sites during construction activities that include Contractor contacting the State Archaeological Research Center are included within the EA.	
Comment 4	Advance notice of timber removal.	
Response	SDDOT Section B: Grading Plans includes standard notes for clearing and disposal of timber on USFS and NPS land.	

No public comments were received therefore the document will not be republished. One agency comment was received that requires a pen and ink revision to the document; page 19, paragraph 1, sentence 2 as stated in the above in the response to Comment 1 from the Jewel Cave National Monument.

Section 4(f) Evaluation

The Department of the Interior – National Park Service Handbook on Departmental Review of Section 4(f) Evaluations (February 2002) lists “Lands of the National Park System” as being significant as a Section 4(f) resource. The use of Jewel Cave National Monument is recreational and contains historic and archaeological sites of significance, and therefore is considered to be protected as a Section 4(f) resource.

The proposed project will result in minor adjustments to the alignment and width of US16 and includes permanent acquisition of 10.32 acres of Jewel Cave National Monument. In addition there will be 4.66 acres of temporary easements required for construction of the project. The purpose of adjustments requiring right-of-way (ROW) is primarily for safety improvements including realignment of 2 curves and modification of inslopes. The Project was designed to minimize ROW needs, to the extent practicable, without compromising the Project’s ability to meet the purpose and need as well as safety standards. ROW being vacated will be returned to park use.

The official with jurisdiction over the property were informed of FHWA’s intent to make the *de minimis* impact finding and their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) was received. A copy of the letter is provided in **Appendix A**.

The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource. A notice of approval of the EA for public availability was provided on July 19, 2013 to allow opportunity for public review and comment on the project. No comments were received pertaining to the Section 4(f) resource.

Based on the Section 4(f) Evaluation, the proposed acquisition and temporary use of property within the Jewel Cave National Monument, together with proposed impact avoidance, minimization, and mitigation and enhancement measures, will not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). Therefore, the use of this Section 4(f) resource is determined to be *de minimis*, under 23 CFR 774.3(b).

Conclusion

This EA has been independently evaluated by FHWA, who has determined that it accurately discuss the need, purpose, alternatives, environmental issues, 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 decisional document. Referenced materials are available on the SDDOT Environmental Assessments website at <http://sddot.com/transportation/highways/environmental/assessments/Default.aspx>.

The Project was developed in accordance with the National Environmental Policy Act (NEPA) of 1969, Council of Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR 1500-1508), FHWA Environmental Impact and Related Procedures (23 CFR Part 771), and other related federal and state requirements including 36 CFR Part 800.

FONSI APPENDIX A

Concurrence to Section 4(f) *De Minimis* Impact Finding from Jewel Cave National Monument's Official with Jurisdiction

Lehmkuhl, Tom

From: Johnson, Lawrence <larry_johnson@nps.gov>
Sent: Thursday, August 29, 2013 4:20 PM
To: Lehmkuhl, Tom
Cc: Michael Wiles; Nicholas Chevance; Daniel Betts
Subject: Section 4(f) De Minimus finding for Jewel Cave National Monument

OFFICIAL ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

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National Park Service
Jewel Cave National Monument
11149 U.S. Hwy 16, BLDG. B12
Custer, South Dakota 57730
(605) 673-8300

1.A.1(JECA)

August 29, 2013

Mr. Tom Lehmkuhl, Environmental Engineer

Tom.Lehmkuhl@state.sd.us

Re: Project NH 0016(72)11, PCN 022E, Custer County

US16 – From 1 mile West of Jewel Cave National Monument to 0.5 miles East of Jewel Cave National Monument

Grading and Asphalt Concrete Surfacing Project

Dear Mr. Lehmkuhl:

We appreciate that the measures taken to minimize harm to National Park Service resources during construction at Jewel Cave National Monument will satisfy the requirements of Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act in Title 23, Sec. 138 and 303 of Title 49 United State Code. We note that the project was designed to minimize the right-of-way take along the corridor by centering the Preferred Alternative alignments along present Highway 16 to minimize impacts. The existing highway template in the curve flattening areas is to be obliterated and restored back to evergreen forest land. The creation of detention ponds paired with a catch basin filter system will prevent traffic generated hydrocarbons from leaching into the cave below. Public access to Jewel Cave National Monument will be maintained during construction. We also note that the Environmental Analysis for the project is complete.

As the Superintendent of Jewel Cave National Monument, a unit of the National Park Service and a Section 4(f) resource, and as the official with jurisdiction over the Section 4(f) resource, I concur that the project will not adversely affect the features, attributes, or activities that qualify Jewel Cave National Monument for protection under Section 4(f). Therefore, I concur that all possible planning has taken place to minimize harm to the park, there is no feasible alternative, and this project is considered a *De Minimus* impact.

Please contact me by email at larry_johnson@nps.gov or by phone at 605-673-8302 if you have any questions.

Sincerely,

(Signed, original on file)

Lawrence E. Johnson

Superintendent