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The 85th Street project was originally part of a larger project and study area. Since the original study, 85th Street project has been separated out to be evaluated in this EA. This appendix contains information that was gathered as part of the larger study area. This information is not readily separated out into individual projects. Therefore, all the information is included in the appendix. Only that information which pertains specifically to the 85th Street project is discussed in detail in the main text of the EA document.
RECORD OF CONVERSATION

DATE: November 22, 2012
TIME: 9:45 AM
JOB NO.: 1617015.00.000

RECORDED BY: 
OWNER/CLIENT: SDDOT

TALKED WITH: Steve Vandenheuck
OF SDGFP

NATURE OF CALL: INCOMING □ OUTGOING ○ VISIT □ MEETING □ PHONE: #605-362-2200

ROUTE TO: INFORMATION ACTION

MAIN SUBJECT: State-listed T4E Species—Sioux Falls 85th Street

ITEMS DISCUSSED: I explained the proposed project to Steve. I then indicated that SDGFP information listed the peregrine falcon, bald eagle, peregrine falcon, and lined snake as having the potential to occur in Minnehaha and/or Lincoln counties. We discussed that habitat in the project area did not suit the falcon, eagle, or other. We talked about the habitat utilized by the lined snake and that it was somewhat available. Steve stated that the lined snake really prefers wooded areas and hillsides. He indicated that the project area did not contain suitable habitat for the snake. Steve was in agreement that the proposed project would have no impact on the four state-listed species. I told Steve we would send a letter to their records. Steve indicated we should send it to the Pierre Office.

[Signature]

[Company Logo]
RECORD OF CONVERSATION

DATE: Nov 13, 2012 TIME: 9:30 AM JOB NO.: 1410615.00200
RECORDED BY: _______________ OWNER/CLIENT: SDDOT
TALKED WITH: Charlene Bessken OF USFWS
NATURE OF CALL: INCOMING X OUTGOING □ VISIT □ MEETING □ PHONE: # 405.221.8673
ROUTE TO: INFORMATION ACTION

MAIN SUBJECT: Federal listed Species — Sioux Falls 85th Street

ITEMS DISCUSSED: Charlene returned my call. I explained the proposed project would upgrade the I-29/I-229 interchange area with auxiliary lanes and extend 85th Street over the intersection. I stated that IPR listed the pallid sturgeon, sturgeon, and western prairie fringed orchid as having the potential to occur in the project area. (Minnehaha and Lincoln Counties). I told Charlene that we had no waterways within the project area and what habitat/vegetation in the project area included road right-of-way, row crops, residential yards, and some pasture that is grazed. Charlene indicated that a determination of No Effect or May Affect not likely to Adversely Affect would probably be acceptable for the project. She said we should send the letter to Scott Larson.

SMM
RECORD OF CONVERSATION

DATE: Nov 13, 2012
TIME: 9:35 AM
JOB NO.: 141796/15.00280

RECORDED BY: NA
OWNER/CLIENT: NA

TALKED WITH: Natalie Osborn OF USFWS
PHONE: 605-224-8693

NATURE OF CALL: INCOMING □ OUTGOING □ VISIT □ MEETING □ PHONE □

ROUTE TO: INFORMATION ACTION

MAIN SUBJECT: Federal listed species—Sioux Falls 85th Street

ITEMS DISCUSSED: Natalie returned my call from last week. I told her I had just spoken with Charlene Breitenbach about the project. I explained the proposed project was to upgrade the existing lanes to the I-29/I-229 interchange area and to extend 85th Street across the interstate. I stated I was listed as the pallid sturgeon, peale's skimmer, and western prairie fringed orchid and our project area included green right-of-way, new crops, residential yards and grazed pastures. I indicated that Charlene stated a determination of no effect or may affect not likely to Adversely affect would be appropriate for our project. Natalie indicated she would like an explanation in the letter about why we don't expect the orchid to be in our project area.

SymV
RECORD OF CONVERSATION

DATE: 11/15/12    TIME: 0930    JOB NO.: 16170615.00200
RECORDED BY: Q. Bliss    OWNER/CLIENT: SD DOT
TALKED WITH: Steve Williams    OF Lincoln County Weed Pest Supervisor
NATURE OF CALL: INCOMING ☐ OUTGOING ☐ VISIT ☐ MEETING ☐ PHONE: #
ROUTE TO: INFORMATION ACTION

MAIN SUBJECT: Invasive Plant Species

ITEMS DISCUSSED: I called for Mr. Williams and the person answering the phone said Mr. Williams was at a meeting in Pierre, SD. I explained the reason for the call and she indicated that the person I probably wanted talk to was Greg Thompson at (605) 764-2938. She tried to call Mr. Thompson and he was out until the afternoon. I told her that we would call Mr. Thompson this afternoon.
**RECORD OF CONVERSATION**

**DATE:** 11/16/17  **TIME:** 2:30pm  **JOB NO.:** 16/70615.00200

**RECORDED BY:** R. Bliss  **TIME:** 11:30  **OWNER/CLIENT:** South Dakota DOT

**TALKED WITH:** Mr. Greg Thompson  **OF:** Lincoln County

**NATURE OF CALL:** OUTGOING  **VISIT**  **MEETING**  **PHONE:** *(605) 764-2735*

**ROUTE TO:** INFORMATION  **ACTION**

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**MAIN SUBJECT:** Invasive Species

**ITEMS DISCUSSED:**

I called Mr. Thompson and was told that he was in the field and could be reached on his cell phone *(605) 795-1275*.

I called that number and got his voice mail. I briefly identified the project, inquired about any areas of invasive species in project area, and asked if the county had any special requirements that would need to be followed. I left my name and telephone number and asked for him to return my call.

Greg returned my call and said he was not aware of any problems present. He said species that in the counties that grow their problems are thistle and leafy spurge. No special requirements. Be weeds and any mutual use needs to be moreions weed free.
Krell, Margie

From: Dave.Hausmann@state.sd.us
Sent: Tuesday, August 23, 2011 3:36 PM
To: tchance@southeasternelectric.com; dbartling@southeasternelectric.com; rsmith@southeasternelectric.com; lincrws@iw.net; Tony.Vanderhagen@qwest.com; al_mullinix@mmi.net; Shawn.Anderson@knology.com; Jerry.Andersen@sdcommunications.com; teamain1@iw.net; dwall@eastriver.coop; mhoffman@eastriver.coop; EMBerg@midamerican.com; TJ.Galbraith@midamerican.com
Cc: Brace.Prouty@state.sd.us; Cary.Cleland@state.sd.us; Greg.Aalberg@state.sd.us; Krell, Margie; Troe, Bill; Craig.Smith@state.sd.us; Larry.Carlson@state.sd.us; Levi.Briggs@state.sd.us
Subject: IM 0293(96)75 Lincoln/Minnehaha Cos. PCN 01QS

The following is a brief summary of the group utility meeting held on August 11, 2011 at the Sioux Falls Area Office. Those representing the utility companies are listed below. URS (Project Designer) was represented by Margie Krell and Bill Troe. Those representing the DOT were: Cary Cleland, Greg Aalberg, Fred Leetch and myself.

The meeting started with Cary, Bill and Margie giving an overview of the project, its limits and schedule. The project is currently scheduled for a December 2012 letting. The project’s current design has I 29, without an interchange, going over 85th St. However, the decision to go over I 29 hadn’t been finalized at the time of the meeting. It was also noted during the meeting that several of the existing utilities are not shown on the plans. After the meeting, I marked up a set of prints and gave them to the Sioux Falls Area Office (Larry Carlson) for survey updates.

The following are comments from each individual utility company:

Southeastern Electric: Tim Chance - 360-6968, Doug Bartling - 990-0873 and Roger Smith - 940-6480. The company has both OH and UG facilities within the project limits. It appears that all of the OH facilities are shown on the plans, however none of the UG cables are shown. The 3 phase UG cable locations were reviewed with the DOT prior to installation in the spring of 2007. The large conduit facility crossing I 29 in the interchange area may need to be pot-holed to determine adequate cover after the project is constructed. A review between the design and all of the UG cables will be accomplished once the cables have been surveyed.

Lincoln Co. Rural Water: Dan Schwarz - 941-8131. Dan noted that the company only has one waterline crossing at 63+50 and that it isn’t shown completely. The waterlines shown need to be connected going east and west to the water valve. Dan will check on the casing size and will determine if the casing needs to be extended.

Century Link: Tony VanderHagen 339-5307. The company has both copper and fiber facilities within the project limits. Tony noted that there is a toll fiber, approximately 3’ onto private easement along the west side of I 29 from I 229 to the Tea interchange. The fiber is direct buried at 48” and appears to be shown on the plans just outside the ROW fence. However it has different symbology on sheets B10 and B12. Century Link also has 10 - 4” ducts crossing I 29 and parallel to the north side of 57th St. A portion of these cables are shown on the plans and need to be extended beyond both the east and west I 29 ROW lines.

MidContinent Communications: Al Mullinix 274-8546. Al stated that Midco has a fiber cable in a shared trench with Century Link’s 57th Street crossing. The company also has a fiber cable running north of 57th St. along the west side of I 29 on private easement.

South Dakota Network: Jerry Andersen 321-0234. Jerry noted that only a portion of their recently installed fiber in 3 ducts, along the east side of I 29, is shown on the plans. The fiber is shown from the beginning of the project to approximately 26+00 NB I 229 ramp (B). The fiber is missing from that point and along the ramp ROW to where it crosses I 229 at Tallgrass/Solberg. The missing fiber then runs back to the west and north along the east ROW line of I 229 NB ramp (A) to 49+149+50 Rt. The fiber is then shown from this point to the end of the project.
Knology: Shawn Anderson 263-7206. Shawn stated that Knology has fiber cable along the west side of I29, inside the ROW, from the beginning of the project, running north to a point where it runs along the I229 SB ramp (C) ROW. The fiber stays along the ramp (C) ROW to a point where it turns and runs north again along the I29 ROW to 149+30. The fiber then turns east and crosses I29, turns south and runs along the east I29 ROW line. The cable running north from ramp (C) and south from the I29 crossing is not shown on the plans. Knology also has a fiber crossing I29 and parallel to the north side of 57th St. This cable is only partially shown on the plans.

East River Electric: Dan Wall 256-8005. Dan noted that EREP has a substation located west of the I29/I229 interchange along the north side of West 69th St. The company is currently in the process of building a new substation in the SW quadrant of I29 and 85th St. ROW negotiations hadn’t been completed at the time of this meeting. There was discussion on the future growth in this area and if the DOT had any plans for an interchange at 85th St. It was noted at this meeting that there currently isn’t any plans in the DOT’s 5 year program, to build an interchange at 85th St.

MidAmerican Energy: Tim Galbraith 373-6047. Tim noted that the company has a 6” steel HP gas line crossing I29 parallel to and on the south side 57th St. that is not shown on the plans. MEC also has an abandoned gas line crossing I229 at Tallgrass/Solberg that has been abandoned. This gas line is not shown on the plans.

Lewis & Clark Water Line: The company was invited to the meeting but did not attend.

Beings several of the existing utilities are not shown on the plans and therefore couldn’t review any conflicts with the project’s design; it was agreed that once the utility survey was completed, an updated set of plans will be sent to each utility company for review. Another group utility meeting will be held once the design has been finalized and a review of any utility/design conflicts will be reviewed at that time.

Please advise if there are any corrections or additions to this summary.

Dave Hausmann
Utility Coordinator
SDDOT - Office of Project Development
700 East Broadway Ave.
Pierre, SD 57501
605-773-6593 Desk
605-280-6119 Cell
October 4, 2013

J.B. Weston, THPO
Flandreau Santee Sioux Tribe
P.O. Box 283
Flandreau, SD  57028

RE: Proposed Improvements to the Interstate 29 Corridor, Sioux Falls, South Dakota

Dear Mr. Weston,

The South Dakota Department of Transportation (SDDOT) is proposing to improve the Interstate (I)-29 corridor from the I-29/I-229 Systems Interchange to the Tea Interchange (Project Nos. IM293[96]73/PCN 01QS and IM2292[90]0/PCN 020Q), in Lincoln and Minnehaha counties, South Dakota (Figure 1). The proposed project also includes upgrading West 85th Street to a four-lane divided roadway between Sundowner Avenue on the west and Louise Avenue on the east (P1360[01]/PCN 03YF). SDDOT is presently evaluating several options regarding the I-29/85th Street crossing. The Federal Highway Administration (FHWA) is partially funding the I-29 design improvements project; as such, the project is considered a federal undertaking and subject, therefore, to regulatory oversight. The FHWA has entrusted to SDDOT the responsibility of complying with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended 2006 (16 U.S.C. 470 et seq.). URS Corporation (URS) is assisting SDDOT with the Environmental Assessment for this undertaking. URS has identified a project area of potential effects (APE), conducted a records search for all previous projects and known cultural resources within the APE, and drawn conclusions about National Register of Historic Places (NRHP) eligibility and potential project effects for historic properties within the APE.

Definition of APE

The project APE for direct effects is defined as narrow corridors, approximately 200 feet wide, centered on the proposed design improvements along I-29/I-229 (approximately 3 miles long) and 85th Street (2 miles long) (Figure 1). The project APE for indirect effects is defined as the geographic area encompassed within one mile of the proposed design improvements. It encompasses any visual, audible, or atmospheric elements that would diminish those characteristics of a historic property that qualify the property for inclusion in the NRHP, in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association (36 CFR 800.5[a][1]).

Site Records Search

On October 23, 2012, and February 6, 2013, URS requested a search of the records maintained by the South Dakota State Historical Society Archaeological Research Center for all previous projects and known cultural resources within the APE for direct and indirect effects. The records search revealed that 35 studies, dating from the early 1990s to as recently as 2012, have previously been conducted in the APE. Most of the project area has previously been surveyed, with the exception of two short segments of I-29 and I-229 at the northern end of the project area (Figure 2). The majority of the previously documented cultural resources are historic sites, including bridges, railroads, and standing structures, but a pre-contact artifact scatter (39LN62) was recorded one mile south of I-229 and 1-½ miles east of I-29;
J.B. Weston  
October 4, 2013  
Page 2

its eligibility for listing in the NRHP is unevaluated. Two segments of the Great Northern Railroad are eligible for listing in the NRHP, but the remaining sites are considered not eligible for listing in the NRHP or have not been evaluated.

Findings

Given the nature of the highway improvements, and the records search results, URS concludes that for the I-29 and I-229 portions of the project area, the proposed undertaking will have no adverse direct effects on any historic properties (that is, NRHP-eligible resources) within the project APE. Adverse indirect effects are equally unlikely, given the fact that the proposed improvements will not substantially alter the visual intrusion that the existing highway already presents. Two sections of the project area, a one-mile section at the northern end and a one-half-mile section just east of the I-29/I-229 intersection, have not previously been surveyed for cultural resources. However, proposed design improvements in these areas will be entirely confined to the existing, disturbed highway right-of-way and no historic properties should be affected. The highway segments themselves are part of the Interstate Highway System, which the Advisory Council determined on March 10, 2005, to be exempt from the requirements of Section 106 (Federal Register Volume 70, Number 46). Thus, for the I-29 and I-229 portions of the project area, URS recommended a finding of no historic properties affected for this undertaking. Further cultural resources work in the APE for direct and indirect effects in these areas is considered unnecessary.

The width of the previous survey corridor along West 85th Street is narrow, less than the width of the direct APE as defined herein. Several historic structures are located on the north and south sides of the street, some previously recorded, some not recorded. Many of these historic structures have been evaluated as not eligible for listing in the NRHP, but a few are unevaluated. URS has recommended that the project area along West 85th Street be intensively surveyed in its entirety and that all cultural resources within the APE be documented and evaluated for NRHP eligibility.

On behalf of the FHWA, the SDDOT is soliciting your comments on potential impacts to archaeological sites, burials, and traditional cultural properties in or near the project area that are of importance to tribes that have expressed an interest in highway projects in Lincoln and Minnehaha counties. Please provide your comments to me by November 29, 2013, so that the project can move forward in a timely manner. If you have questions about any of the information contained in this letter or require additional information, please contact Marion Barber, FHWA Environmental Specialist, by telephone at (605) 224-8033.

Sincerely,

Tom Lehmkuhl  
Environmental Engineer  
SDDOT – Office of Project Development

Attachments

cc: Sue Volkmer, URS Omaha  
Gordon Tucker, URS Denver
October 4, 2013

Historic Preservation Office
Iowa Tribe of Oklahoma
RR1 Box 721
Perkins, OK 74059

RE: Proposed Improvements to the Interstate 29 Corridor, Sioux Falls, South Dakota

To whom it may concern,

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Sincerely,

[Signature]

Tom Lehmkuhl
Environmental Engineer
SDDOT – Office of Project Development

Attachments

cc: Sue Volkmer, URS Omaha
    Gordon Tucker, URS Denver
October 4, 2013

Waste’Win Young, THPO
Standing Rock Sioux Tribe
PO Box D
Ft Yates, ND 58538

RE: Proposed Improvements to the Interstate 29 Corridor, Sioux Falls, South Dakota

Dear Ms. Waste’Win Young,

The South Dakota Department of Transportation (SDDOT) is proposing to improve the Interstate (I)-29 corridor from the I-29/I-229 Systems Interchange to the Tea Interchange (Project Nos. IM293[96]73/PCN 01QS and IM2292[90]/PCN 02OQ), in Lincoln and Minnehaha counties, South Dakota (Figure 1). The proposed project also includes upgrading West 85th Street to a four-lane divided roadway between Sundowner Avenue on the west and Louise Avenue on the east (P1360[01]/PCN 03YF). SDDOT is presently evaluating several options regarding the I-29/85th Street crossing. The Federal Highway Administration (FHWA) is partially funding the I-29 design improvements project; as such, the project is considered a federal undertaking and subject, therefore, to regulatory oversight. The FHWA has entrusted to SDDOT the responsibility of complying with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended 2006 (16 U.S.C. 470 et seq.). URS Corporation (URS) is assisting SDDOT with the Environmental Assessment for this undertaking. URS has identified a project area of potential effects (APE), conducted a records search for all previous projects and known cultural resources within the APE, and drawn conclusions about National Register of Historic Places (NRHP) eligibility and potential project effects for historic properties within the APE.

Definition of APE

The project APE for direct effects is defined as narrow corridors, approximately 200 feet wide, centered on the proposed design improvements along I-29/I-229 (approximately 3 miles long) and 85th Street (2 miles long) (Figure 1). The project APE for indirect effects is defined as the geographic area encompassed within one mile of the proposed design improvements. It encompasses any visual, audible, or atmospheric elements that would diminish those characteristics of a historic property that qualify the property for inclusion in the NRHP, in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association (36 CFR 800.5[a][1]).

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its eligibility for listing in the NRHP is unevaluated. Two segments of the Great Northern Railroad are eligible for listing in the NRHP, but the remaining sites are considered not eligible for listing in the NRHP or have not been evaluated.

Findings

Given the nature of the highway improvements, and the records search results, URS concludes that for the I-29 and I-229 portions of the project area, the proposed undertaking will have no adverse direct effects on any historic properties (that is, NRHP-eligible resources) within the project APE. Adverse indirect effects are equally unlikely, given the fact that the proposed improvements will not substantially alter the visual intrusion that the existing highway already presents. Two sections of the project area, a one-mile section at the northern end and a one-half-mile section just east of the I-29/I-229 intersection, have not previously been surveyed for cultural resources. However, proposed design improvements in these areas will be entirely confined to the existing, disturbed highway right-of-way and no historic properties should be affected. The highway segments themselves are part of the Interstate Highway System, which the Advisory Council determined on March 10, 2005, to be exempt from the requirements of Section 106 (Federal Register Volume 70, Number 46). Thus, for the I-29 and I-229 portions of the project area, URS recommended a finding of no historic properties affected for this undertaking. Further cultural resources work in the APE for direct and indirect effects in these areas is considered unnecessary.

The width of the previous survey corridor along West 85th Street is narrow, less than the width of the direct APE as defined herein. Several historic structures are located on the north and south sides of the street, some previously recorded, some not recorded. Many of these historic structures have been evaluated as not eligible for listing in the NRHP, but a few are unevaluated. URS has recommended that the project area along West 85th Street be intensively surveyed in its entirety and that all cultural resources within the APE be documented and evaluated for NRHP eligibility.

On behalf of the FHWA, the SDDOT is soliciting your comments on potential impacts to archaeological sites, burials, and traditional cultural properties in or near the project area that are of importance to tribes that have expressed an interest in highway projects in Lincoln and Minnehaha counties. Please provide your comments to me by November 29, 2013, so that the project can move forward in a timely manner. If you have questions about any of the information contained in this letter or require additional information, please contact Marion Barber, FHWA Environmental Specialist, by telephone at (605) 224-8033.

Sincerely,

Tom Lehmkuhl
Environmental Engineer
SDDOT – Office of Project Development

Attachments

cc: Sue Volkmer, URS Omaha
    Gordon Tucker, URS Denver
Department of Transportation  
Office of Project Development  
Environmental Office  
700 E Broadway Avenue  
Pierre, South Dakota 57501-2586  
605/773-3268  Fax: 605/773-6608

October 4, 2013

Dianne Desrosiers, THPO  
Sisseton-Wahpeton Oyate  
PO Box 907  
Agency Village, SD 57262

RE:  Proposed Improvements to the Interstate 29 Corridor, Sioux Falls, South Dakota

Dear Ms. Desrosiers,

The South Dakota Department of Transportation (SDDOT) is proposing to improve the Interstate (I)-29 corridor from the I-29/I-229 Systems Interchange to the Tea Interchange (Project Nos. IM293[96]/73/PCN 01QS and IM2292[90]/PCN 02OQ), in Lincoln and Minnehaha counties, South Dakota (Figure 1). The proposed project also includes upgrading West 85th Street to a four-lane divided roadway between Sundowner Avenue on the west and Louise Avenue on the east (P1360[01]/PCN 03YF). SDDOT is presently evaluating several options regarding the I-29/85th Street crossing. The Federal Highway Administration (FHWA) is partially funding the I-29 design improvements project; as such, the project is considered a federal undertaking and subject, therefore, to regulatory oversight. The FHWA has entrusted to SDDOT the responsibility of complying with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended 2006 (16 U.S.C. 470 et seq.). URS Corporation (URS) is assisting SDDOT with the Environmental Assessment for this undertaking. URS has identified a project area of potential effects (APE), conducted a records search for all previous projects and known cultural resources within the APE, and drawn conclusions about National Register of Historic Places (NRHP) eligibility and potential project effects for historic properties within the APE.

Definition of APE

The project APE for direct effects is defined as narrow corridors, approximately 200 feet wide, centered on the proposed design improvements along I-29/I-229 (approximately 3 miles long) and 85th Street (2 miles long) (Figure 1). The project APE for indirect effects is defined as the geographic area encompassed within one mile of the proposed design improvements. It encompasses any visual, audible, or atmospheric elements that would diminish those characteristics of a historic property that qualify the property for inclusion in the NRHP, in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association (36 CFR 800.5[a][1]).

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its eligibility for listing in the NRHP is unevaluated. Two segments of the Great Northern Railroad are eligible for listing in the NRHP, but the remaining sites are considered not eligible for listing in the NRHP or have not been evaluated.

**Findings**

Given the nature of the highway improvements, and the records search results, URS concludes that for the I-29 and I-229 portions of the project area, the proposed undertaking will have no adverse direct effects on any historic properties (that is, NRHP-eligible resources) within the project APE. **Adverse indirect effects are equally unlikely,** given the fact that the proposed improvements will not substantially alter the visual intrusion that the existing highway already presents. Two sections of the project area, a one-mile section at the northern end and a one-half-mile section just east of the I-29/I-229 intersection, have not previously been surveyed for cultural resources. However, proposed design improvements in these areas will be entirely confined to the existing, disturbed highway right-of-way and no historic properties should be affected. The highway segments themselves are part of the Interstate Highway System, which the Advisory Council determined on March 10, 2005, to be exempt from the requirements of Section 106 (Federal Register Volume 70, Number 46). Thus, for the I-29 and I-229 portions of the project area, URS recommended a finding of no historic properties affected for this undertaking. Further cultural resources work in the APE for direct and indirect effects in these areas is considered unnecessary.

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On behalf of the FHWA, the SDDOT is soliciting your comments on potential impacts to archaeological sites, burials, and traditional cultural properties in or near the project area that are of importance to tribes that have expressed an interest in highway projects in Lincoln and Minnehaha counties. Please provide your comments to me by November 29, 2013, so that the project can move forward in a timely manner. If you have questions about any of the information contained in this letter or require additional information, please contact Marion Barber, FHWA Environmental Specialist, by telephone at (605) 224-8033.

Sincerely,

Tom Lehmkuhl  
Environmental Engineer  
SDDOT – Office of Project Development

Attachments

cc: Sue Volkmer, URS Omaha  
Gordon Tucker, URS Denver
October 4, 2013

Gloria Hamilton, Deputy THPO Coordinator
Ponca Tribe of Nebraska
PO Box 288
Niobrara, NE 68760

RE: Proposed Improvements to the Interstate 29 Corridor, Sioux Falls, South Dakota

Dear Ms. Hamilton,

The South Dakota Department of Transportation (SDDOT) is proposing to improve the Interstate (I)-29 corridor from the I-29/I-229 Systems Interchange to the Tea Interchange (Project Nos. IM293[96]73/PCN 01QS and IM2292[90]10/PCN 020Q), in Lincoln and Minnehaha counties, South Dakota (Figure 1). The proposed project also includes upgrading West 85th Street to a four-lane divided roadway between Sundowner Avenue on the west and Louise Avenue on the east (P1360[01]/PCN 03YF). SDDOT is presently evaluating several options regarding the I-29/85th Street crossing. The Federal Highway Administration (FHWA) is partially funding the I-29 design improvements project; as such, the project is considered a federal undertaking and subject, therefore, to regulatory oversight. The FHWA has entrusted to SDDOT the responsibility of complying with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended 2006 (16 U.S.C. 470 et seq.). URS Corporation (URS) is assisting SDDOT with the Environmental Assessment for this undertaking. URS has identified a project area of potential effects (APE), conducted a records search for all previous projects and known cultural resources within the APE, and drawn conclusions about National Register of Historic Places (NRHP) eligibility and potential project effects for historic properties within the APE.

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its eligibility for listing in the NRHP is unevaluated. Two segments of the Great Northern Railroad are eligible for listing in the NRHP, but the remaining sites are considered not eligible for listing in the NRHP or have not been evaluated.

**Findings**

Given the nature of the highway improvements, and the records search results, URS concludes that for the I-29 and I-229 portions of the project area, the proposed undertaking will have no adverse direct effects on any historic properties (that is, NRHP-eligible resources) within the project APE. Adverse indirect effects are equally unlikely, given the fact that the proposed improvements will not substantially alter the visual intrusion that the existing highway already presents. Two sections of the project area, a one-mile section at the northern end and a one-half-mile section just east of the I-29/I-229 intersection, have not previously been surveyed for cultural resources. However, proposed design improvements in these areas will be entirely confined to the existing, disturbed highway right-of-way and no historic properties should be affected. The highway segments themselves are part of the Interstate Highway System, which the Advisory Council determined on March 10, 2005, to be exempt from the requirements of Section 106 (Federal Register Volume 70, Number 46). Thus, for the I-29 and I-229 portions of the project area, URS recommended a finding of no historic properties affected for this undertaking. Further cultural resources work in the APE for direct and indirect effects in these areas is considered unnecessary.

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Sincerely,

[Signature]

Tom Lehmkuhl
Environmental Engineer
SDDOT – Office of Project Development

Attachments

cc: Sue Volkmer, URS Omaha
    Gordon Tucker, URS Denver
October 4, 2013

Clair Green, Section 106 Coordinator
Lower Brule Sioux Tribe
187 Oyate Circle
Lower Brule, SD 57548

RE: Proposed Improvements to the Interstate 29 Corridor, Sioux Falls, South Dakota

Dear Ms. Green,

The South Dakota Department of Transportation (SDDOT) is proposing to improve the Interstate (I)-29 corridor from the I-29/I-229 Systems Interchange to the Tea Interchange (Project Nos. IM293[96]73/PCN 01QS and IM2292[90]70/PCN 02Q0), in Lincoln and Minnehaha counties, South Dakota (Figure 1). The proposed project also includes upgrading West 85th Street to a four-lane divided roadway between Sundowner Avenue on the west and Louise Avenue on the east (P1360[01]/PCN 03YF). SDDOT is presently evaluating several options regarding the I-29/85th Street crossing. The Federal Highway Administration (FHWA) is partially funding the I-29 design improvements project; as such, the project is considered a federal undertaking and subject, therefore, to regulatory oversight. The FHWA has entrusted to SDDOT the responsibility of complying with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended 2006 (16 U.S.C. 470 et seq.). URS Corporation (URS) is assisting SDDOT with the Environmental Assessment for this undertaking. URS has identified a project area of potential effects (APE), conducted a records search for all previous projects and known cultural resources within the APE, and drawn conclusions about National Register of Historic Places (NRHP) eligibility and potential project effects for historic properties within the APE.

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Sincerely,

Tom Lehmkuhl
Environmental Engineer
SDDOT – Office of Project Development

Attachments

cc: Sue Volkmer, URS Omaha
    Gordon Tucker, URS Denver
October 4, 2013

Stephanie Cournoyer, THPO
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380-1153

RE: Proposed Improvements to the Interstate 29 Corridor, Sioux Falls, South Dakota

Dear Ms. Cournoyer,

The South Dakota Department of Transportation (SDDOT) is proposing to improve the Interstate (I)-29 corridor from the I-29/I-229 Systems Interchange to the Tea Interchange (Project Nos. IM293[96]73/PCN 01QS and IM2292[90]0/PCN 020Q), in Lincoln and Minnehaha counties, South Dakota (Figure 1). The proposed project also includes upgrading West 85th Street to a four-lane divided roadway between Sundowner Avenue on the west and Louise Avenue on the east (P1360[01]/PCN 03YF). SDDOT is presently evaluating several options regarding the I-29/85th Street crossing. The Federal Highway Administration (FHWA) is partially funding the I-29 design improvements project; as such, the project is considered a federal undertaking and subject, therefore, to regulatory oversight. The FHWA has entrusted to SDDOT the responsibility of complying with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended 2006 (16 U.S.C. 470 et seq.). URS Corporation (URS) is assisting SDDOT with the Environmental Assessment for this undertaking. URS has identified a project area of potential effects (APE), conducted a records search for all previous projects and known cultural resources within the APE, and drawn conclusions about National Register of Historic Places (NRHP) eligibility and potential project effects for historic properties within the APE.

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Stephanie Cournoyer  
October 4, 2013  
Page 2

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[Signature]

Tom Lehmkuhl  
Environmental Engineer  
SDDOT – Office of Project Development

Attachments

cc: Sue Volkmer, URS Omaha  
Gordon Tucker, URS Denver
October 4, 2013

Elgin Crowsbreast, THPO
Three Affiliated Tribes
404 Frontage Rd.
New Town, ND 58763-9404

RE: Proposed Improvements to the Interstate 29 Corridor, Sioux Falls, South Dakota

Dear Mr. Crowsbreast,

The South Dakota Department of Transportation (SDDOT) is proposing to improve the Interstate (I)-29 corridor from the I-29/I-229 Systems Interchange to the Tea Interchange (Project Nos. IM293[96]73/PCN 01QS and IM2292[90]0/PCN 020Q), in Lincoln and Minnehaha counties, South Dakota (Figure 1). The proposed project also includes upgrading West 85th Street to a four-lane divided roadway between Sundowner Avenue on the west and Louise Avenue on the east (P1360[01]/PCN 03YF). SDDOT is presently evaluating several options regarding the I-29/85th Street crossing. The Federal Highway Administration (FHWA) is partially funding the I-29 design improvements project; as such, the project is considered a federal undertaking and subject, therefore, to regulatory oversight. The FHWA has entrusted to SDDOT the responsibility of complying with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended 2006 (16 U.S.C. 470 et seq.). URS Corporation (URS) is assisting SDDOT with the Environmental Assessment for this undertaking. URS has identified a project area of potential effects (APE), conducted a records search for all previous projects and known cultural resources within the APE, and drawn conclusions about National Register of Historic Places (NRHP) eligibility and potential project effects for historic properties within the APE.

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Sincerely,

Tom Lehmkuhl
Environmental Engineer
SDDOT – Office of Project Development

Attachments

cc: Sue Volkmer, URS Omaha
    Gordon Tucker, URS Denver
October 9, 2013

U.S. Fish and Wildlife Service
Ecological Service Field Office
420 S. Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408

ATTN: Mr. Scott Larson

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project
Sioux Falls, South Dakota

Dear Mr. Larson:

URS is under contract with the South Dakota Department of Transportation (SDDOT) to prepare an Environmental Assessment (EA) for potential impacts associated with the upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange upgrade, extending 85th Street roadway over or under I-29, and upgrading from Sundowner Avenue to Louise Avenue. The project area is shown in the attached Figure 1. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound I-29 northbound I-229 loop ramp. Three 85th Street extension alternatives are being evaluated as a part of the project:

- The extension of 85th Street under I-29 by elevating the I-29 mainline over and constructing 85th Street on-grade under the I-29 on the section line.
- The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 on the section line.
- The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 along a route south of the section line.

The project area included in the I-29/I-229 interchange upgrade are mowed right of ways. The project area along 85th Street is primarily used for agriculture and residential housing. Single family residential housing is located on the north side of 85th Street west and east of I-29. The land south of 85th Street and west of I-29 is actively used as farmland. On the east side of I-29, a pasture area separates the end of 85th Street from I-29. The pasture stretches north and south from the 85th Street section line. The area between Tallgrass Avenue and Louise Avenue includes a developed residential area and tilled farmland.

Based on the U.S. Fish and Wildlife Service (USFWS) IPaC website, three threatened or endangered species were identified as having the potential to occur in Lincoln and/or Minnehaha Counties, South Dakota. These species and their designated status are:

- Pallid sturgeon (*Scaphirhynchus albus*)
- Topeka shiner (*Notropis topeka*)

Endangered
• Western prairie fringed orchid (*Platanthera praecella*): Threatened

Habitat requirements and utilization and site specific information is provided in the following subsections for the three federally listed species that have the potential to occur in Lincoln and Minnehaha Counties.

**Pallid Sturgeon**

Pallid sturgeons live close to the bottom of large, silty rivers with a natural hydrograph. Their preferred habitat has a diversity of depths and velocities formed by braided channels, sand bars, sand flats and gravel bars. Pallid sturgeons are scarce in the upper Missouri River above Ft. Peck Reservoir; scarce in the Missouri and lower Yellowstone Rivers between Ft. Peck Dam and Lake Sakakawea; very scarce in the other Missouri River reservoir reaches; scarce in the Missouri River downstream of Gavins Point Dam; scarce but slightly more common in the Mississippi and Atchafalaya Rivers; absent from other tributaries. Construction activities associated with I-29/I-229 interchange upgrades and 85th Street extension area would not directly affect any habitat important to the pallid sturgeon. Therefore, it has been determined that the proposed project would have "No Effect" on the pallid sturgeon.

**Topeka Shiner**

Topeka shiners often occur in pool and run areas of streams and are seldom found in riffle areas. Recent surveys in Iowa have also documented their use of cut-off channels and oxbows. Generally, the streams they occur in are small to mid-sized prairie streams with relatively high water quality; cool to moderate temperatures; and permanent flows. Topeka shiners can tolerate limited intermittent flows during summer and prolong drought periods. The Topeka shiner is known to occur in Slip-Up Creek (tributary to Big Sioux River north of Sioux Falls and approximately 12 miles northeast of the project area) and is occasionally found in the Big Sioux River near Sioux Falls. No construction related activities would occur in the Slip-Up Creek drainage; therefore, Topeka shiners present in the creek would not be affected by any of the build alternatives. Also, Best Management Practices (BMPs) would be used to control soil erosion and to control the movement of sediment off-site; therefore, the water quality in the Big Sioux River would not be adversely affected by the proposed project. Therefore, the proposed project would have “No Effect” on the occasional Topeka shiner that may occur in the Big Sioux River.

**Western Prairie Fringed Orchid**

The western prairie fringed orchid, federally listed as threatened, inhabits wet tall-grass meadows with calcareous silt loam soil, wet-mesic tall-grass prairies, and sub-irrigated sand prairies and depends on hawkmoths for pollination. Declines in the western prairie fringed orchid populations have been caused by the drainage and conversion of its habitats (native prairies) to agricultural production, channelization, siltation, road and bridge construction, grazing, haying, and the application of herbicides.

The fragmented prairie landscape created by man poses the greatest obstacle for these orchids. The expanses of cropland act as a barrier for free movement of hawkmoths between different orchid populations, reducing genetic diversity of isolated stands. Pesticide drift from nearby cropland also poses a threat to non-targeted insects such as the
hawkmoth. In some areas, hawkmoth numbers are so depleted that only a very small percentage of flowers are pollinated and produce seed. This species' native prairie habitat is being increasingly lost to agriculture, as well as to developments for housing and commercial use. The inappropriate management of native prairie can also have devastating effects on the western prairie fringed orchid, damaging the plants or altering the ecology of the habitat such that it no longer favors orchids. Annual mowing of hay presents a further problem to the western prairie fringed orchid, as this removes its seed capsules before they are ripe, leading to reproductive failure. In addition, livestock which are allowed to graze in suitable habitat often trample and kill many orchids.

The western prairie fringed orchid has not been found in South Dakota since the early 1900s. The project area includes right-of-ways, tilled agricultural fields, and residential yards, which do not provide suitable habitat. Also, a portion for the project area is pasture land grazed by horses. The pasture does not contain native prairie, which is preferred to the western prairie fringed orchid. Therefore, it has been determined that the proposed project would have "No Effect" on the western prairie fringed orchid.

On November 13, 2012, URS contacted Charlene Bessken and Natalie Gates in your office to discuss these federally listed species. Based on information provided to them during the telephone conversation, they did not identify any proposed project activities that would adversely affect these three species.

Based on the fact that no habitat for the federally listed threatened or endangered species occurs within the project area and BMPs would be used to limit potential down gradient impacts on the Big Sioux River, SDDOT has determined that the I-29/I-229 interchange upgrade and extension of 85th Street would have a "No Effect" on the pallid sturgeon, the Topeka shiner, and the western prairie fringed orchid. Your timely review of this project would be appreciated. If you need additional information or have questions, please call Sue Volkmer at (402) 952-2547 or Quentin Bliss at (402) 952-2528. The South Dakota Department of Game, Fish, and Parks has also been contacted regarding this project.

Sincerely,

Susan Volkmer
Environmental Scientist

Enclosure
cc: Tom Lehmkuhl, SDDOT
    Jim Kollbaum, URS
October 9, 2013

U.S. Department of Agriculture- Natural Resources Conservation Service
200 4th Street SW
Huron, South Dakota 57350-2475

ATTN: Ms. Deanna Peterson
State Soil Scientist

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project
Sioux Falls, South Dakota

Dear Ms. Peterson:

URS is under contract with the South Dakota Department of Transportation (SDDOT) to prepare an Environmental Assessment (EA) for potential impacts associated with the upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange upgrade, extending 85th Street roadway over or under I-29, and upgrading from Sundowner Avenue to Louise Avenue. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound I-29 northbound I-229 loop ramp. Three 85th Street extension alternatives are being evaluated as a part of the project:

• The extension of 85th Street under I-29 by elevating the I-29 mainline over and constructing 85th Street on-grade under the I-29 on the section line (Site A on Form 1006).

• The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 on the section line (Site B on Form 1006).

• The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 along a route south of the section line (Site C on Form 1006).

The project area included in the I-29/I-229 interchange upgrade are mowed right of ways. The project area along 85th Street is primarily used for agriculture and residential housing. Single family residential housing is located on the north side of 85th Street west and east of I-29. The land south of 85th Street and west of I-29 is actively used as farmland. On the east side of I-29, a pasture area separates the end of 85th street from I-29. The pasture stretches north and south from the 85th Street section line. The area between Tallgrass Avenue and Louise Avenue includes a developed residential area and filled farmland.

The project would involve the acquisition of agricultural property and conversion of acquired land to non-agricultural uses (i.e. road right-of-ways). Approximately 9.9 acres of agricultural property would be required for extending 85th Street under I-29 in the first
alternative (Site A). The second alternative, extending 85th Street over I-29 on the section line (Site B), would require 7.4 acres of agricultural property. The third alternative, extending 85th over I-29 south of the section line (Site C) would require 11.4 acres of agricultural property. Enclosed are the Form AD 1006 and the appropriate figures per alternative.

Your timely review of this project would be appreciated. If you need additional information or have questions, please call Sue Volkmer at (402) 952-2547 or Quentin Bliss at (402) 952-2528.

Sincerely,

[Signature]

Susan Volkmer
Environmental Scientist

Enclosure
cc: Tom Lehmkuhl
    Jim Kollbaum, URS
FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)

Name Of Project: 85th St. Extension & I-29/I-229 Upgrade

Federal Agency Involved: SDDOT and FHWA

County And State: Lincoln County, South Dakota

PART II (To be completed by NRCS)

Does the site contain prime, unique, statewide or local important farmland? (If no, the FPFA does not apply – do not complete additional parts of this form).

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
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</table>

Acres Irrigated

Amount Of Farmland As Defined in FPFA

Major Crop(s)

Farmable Land in Govt. Jurisdiction

% Acres:

%

Name Of Land Evaluation System Used

Name Of Local Site Assessment System

Date Land Evaluation Returned By NRCS

PART III (To be completed by Federal Agency)

Alternative Site Rating

<table>
<thead>
<tr>
<th>Site A</th>
<th>Site B</th>
<th>Site C</th>
<th>Site D</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.9</td>
<td>7.4</td>
<td>11.4</td>
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</table>

PART IV (To be completed by NRCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland
B. Total Acres Statewide And Local Important Farmland
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value

PART V (To be completed by NRCS) Land Evaluation Criterion

Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)

<table>
<thead>
<tr>
<th></th>
<th>Site A</th>
<th>Site B</th>
<th>Site C</th>
<th>Site D</th>
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<td>0</td>
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PART VI (To be completed by Federal Agency)

Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))

<table>
<thead>
<tr>
<th>Maximum Points</th>
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<tbody>
<tr>
<td>1. Area In Nonurban Use</td>
</tr>
<tr>
<td>2. Perimeter In Nonurban Use</td>
</tr>
<tr>
<td>3. Percent Of Site Being Farmed</td>
</tr>
<tr>
<td>4. Protection Provided By State And Local Government</td>
</tr>
<tr>
<td>5. Distance From Urban Bulitup Area</td>
</tr>
<tr>
<td>6. Distance To Urban Support Services</td>
</tr>
<tr>
<td>7. Size Of Present Farm Unit Compared To Average</td>
</tr>
<tr>
<td>8. Creation Of Nonfarmable Farmland</td>
</tr>
<tr>
<td>9. Availability Of Farm Support Services</td>
</tr>
<tr>
<td>10. On-Farm Investments</td>
</tr>
<tr>
<td>11. Effects Of Conversion On Farm Support Services</td>
</tr>
<tr>
<td>12. Compatibility With Existing Agricultural Use</td>
</tr>
</tbody>
</table>

TOTAL SITE ASSESSMENT POINTS

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>160</td>
</tr>
</tbody>
</table>

PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)

Total Site Assessment (From Part VI above or a local site assessment)

TOTAL POINTS (Total of above 2 lines)

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>260</td>
</tr>
</tbody>
</table>

Site Selected:

Date Of Selection:

Was A Local Site Assessment Used?

Yes □ No □

Reason For Selection:

(See Instructions on reverse side)
October 9, 2013

South Dakota Department of Game, Fish, and Parks
523 East Capitol Avenue
Pierre, South Dakota 57501

ATTN: Ms. Leslie Murphy

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project
Sioux Falls, South Dakota

Dear Ms. Murphy:

URS is under contract with the South Dakota Department of Transportation (SDDOT) to prepare an Environmental Assessment (EA) for potential impacts associated with the upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange upgrade, extending 85th Street roadway over or under I-29, and upgrading from Sundowner Avenue to Louise Avenue. The project area is shown in the attached Figure 1. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound I-29 northbound I-229 loop ramp. Three 85th Street extension alternatives are being evaluated as a part of the project:

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According to information available from the South Dakota Department of Game, Fish, & Parks (SDDGFP), in addition to federally listed species four state listed species have the potential to occur in Lincoln and Minnehaha Counties, South Dakota. These species and their designated status are:

URS Corporation
12120 Shamrock Plaza
Suite 300
Omaha, NE 68164
Tel: 402.334.8181
Fax: 402.334.1984
www.urscorp.com
• Peregrine falcon (*Falco peregrinus*)  
  Endangered
• Lined snake (*Tropidoclonion lineatum*)  
  Endangered
• Bald eagle (*Haliaeetus leucocephalus*)  
  Threatened
• River otter (*Lontra canadensis*)  
  Threatened

Habitat requirements and utilization and site specific information is provided in the following subsections for the four state listed species that have the potential to occur in Lincoln and Minnehaha Counties.

**Peregrine Falcon**
The peregrine falcon is a state listed endangered species and has been recorded in Minnehaha County only during the breeding season. It has not been recorded in Lincoln County. This species typically nest on ledges or vertical cliffs, often with a sheltering overhang. Ideal locations include undisturbed areas with a wide view, near water, and close to plentiful prey. Substitute man-made sites can include tall buildings, bridges, rock quarries and raised platforms. The project area does not contain nesting habitat required by the peregrine falcon. Therefore, it has been determined that the proposed project would not impact the peregrine falcon.

**Lined Snake**
The lined snake is primarily nocturnal and prefers hillsides and woodland areas. The snake is active from April to October/November, especially after a rain. The lined snake primarily feeds on earthworms. The lined snake has been documented in Minnehaha and Lincoln Counties, primarily along the Big Sioux River, from Palisades State Park south to Union County. The project area is approximately 1.5 miles from the Big Sioux River. The project area does not contain habitat utilized by the lined snake. Therefore, it has been determined that the proposed project would not impact the lined snake.

**Bald Eagle**
The bald eagle is a state listed threatened species. The bald eagle is primarily a species of riparian and lacustrine habitats (forested areas along rivers and lakes), especially during the breeding season. Important year-round habitat includes wetlands, major water bodies, spring spawning streams, ungulate winter ranges and open water areas. Wintering habitat may include upland sites. Nesting sites are generally built in mature trees in forested areas near bodies of water. The project area does not contain habitat utilized by the bald eagle. Therefore, it has been determined that the proposed project would not impact the bald eagle.

**River Otter**
The river otter is a state listed threatened species. The river otter is found in rivers, lakes, and unpollluted waters in wooded areas. Key habitat components are riparian vegetation, temporary den and resting sites and adequate food. It will occupy dens built by other animals, log jams, and unused manmade structures. The project area is primarily located in pasture, farmland, and residential areas and does not contain habitat utilized by the river otter. Best Management Practices (BMPs) would be used to control soil erosion and to control the movement of sediment off-site;
therefore, the water quality in the Big Sioux River would not be adversely affected by the proposed project. Therefore, the proposed project would not impact on the occasional river otter that may occur in the Big Sioux River.

On November 8, 2012, URS contacted Steve Vanderbeek from the SDDGFP office to discuss the state listed species. Based on information provided to him during the telephone conversation, he did not identify any proposed project activities that would adversely affect these four species.

Based on the fact that no habitat for the state listed threatened or endangered species occurs within the project area and BMPs would be used to limit potential down gradient impacts on the Big Sioux River, SDDOT has determined that the I-29/I-229 interchange upgrade and extension of 85th Street would have no impact on listed species. Your timely review of this project would be appreciated. If you need additional information or have questions, please call Sue Volkmer at (402) 952-2547 or Quentin Bliss at (402) 952-2528. The USFWS Ecological Service Field Office and USACE Regulatory Office in Pierre and have also been contacted regarding this project.

Sincerely,

Susan Volkmer  
Environmental Scientist

Enclosures  
cc: Tom Lehmkuhl, SDDOT  
Jim Kollbaum, URS
October 9, 2013

South Dakota Department of Game, Fish, and Parks
523 East Capitol Avenue
Pierre, South Dakota 57501

ATTN: Mr. Randy Kittle

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project
Sioux Falls, South Dakota

Dear Mr. Kittle:

URS is under contract with the South Dakota Department of Transportation (SDDOT) to prepare an Environmental Assessment (EA) for potential impacts associated with the upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange upgrade, extending 85th Street roadway over or under I-29, and upgrading from Sundowner Avenue to Louise Avenue. The project area is shown in the attached Figure 1. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound I-29 northbound I-229 loop ramp. Three 85th Street extension alternatives are being evaluated as a part of the project:

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As part of the National Environmental Protection Act review for roadway projects, the Federal Highway Administration and the SDDOT require the evaluation of Land and Water Conservation Act properties [Section 6(f)] for any potential impacts related to the proposed project. Please provide information regarding any Section 6(f) properties in the
vicinity of the proposed project area so any potential impacts and mitigation can be included in the EA.

Your timely review of this project would be appreciated. If you need additional information or have questions, please call Sue Volkmer at (402) 952-2547 or Quentin Bliss at (402) 952-2528.

Sincerely,

Susan Volkmer
Environmental Scientist

Enclosures
cc: Tom Lehmkuhl, SDDOT
    Jim Kollbaum, URS
October 9, 2013

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

ATTN: Mr. John Miller
Environmental Program Specialist

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project
Sioux Falls, South Dakota

Dear Mr. Miller:

URS is under contract with the South Dakota Department of Transportation (SDDOT) to prepare an Environmental Assessment (EA) for potential impacts associated with the upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange upgrade, extending 85th Street roadway over or under I-29, and upgrading from Sundowner Avenue to Louise Avenue. The project area is shown in the attached Figure 1. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound I-29 northbound I-229 loop ramp. Three 85th Street extension alternatives are being evaluated as a part of the project:

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URS has completed a preliminary review of the resources in and near the proposed project area. These resources and the preliminary impacts are discussed below.
Air Quality. Currently, the city of Sioux Falls, Lincoln County, and Minnehaha County are considered attainment areas for all of the regulated air pollutants, meaning entities are in compliance with all of the NAAQS. During construction, the build alternatives would have temporary, minor impacts on air quality relating to increased dust levels and vehicle exhaust. Any adverse impacts would be short-term and localized, and no permit would be required. However, if dust were to become a problem, the contractor would be required to implement dust control procedures (i.e., water down the work area). Even with higher traffic volumes in the future, no long-term significant impacts are anticipated with any of the build alternatives and no air quality standards would be violated.

Surface Water Quality. No streams or rivers are located within the project area. However, portions of the Big Sioux River and Skunk Creek are located approximately 1.5 miles east-northeast of the project area. Various pollutants are commonly encountered in roadway runoff generated during storm events. These include eroded soil, nutrients, metals, and petroleum compounds. All three build alternatives would disturb more than 1 acre of land; therefore, regardless of the alternative selected, the contractor would be required to obtain a NPDES Permit Surface Water Discharge Permit under the South Dakota SWD program. The permit application would require the identification of appropriate BMPs to control soil erosion. This is normally achieved through the development of an Erosion Control Plan that outlines the BMPs to be installed, staging, temporary storage of excess material, inspection, and maintenance schedule of BMPs, and temporary seeding measures. The reach of the Big Sioux River east-northeast of the project area is presently impaired by elevated levels of fecal coliform bacteria and TSS. Therefore, BMPs would be required to assure that TSS levels in the river are not elevated by project related activities.

Hazardous Wastes. An Environmental Data Resources, Inc. (EDR) database search was completed on October 26, 2012, for the limits of 85th Street from Sundowner Avenue through Louise Avenue. Due to the size of the site, EDR standard search distances were extended by one half mile to ensure all sites were identified within their respective recommended search radius. The EDR database report was reviewed to identify known/recorded active and retired environmental action sites within the project’s construction corridor (one quarter mile on either side of the project). No hazardous waste issues were identified based on the EDR database report. It is not anticipated that any hazardous waste sites would be encountered as part of this project; however, if any hazardous waste were to be encountered during construction activities, the SDDOT would contact the department for instructions.
Your timely review of this project would be appreciated. If you need additional information or have questions, please call Sue Volkmer at (402) 952-2547 or Quentin Bliss at (402) 952-2528. The South Dakota Department of Game, Fish, and Parks, U.S. Fish and Wildlife Service, the State Historical Preservation Office and the USACE have also been contacted regarding this project.

Sincerely,

Susan Volkmer
Environmental Scientist

Enclosure
cc: Tom Lehmkuhl, SDDOT
    Jim Kollbaum, URS
Reference Number: 16042013 - SD DOT
Project Number: I-29 Corridor, SF, SD.
Date: October 10th, 2013

We have no interest in this area geographically.

We have no comment on the proposed undertaking.

X No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the appropriate persons (State & Tribal NAGPRA representatives).

We have an object or require additional project information. Please send the following to Cultural Preservation Office, ATT: Carol Robertson Cultural Preservation Support Staff & Amber Allen Cultural Preservation Support Staff, FSST, P.O. Box 283, Flandreau, SD, 57028.

Signature: Carol Robertson
Cultural Preservation Office
RECORD OF CONVERSATION

DATE: October 10, 2013           TIME: 4:30 pm   JOB NO.: 16170615.00200
RECORDED BY:                      OWNER/CLIENT: SDDOT
message from: Randy Kittle       OF SDDGEF
TALKED WITH:                      PHONE: # 405-773-5490
NATURE OF CALL: INCOMING X OUTGOING VISIT MEETING PHONE
ROUTE TO: INFORMATION ACTION

MAIN SUBJECT: l(f) Properties in 85th Street Project Area

ITEMS DISCUSSED: Randy Kittle called me and left a message stating there are no Section l(f) properties in the 85th Street and I-29/I-229 Interchange project area.

SMV
October 9, 2013

U.S. Fish and Wildlife Service
Ecological Service Field Office
420 S. Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408

ATTN: Mr. Scott Larson

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project
Sioux Falls, South Dakota

Dear Mr. Larson:

URS is under contract with the South Dakota Department of Transportation (SDDOT) to prepare an Environmental Assessment (EA) for potential impacts associated with the upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange upgrade, extending 85th Street roadway over or under I-29, and upgrading from Sundowner Avenue to Louise Avenue. The project area is shown in the attached Figure 1. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound 1-29 northbound I-229 loop ramp. Three 85th Street extension alternatives are being evaluated as a part of the project:

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- The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 on the section line.
- The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 along a route south of the section line.

The project area included in the I-29/I-229 interchange upgrade are mowed right of ways. The project area along 85th Street is primarily used for agriculture and residential housing. Single family residential housing is located on the north side of 85th Street west and east of I-29. The land south of 85th Street and west of I-29 is actively used as farmland. On the east side of I-29, a pasture area separates the end of 85th street from I-29. The pasture stretches north and south from the 85th Street section line. The area between Tallgrass Avenue and Louise Avenue includes a developed residential area and tilled farmland.

Based on the U.S. Fish and Wildlife Service (USFWS) IPaC website, three threatened or endangered species were identified as having the potential to occur in Lincoln and/or Minnehaha Counties, South Dakota. These species and their designated status are:

- Pallid sturgeon (Scaphirhynchus albus) Endangered
- Topeka shiner (Notropis topeka) Endangered
Western prairie fringed orchid (Platanthera praeclara) Threatened
Habitat requirements and utilization and site specific information is provided in the following subsections for the three federally listed species that have the potential to occur in Lincoln and Minnehaha Counties.

Pallid Sturgeon
Pallid sturgeons live close to the bottom of large, silty rivers with a natural hydrograph. Their preferred habitat has a diversity of depths and velocities formed by braided channels, sand bars, sand flats and gravel bars. Pallid sturgeons are scarce in the upper Missouri River above Ft. Peck Reservoir; scarce in the Missouri and lower Yellowstone Rivers between Ft. Peck Dam and Lake Sakakawea; very scarce in the other Missouri River reservoir reaches; scarce in the Missouri River downstream of Gavins Point Dam; scarce but slightly more common in the Mississippi and Atchafalaya Rivers; absent from other tributaries. Construction activities associated with I-29/I-229 interchange upgrades and 85th Street extension area would not directly affect any habitat important to the pallid sturgeon. Therefore, it has been determined that the proposed project would have “No Effect” on the pallid sturgeon.

Topeka Shiner
Topeka shiners often occur in pool and run areas of streams and are seldom found in riffle areas. Recent surveys in Iowa have also documented their use of cut-off channels and oxbows. Generally, the streams they occur in are small to mid-sized prairie streams with relatively high water quality; cool to moderate temperatures; and permanent flows. Topeka shiners can tolerate limited intermittent flows during summer and prolong drought periods. The Topeka shiner is known to occur in Slip-Up Creek (tributary to Big Sioux River north of Sioux Falls and approximately 12 miles northeast of the project area) and is occasionally found in the Big Sioux River near Sioux Falls. No construction related activities would occur in the Slip-Up Creek drainage; therefore, Topeka shiners present in the creek would not be affected by any of the build alternatives. Also, Best Management Practices (BMPs) would be used to control soil erosion and to control the movement of sediment off-site; therefore, the water quality in the Big Sioux River would not be adversely affected by the proposed project. Therefore, the proposed project would have “No Effect” on the occasional Topeka shiner that may occur in the Big Sioux River.

Western Prairie Fringed Orchid
The western prairie fringed orchid, federally listed as threatened, inhabits wet tall-grass meadows with calcareous silt loam soil, wet-mesic tall-grass prairies, and sub-irrigated sand prairies and depends on hawkmoths for pollination. Declines in the western prairie fringed orchid populations have been caused by the drainage and conversion of its habitats (native prairies) to agricultural production, channelization, siltation, road and bridge construction, grazing, haying, and the application of herbicides.

The fragmented prairie landscape created by man poses the greatest obstacle for these orchids. The expanses of cropland act as a barrier for free movement of hawkmoths between different orchid populations, reducing genetic diversity of isolated stands. Pesticide drift from nearby cropland also poses a threat to non-targeted insects such as the
hawkmoth. In some areas, hawkmoth numbers are so depleted that only a very small percentage of flowers are pollinated and produce seed. This species’ native prairie habitat is being increasingly lost to agriculture, as well as to developments for housing and commercial use. The inappropriate management of native prairie can also have devastating effects on the western prairie fringed orchid, damaging the plants or altering the ecology of the habitat such that it no longer favors orchids. Annual mowing of hay presents a further problem to the western prairie fringed orchid, as this removes its seed capsules before they are ripe, leading to reproductive failure. In addition, livestock which are allowed to graze in suitable habitat often trample and kill many orchids.

The western prairie fringed orchid has not been found in South Dakota since the early 1900s. The project area includes right-of-ways, tilled agricultural fields, and residential yards, which do not provide suitable habitat. Also, a portion for the project area is pasture land grazed by horses. The pasture does not contain native prairie, which is preferred to the western prairie fringed orchid. Therefore, it has been determined that the proposed project would have “No Effect” on the western prairie fringed orchid.

On November 13, 2012, URS contacted Charlene Bessken and Natalie Gates in your office to discuss these federally listed species. Based on information provided to them during the telephone conversation, they did not identify any proposed project activities that would adversely affect these three species.

Based on the fact that no habitat for the federally listed threatened or endangered species occurs within the project area and BMPs would be used to limit potential down gradient impacts on the Big Sioux River, SDDOT has determined that the I-29/I-229 interchange upgrade and extension of 85th Street would have a “No Effect” on the pallid sturgeon, the Topeka shiner, and the western prairie fringed orchid. Your timely review of this project would be appreciated. If you need additional information or have questions, please call Sue Volkmer at (402) 952-2547 or Quentin Bliss at (402) 952-2528. The South Dakota Department of Game, Fish, and Parks has also been contacted regarding this project.

Sincerely,

Susan Volkmer
Environmental Scientist

Enclosure
cc: Tom Lehmkuhl, SDDOT
   Jim Kollbaum, URS
October 30, 2013

U.S. Army Corps of Engineers
South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

ATTN: Mr. Steven Naylor
Regulatory Program Manager

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project
Sioux Falls, South Dakota

Dear Mr. Naylor:

URS is under contract with the South Dakota Department of Transportation (SDDOT) to prepare an Environmental Assessment (EA) for potential impacts associated with the upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange upgrade, extending 85th Street roadway over or under I-29, and upgrading 85th Street from Sundowner Avenue to Louise Avenue. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound I-29 northbound I-229 loop ramp.

The project area included in the I-29/I-229 interchange upgrade are mowed right of ways. The project area along 85th Street is primarily used for agriculture and residential housing. Single family residential housing is located on the north side of 85th Street west and east of I-29. The land south of 85th Street and west of I-29 is actively used as farmland. On the east side of I-29, a pasture area separates the end of 85th street from I-29. The pasture stretches north and south from the 85th Street section line. The area between Tallgrass Avenue and Louise Avenue includes a developed residential area and tilled farmland.

This is a request for Jurisdictional Determination and Wetland Delineation for I-29/I-229 Interchange Upgrade and 85th Street Extension Project described above. The Preliminary Waters of the U.S. Assessment completed by URS is attached. Your timely review of this project would be appreciated. If you need additional information or have questions regarding the Preliminary Wetland Assessment, please call Kevin Slates at (913) 344-1005 or kevin.slates@urs.com. For questions regarding the project in general, please call Sue Volkmer at (402) 952-2547 or susan.volkmer@urs.com.
Sincerely,

Susan Volkmer  
Environmental Scientist

Enclosure  
cc: Tom Lehmkuhl, SDDOT  
      Jim Kollbaum, URS
October 30, 2013

Susan Volkmer
Environmental Scientist
URS
12120 Shamrock Plaza, Suite 100
Omaha, NE 68154

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project, Sioux Falls, SD

Dear Ms. Volkmer:

Thank you for the opportunity to provide comments on the above project. Site A is located on the road of way; therefore it will have no effect on prime or important farmland. Both Sites B and C are located on prime and important farmland. Enclosed is a Farmland Conversion Impact Rating Form (AD-1006) for this project. We have completed Parts II through V. Please complete parts VI and VII. If the TOTAL POINTS in part VII is less than 160 points, the proposed activity will have no significant impact on the prime or land of statewide importance in Lincoln County, and no further alternatives need be considered.

The Natural Resources Conservation Service (NRCS) would advise the applicant to consult with the local NRCS and Farm Service Agency (FSA) offices regarding any USDA easements or contract in the project area that may be affected.

If you have any questions, please contact Barb Hall, GIS Specialist, at (605)352-1256.

Sincerely,

DEANNA M. PETERSON
State Soil Scientist
U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)

Name Of Project: 85th St. Extention & I-29/I-229 Upgrade
Federal Agency Involved: SDDOT and FHWA
Proposed Land Use: Road Right-of-Way
County And State: Lincoln County, South Dakota

PART II (To be completed by NRCS)

Date Request Received By NRCS: 10-30-13

Does the site contain prime, unique, statewide or local important farmland? [X] Yes  [ ] No

Major Crop(s): Cropland
Farmable Land In Govt. Jurisdiction
Acres: 327,335 % 88.5

Amount Of Farmland As Defined in FPPA
Acres: 328,659 % 88

Name Of Land Evaluation System Used: Cropland Productivity
Name Of Local Site Assessment System: 

PART III (To be completed by Federal Agency)

Alternative Site Rating

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PART IV (To be completed by NRCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland
B. Total Acres Statewide And Local Important Farmland
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value

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PART V (To be completed by NRCS) Land Evaluation Criterion

Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)

| 0 | 7.4 | 11.4 | 0 |

PART VI (To be completed by Federal Agency)

Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))

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PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)

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Total Site Assessment (From Part VI above or a local site assessment)

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TOTAL SITE ASSESSMENT POINTS

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TOTAL POINTS (Total of above 2 lines)

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Site Selected: Date Of Selection: Was A Local Site Assessment Used? [ ] Yes [X] No

Reason For Selection:

(See Instructions on reverse side)
November 7, 2013

Susan Volkmer  
URS  
12120 Shamrock Plaza, Suite 300  
Omaha, NE 69154  

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension  
Lincoln County  

Dear Ms. Volkmer:  

The South Dakota Department of Environment and Natural Resources (DENR), Division of Environmental Regulation, has reviewed the above referenced project.  

This office has no objections to the project, which should not result in any violations of applicable statutes or regulations provided the Department of Transportation and/or its contractor(s) comply with the following requirements.  

SURFACE WATER QUALITY  

1. All fill material shall be free of substances in quantities, concentrations, or combinations which are toxic to aquatic life.  

2. Removal of vegetation shall be confined to those areas absolutely necessary to construction.  

3. At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site. Any construction activity that disturbs an area of one or more acres of land must have authorization under the General Permit for Storm Water Discharges Associated with Construction Activities. Contact the Department of Environment and Natural Resources for additional information or guidance at 1-800-SDSTORM (737-8676) or http://denr.sd.gov/des/sw/stormwater.aspx.  

4. All material identified in the application as removed waste material, material stockpiles, dredged or excavated material shall be placed for either temporary or permanent disposal in an upland site that is not a wetland, and measures taken to ensure that the material cannot enter a watercourse through erosion or any other means.
5. Methods shall be implemented to minimize the spillage of petroleum, oils and lubricants used in vehicles during construction activities. If a discharge does occur, suitable containment procedures such as banking or diking shall be used to prevent entry of these materials into a waterway.

HAZARDOUS WASTES

1. Should any hazardous waste be generated during the implementation of this project, the generator must abide by all applicable hazardous waste regulations found in ARSD 74:28 and 40 CFR Part 262.

2. If any contamination is encountered during construction activities, the contractor, owner, or party responsible for the release must report the contamination to the department at (605) 773-3296. Any contaminated soil encountered must be temporarily stockpiled and sampled to determine disposal requirements.

3. It is not expected that any hazardous wastes sites will be encountered during road construction in any rural area. However, if road construction is planned for areas within a city or town, the DOT or contractor should contact this Department prior to construction.

AIR QUALITY

1. It appears that Department of Transportation projects may have only a minor impact on the air quality in South Dakota. This impact would be through point source and fugitive emissions.

2. Equipment with point source emissions in many cases are required to have an air quality permit to operate. Permit applications can be obtained from the Air Quality or Minerals and Mining Programs.

3. Fugitive emissions, although not covered under State air quality regulations, are a common source of public concern and may be subject to local or county ordinances. Fugitive emissions add to the deterioration of the ambient air quality and should be controlled to protect the health of communities within the construction areas.

4. For further air quality information, please contact Brad Schultz, Air Quality Program, telephone number (605) 773-3151.

This office requests the opportunity to review and comment on any significant changes that may be proposed before the project is completed. Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact this office.

Sincerely,

[Signature]

John Miller
Environmental Scientist
Surface Water Quality Program
Phone: (605) 773-3351
Morning Susan.

I reviewed the information sent via email regarding the Sioux Falls road project which involves upgrades on I29, I229, extension of 85th Street, and upgrades from Sundowner Avenue to Louise Avenue.

At this time, the project will have no impacts on fish and wildlife resources. If the project design changes, please submit the changes for further review. If you need anything else, please contact me.

Leslie Murphy, Senior Biologist
South Dakota Department of Game, Fish and Parks
Wildlife Division
605.773.6208
January 7, 2014

South Dakota Regulatory Office  
28563 Powerhouse Road, Room 118  
Pierre, South Dakota 57501

South Dakota Department of Transportation  
Attn: Tom Lehmkuhl  
700 East Broadway Ave.  
Pierre, SD 57501

Dear Mr. Lehmkuhl:

Reference is made to the information received on Oct 31, 2013, concerning Section 404 of the Clean Water Act (CWA) permit requirements. We have reviewed your request for a determination of Section 404 CWA jurisdiction. The project site is located in Section 7/18/19/20, Township 100 North, Range 50 West, Minnehaha County, South Dakota.

Based on the information provided, we have determined that there are waters of the United States (i.e. jurisdictional waters) located within the area you identified for a jurisdictional determination (JD). Therefore, the proposed activity within this project area is subject to Department of the Army regulatory authorities and a permit pursuant to Section 404 of the Clean Water Act is required from the Corps of Engineers. Wetlands identified in the submitted wetland delineation as PEM-36, PEM-38, PEM-41, and PEM-42 are jurisdictional waters regulated by the Corps. Twenty-seven other waters reviewed in this jurisdictional determination were found to be isolated waters that are not regulated by the Corps.

An approved jurisdictional determination has been completed for your project. This JD is valid for 5 years from the date of this letter. The JD is enclosed and also may be viewed at our website. The link to the website is shown below. The JD will be available on the website within 30 days. If you are not in agreement with the JD, you may request an administrative appeal under Corps of Engineers regulations found at 33 C.F.R. 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal form (RFA). Should you decide to submit an RFA form, it must be received by the Corps of Engineers Northwestern Division Office within 60 days from the date of this correspondence (by March 7, 2014). It is not necessary to submit a RFA if you do not object to the JD.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at http://corpsmapu.usace.army.mil/cm_apex/?p=regulatory_survey. If you do not have Internet

access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.


If you have any questions or need any assistance, please feel free to contact this office at the above Regulatory Office address or telephone Nathan Morey at (605) 224-8531 and reference action ID NWO-2013-2226-PIE.

Sincerely,

"SG"  

Steven E. Naylor  
Regulatory Program Manager,  
South Dakota  

CF: Susan Volkmer - URS Corporation
DATE: Aug 11, 2014  TIME: 11:00 AM  JOB NO.: 16170415-01000
RECORDED BY:  OWNER/CLIENT: SDDOT
TALKED WITH: Jeff Hemmenway OF NRCS  605.352.1200
NATURE OF CALL: INCOMING □ OUTGOING □ VISIT □ MEETING □ PHONE: #
ROUTE TO: INFORMATION ACTION

MAIN SUBJECT: Farmland Impacts for 85th Street I-29

ITEMS DISCUSSED: I called the NRCS to discuss the previous assessment of farm land impacts for the project. The previous state soil scientist and GIS specialists are no longer with the NRCS. I spoke to the acting state soil scientist - Jeff Hemmenway. I explained that the acreages associated with the project had changed some and that one alternative was determined to have no impact when intact some farm land would be taken from the edge of fields. Jeff requested I send the old correspondence and a new Form 1006 so the assessment could be re-evaluated. I stated that I would send the information as requested via email. Jeff was agreeable to the use of email.
Utility Coordination Meeting
Project: IM 0293(98)73 & IM 2292(90)0
PCN 01QS & 020Q
I-29 / I229
May 28, 2014

Introductions

Attendance: See attendance roster

Discussion Points Follows:

Additional Survey Requested:
- As listed in the notes below and below each Company comments. For SDDOT staff, Company maps can be found at U:rd/prj/Linc01QS/Utilities, for those outside the Department, the Company maps will be temporarily available on our short term server at ftp.state.sd.us\dot\utilities\prj\Linc01QS
  Username: dotutilities (all lowercase)
  Password: Utility99 (upper and lower case as shown)
- Water Valve at approximate station of Ramp B 24+00-95'R, including approximately 65' shown running towards Ramp B. Valve location in relationship to I29 stationing is 110+45-205'R. The assumption is there is more water line that needs surveyed. Survey Update Requested
- Underground power along east side of I29 from approximate station 27+00 to 49+50 has the incorrect symbology. Survey Update Requested.
- Surface appurtenances vs. underground facilities (meter pits, valves, power poles, etc. vs buried water, fiber, sewer, etc) – These appear to have different scale factors. Is this on purpose? If not, Survey Update Requested.

City of Sioux Falls
- The City plans to build 85th Street, crossing I29 in conjunction with this highway project. No plans are currently available.
- Plans to install a new water line crossing I29 near Lewis and Clark Regional Water line along the south side of 85th Street.
- Plans to install a new sanitary sewer crossing I29 in the vicinity of the swale between approximate stations 70+00 & 75+00
- Waterline crossing I29 at approximate station 158+30 should be extended. Survey update Requested.
- All Sanitary sewer appears to be shown in the incorrect color. Survey Update Requested
- Two Sanitary Sewer Manholes along I29 at approximate stations 130+55-160'L and 130+75-170'L have no pipes connected to them? Sanitary sewer abruptly stops at 130+80-150'R? Survey Update requested

Southeastern Electric
- A major underground duct crosses I29 at approximate station 75+95.
- Provides power to highway lighting.
- I29 is the boundary between Southeastern Electric and Xcel Energy. If the meter pits are placed on the west side I29 Southeastern Electric would provide power for the street lighting.
Northern Natural Gas – Mike Gary could not attend but discussed his facility over the phone.

- 16 inch Natural Gas pipeline crossing I29 at approximate station 124+05, not shown on the plans. Survey Requested
- Same pipeline turns and crosses I29 Ramp C at approximate station 63+58, Ramp G at approximate station 43+34 and Ramp B at approximate station 35+50
- Company will determine whether or not encasements need to be extended.

MidAmerican Energy
- A 4 inch steel Natural Gas pipeline crosses I29 south of 57th Street at approximate station 155+40. This line is not shown on the plans. Survey Requested

Midcontinent Communications
- Has buried fiber crossing I29 north side of 57th St at approximate station 158+90. Plans to protect in place

WOW
- Has buried fiber crossing I29 at approximate station 158+90.
- Has buried fiber along the west side of I29 from beginning of project to approximate station 149+30 then crosses I29 then continues north along the east side of I29 beyond the end of this project
- Fiber along west side from station 121+30 to 149+30 not shown. Survey Requested

SDN Communications
- Buried fiber optic cable along the east side of I29 the entire project.
- The Buried Fiber line follows along the east side of Ramp B to the new structure at Tallgrass Solberg then crosses I29 along the west side of the Structure. Not shown on plans from Ramp B station 26+20 and east. Survey Requested
- Also have a buried fiber crossing I29 on the east side of the Tallgrass/Solberg structure. Not shown on plans. Survey Requested

Century Link – Was invited but could not attend. Discussed via phone.
- Has 10-4" ducts crossing I29 along the north side of 57th St. Only partially shown and should be extended to at least the ROW line. Survey update Requested.
- Has a direct buried toll fiber in private easement along the west side of I29 from the Tea Exit to 69th St. The south end of this line has the incorrect survey symbology from the beginning of the I29 project to approximate station 43+50. Survey correction requested.

Lewis and Clark Regional Water
- Have a 36 inch waterline crossing I29 south of 85th St near approximate station 61+30. Will need to verify encasement extends far enough to be beyond the toe of the new inslope
- May be impacted by City’s 85th construction project to be let in conjunction with this highway project

Lincoln County Rural Water – Was invited but could not attend. Discussed project via phone.
- Has a waterline crossing I29 along the north side of 85th Street.
- May be impacted by City’s 85th construction project to be let in conjunction with this highway project

Xcel Energy – Was invited but did not attend.

Windstream Communications – Was invited but did not attend
## Attendance Roster

**Project No:** IM0293(96)73 & IM2292(90)D  
**Project Location:** Sioux Falls, SD  
**County:** Lincoln & Minnehaha  
**Date:** 5-28-2014  
**PCN:** 01QS & 020Q  
**Time:** 2:00pm

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<td>280-5803</td>
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<tr>
<td>Travis Dresen</td>
<td>SDDOT - GE Engr.</td>
<td>317-5110</td>
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<td><a href="mailto:travis.dresen@state.sd.us">travis.dresen@state.sd.us</a></td>
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<td>Greg Aalberg</td>
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<td>735-2934</td>
<td>757-2164</td>
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<td>402-203-9723</td>
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<td>WOW</td>
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<td><a href="mailto:saumen@sumkfalls.org">saumen@sumkfalls.org</a></td>
</tr>
<tr>
<td>Brooke White</td>
<td>SDDOT</td>
<td>367-5680</td>
<td>201-1013</td>
<td>brooke.white@state sd.us</td>
</tr>
<tr>
<td>Lawrence Bodini</td>
<td>SDN Communications</td>
<td>978-1061</td>
<td>759-3552</td>
<td><a href="mailto:lbodini@sumkfalls.com">lbodini@sumkfalls.com</a></td>
</tr>
<tr>
<td>Tedd Griffin</td>
<td>Lewis &amp; Clark Regional U</td>
<td>605-691-8235</td>
<td>810-3805</td>
<td><a href="mailto:tgriffin@lcrus.org">tgriffin@lcrus.org</a></td>
</tr>
<tr>
<td>Mark Hoffman</td>
<td>East River Electric</td>
<td>605-252-8008</td>
<td>605-707-2602</td>
<td><a href="mailto:mhoffman@eastriver.com">mhoffman@eastriver.com</a></td>
</tr>
<tr>
<td>Doug Bartling</td>
<td>Southeastern Elec.</td>
<td>605-994-1761</td>
<td>940-0873</td>
<td><a href="mailto:doug@seouthetanan.com">doug@seouthetanan.com</a></td>
</tr>
<tr>
<td>Tim Chance</td>
<td>Southeastern Elec.</td>
<td>605-934-1961</td>
<td>340-6968</td>
<td><a href="mailto:tchance@seouthetanan.com">tchance@seouthetanan.com</a></td>
</tr>
</tbody>
</table>
Department of Transportation  
Office of Project Development  
Environmental Office  
700 E Broadway Avenue  
Pierre, South Dakota 57501-2586  
605/773-3268  Fax: 605/773-6608

08/05/2014

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

RE:  Project IM 0293(96)73, PCN 01WS, Lincoln & Minnehaha Counties  
I29 - Fm N of Exit 73 (Tea) to 57th Street & I229  
Grading, Structures PCC Surfacing, Lighting & Utilities

Project IM 2292(90)0, PCN 020Q, Lincoln County  
I229 - Fm I29 to W of the Louise Intch  
Grading, Structures PCC Surfacing, Lighting & Utilities

Project P 1360(01), PCN 03YF, Lincoln County  
W 85th St. (270th St.) from Sundowner Ave., E 1 mi. to Tallgrass Ave. in Sioux Falls  
Grading, Structures, Gravel Surfacing, ROW

Dear Ms. Rubingh:

The SDDOT proposes the above projects which involve the reconstruction of the I-29/I-229 System Interchange and upgrading of the 85th Street across I-29.

On behalf of SDDOT, URS Corporation completed an intensive cultural resources survey to these project's APE. Attached for your review is a cultural resources survey report entitled, I-29 Design Improvements Project: Results of a Class III Cultural Resources Inventory, Lincoln and Minnehaha Counties, South Dakota, prepared by Brian S. Shaw, M.A. and Juston James Fariello, B.A. Gordon C. Tucker Jr., URS Denver Cultural Resources Program Manager and Senior Archaeologist, served as the principle investigator.

The report identifies eight newly recorded built environment sites, re-evaluated three previously recorded historic sites, and found no archaeological resources. All the newly recorded sites and previously recorded sites are recommended as not eligible for listing in the National Register of Historic Places (NRHP). No previously recorded or newly identified cultural resources will be impacted by this project.
The following table lists the sites identified with the Study Area for Project.

### Table 1
**Recorded Built Environments in the Study Area**

<table>
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<tr>
<th>Site</th>
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</tr>
<tr>
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</tr>
<tr>
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<td>Residence at 47036 85th St.</td>
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<tr>
<th>Previously Recorded Sites</th>
</tr>
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<tbody>
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<td>LN01600001</td>
</tr>
<tr>
<td>LN04400001</td>
</tr>
</tbody>
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The report advises that further cultural resources work in the project area is considered unnecessary and that no sites are recommended as eligible for listing in the NRHP. None of the resources is within the direct APE of the project; all are located within the indirect APE. Based on the findings of the report, SDDOT requests SHPO concurrence in a Section 106 determination of *No Historic Properties Affected* for this project.

Sincerely,

Tom Lehmkuhl  
Environmental Engineer  
Office of Project Development  
605.773.3180

Attachment
Hi Mallory,

I spoke with Jeff Hemenway this morning about a project in Sioux Falls to extend 85th Street across I-29 and to do some reconstruction on the I-29/I-229 mainlines and interchange. This project was previously assessed for potential farmland impacts in October of 2013. The number of farmland acres potentially impacted by the project was re-evaluated and the number of acres has changed somewhat from the earlier review by the NRCS. Jeff asked me to send you the original documentation as well as a “revised” Form AD-1006. Please note that the project has not changed. The potential number of acres was recalculated based on more information and better design information.

There are three documents attached to this email. The first one is the original request that I sent to the NRCS on October 9, 2013. This document includes a project description, figures, and the original Form AD-1006. The second document is NRCS review dated October 30, 2013. The final document is the “revised” Form AD-1006. Please used this “revised” form to assess the potential for farmland impacts related to this project.

Thank you and please call me if you have any questions or need more information.

Sue Volkmer
Senior Environmental Scientist
URS-Omaha
12120 Shamrock Plaza
Suite 100
Omaha, NE 68154
Direct: 402.952.2547
October 9, 2013

U.S. Department of Agriculture- Natural Resources Conservation Service
200 4th Street SW
Huron, South Dakota 57350-2475

ATTN: Ms. Deanna Peterson
State Soil Scientist

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project
Sioux Falls, South Dakota

Dear Ms. Peterson:

URS is under contract with the South Dakota Department of Transportation (SDDOT) to prepare an Environmental Assessment (EA) for potential impacts associated with the upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange upgrade, extending 85th Street roadway over or under I-29, and upgrading from Sundowner Avenue to Louise Avenue. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound I-29 northbound I-229 loop ramp. Three 85th Street extension alternatives are being evaluated as a part of the project:

- The extension of 85th Street under I-29 by elevating the I-29 mainline over and constructing 85th Street on-grade under the I-29 on the section line (Site A on Form 1006).
- The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 on the section line (Site B on Form 1006).
- The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 along a route south of the section line (Site C on Form 1006).

The project area included in the I-29/I-229 interchange upgrade are mowed right of ways. The project area along 85th Street is primarily used for agriculture and residential housing. Single family residential housing is located on the north side of 85th Street west and east of I-29. The land south of 85th Street and west of I-29 is actively used as farmland. On the east side of I-29, a pasture area separates the end of 85th street from I-29. The pasture stretches north and south from the 85th Street section line. The area between Tallgrass Avenue and Louise Avenue includes a developed residential area and tilled farmland.

The project would involve the acquisition of agricultural property and conversion of acquired land to non-agricultural uses (i.e. road right-of-ways). Approximately 9.9 acres of agricultural property would be required for extending 85th Street under I-29 in the first
alternative (Site A). The second alternative, extending 85th Street over I-29 on the section line (Site B), would require 7.4 acres of agricultural property. The third alternative, extending 85th over I-29 south of the section line (Site C) would require 11.4 acres of agricultural property. Enclosed are the Form AD 1006 and the appropriate figures per alternative.

Your timely review of this project would be appreciated. If you need additional information or have questions, please call Sue Volkmer at (402) 952-2547 or Quentin Bliss at (402) 952-2528.

Sincerely,

Susan Volkmer
Environmental Scientist

Enclosure
cc: Tom Lehmkuhl
Jim Kollbaum, URS
# U.S. Department of Agriculture
## FARMLAND CONVERSION IMPACT RATING

### PART I (To be completed by Federal Agency)
- **Name Of Project**: 85th St. Extension & I-29/I-229 Upgrade
- **Federal Agency Involved**: SDDOT and FHWA
- **Proposed Land Use**: Road Right-of-Way
- **County And State**: Lincoln County, South Dakota

### PART II (To be completed by NRCS)
- **Date Request Received By NRCS**
- **Does the site contain prime, unique, statewide or local important farmland?**
  - Yes [ ] No [ ]
  - **Acres Irrigated**
  - **Average Farm Size**
- **Major Crop(s)**
- **Farmland In Govt. Jurisdiction Acres**: %
- **Amount Of Farmland As Defined in FPPA Acres**: %
- **Name Of Land Evaluation System Used**
- **Name Of Local Site Assessment System**
- **Date Land Evaluation Returned By NRCS**

### PART III (To be completed by Federal Agency)
- **Site A**
  - **Total Acres To Be Converted Directly**
  - 9.9
  - **Total Acres To Be Converted Indirectly**
  - 0.0
  - **Total Acres In Site**
  - 9.9

### PART IV (To be completed by NRCS) Land Evaluation Information
- **A. Total Acres Prime And Unique Farmland**
- **B. Total Acres Statewide And Local Important Farmland**
- **C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted**
- **D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value**

### PART V (To be completed by NRCS) Land Evaluation Criterion
- **Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)**
  - 0

### PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))
- **Area In Nonurban Use**
- **Perimeter In Nonurban Use**
- **Percent Of Site Being Farmed**
- **Protection Provided By State And Local Government**
- **Distance From Urban Builtup Area**
- **Distance To Urban Support Services**
- **Size Of Present Farm Unit Compared To Average**
- **Creation Of Nonfarmable Farmland**
- **Availability Of Farm Support Services**
- **On-Farm Investments**
- **Effects Of Conversion On Farm Support Services**
- **Compatibility With Existing Agricultural Use**

### TOTAL SITE ASSESSMENT POINTS
- **160**

### PART VII (To be completed by Federal Agency)
- **Relative Value Of Farmland (From Part V)**
- **100**
- **Total Site Assessment (From Part VI above or a local site assessment)**
- **260**

### TOTAL POINTS (Total of above 2 lines)
- **0**

### Date Of Selection
- **Was A Local Site Assessment Used?**
  - Yes [ ] No [ ]

### Reason For Selection:

(See Instructions on reverse side)

Form AD-1006 (10-83)

This form was electronically produced by National Production Services Staff
October 30, 2013

Susan Volkmer  
Environmental Scientist  
URS  
12120 Shamrock Plaza, Suite 100  
Omaha, NE 68154

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project, Sioux Falls, SD

Dear Ms. Volkmer:

Thank you for the opportunity to provide comments on the above project. Site A is located on the road of way; therefore it will have no effect on prime or important farmland. Both Sites B and C are located on prime and important farmland. Enclosed is a Farmland Conversion Impact Rating Form (AD-1006) for this project. We have completed Parts II through V. Please complete parts VI and VII. If the TOTAL POINTS in part VII is less than 160 points, the proposed activity will have no significant impact on the prime or land of statewide importance in Lincoln County, and no further alternatives need be considered.

The Natural Resources Conservation Service (NRCS) would advise the applicant to consult with the local NRCS and Farm Service Agency (FSA) offices regarding any USDA easements or contract in the project area that may be affected.

If you have any questions, please contact Barb Hall, GIS Specialist, at (605)352-1256.

Sincerely,

[Signature]

DEANNA M. PETERSON  
State Soil Scientist

Helping People Help the Land  
An Equal Opportunity Provider and Employer
# U.S. Department of Agriculture

## FARMLAND CONVERSION IMPACT RATING

### PART I (To be completed by Federal Agency)

<table>
<thead>
<tr>
<th>Name Of Project</th>
<th>85th St. Extension &amp; I-29/I-229 Upgrade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Agency Involved</td>
<td>SDDOT and FHWA</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td>Road Right-of-Way</td>
</tr>
<tr>
<td>County And State</td>
<td>Lincoln County, South Dakota</td>
</tr>
</tbody>
</table>

### PART II (To be completed by NRCS)

<table>
<thead>
<tr>
<th>Does the site contain prime, unique, statewide or local important farmland?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If no, the FPPA does not apply -- do not complete additional parts of this form).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Major Crop(s)</th>
<th>Loanable Land in Govt. Jurisdiction Acres:</th>
<th>%</th>
<th>Amount Of Farmland As Defined in FPPA Acres:</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cropland</td>
<td>327,335</td>
<td>88.5</td>
<td>325,657</td>
<td>88</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Name Of Land Evaluation System Used</th>
<th>Name Of Local Site Assessment System</th>
</tr>
</thead>
</table>

| Date Request Received By NRCS | 10-30-13 |

### PART III (To be completed by Federal Agency)

<table>
<thead>
<tr>
<th>Site A</th>
<th>Site B</th>
<th>Site C</th>
<th>Site D</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.9</td>
<td>7.4</td>
<td>11.4</td>
<td>0.0</td>
</tr>
</tbody>
</table>

### PART IV (To be completed by NRCS) Land Evaluation Information

| A. Total Acres To Be Converted Directly | 9.9 |
| B. Total Acres To Be Converted Indirectly | 0.0 |
| C. Total Acres In Site | 9.9 |

### PART V (To be completed by NRCS) Land Evaluation Criterion

| Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points) | 0 |

### PART VI (To be completed by Federal Agency)

<table>
<thead>
<tr>
<th>Site Assessment Criteria (These criteria are explained in 7 CFR 658.61b)</th>
<th>Maximum Points</th>
<th>Site A</th>
<th>Site B</th>
<th>Site C</th>
<th>Site D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Area In Nonurban Use</td>
<td>85</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2. Perimeter In Nonurban Use</td>
<td>79</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3. Percent Of Site Being Farmed</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Protection Provided By State And Local Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Distance From Urban Builtup Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Distance To Urban Support Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Size Of Present Farm Unit Compared To Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Creation Of Nonfarmable Farmland</td>
<td></td>
<td></td>
<td></td>
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</tr>
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<td>9. Availability Of Farm Support Services</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Compatibility With Existing Agricultural Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL SITE ASSESSMENT POINTS**

| 160 | 0 | 0 | 0 | 0 |

### PART VII (To be completed by Federal Agency)

| Relative Value Of Farmland (From Part V) | 100 | 0 | 0 | 0 | 0 |
| Total Site Assessment (From Part VI above or a local site assessment) | 160 | 0 | 0 | 0 | 0 |
| **TOTAL POINTS (Total of above 2 lines)** | 260 | 0 | 0 | 0 | 0 |

<table>
<thead>
<tr>
<th>Site Selected:</th>
<th>Date Of Selection</th>
<th>Was A Local Site Assessment Used?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes ☐ No ☐</td>
</tr>
</tbody>
</table>

Reason For Selection:

---

*(See Instructions on reverse side)*

Form AD-1006 (10-83)

This form was electronically produced by National Production Services Staff

C-76
U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)

Name of Project: 85th St Extension/ I-29/I-229
Proposed Land Use: Transportation Corridor Reconstruction

Federal Agency Involved: EHW
County and State: Lincoln County, South Dakota

Date Of Land Evaluation Request: August 15, 2014

PART II (To be completed by NRCS)

Date Request Received By NRCS:
Person Completing Form:

Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)

YES □ NO □

Acres Irrigated: 15
Average Farm Size:

Major Crop(s):
Farmable Land In Govt. Jurisdiction
Acres: %
Amount of Farmland As Defined in FPPA
Acres: %

Name of Land Evaluation System Used:
Name of State or Local Site Assessment System:
Date Land Evaluation Returned by NRCS:

PART III (To be completed by Federal Agency)

Alternative Site Rating

A. Total Acres To Be Converted Directly
   Site A Site B Site C Site D
   15 10 0 15
B. Total Acres To Be Converted Indirectly
   15 10 0 15
C. Total Acres In Site
   15 10 0 15

PART IV (To be completed by NRCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland
B. Total Acres Statewide Important or Local Important Farmland
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value

PART V (To be completed by NRCS) Land Evaluation Criteria

Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)

1. Area In Non-urban Use (15)
2. Perimeter In Non-urban Use (10)
3. Percent Of Site Being Farmed (20)
4. Protection Provided By State and Local Government (20)
5. Distance From Urban Built-up Area (15)
6. Distance To Urban Support Services (15)
7. Size Of Present Farm Unit Compared To Average (10)
8. Creation Of Non-farmable Farmland (10)
9. Availability Of Farm Support Services (5)
10. On-Farm Investments (10)
11. Effects Of Conversion On Farm Support Services (10)
12. Compatibility With Existing Agricultural Use (10)

TOTAL SITE ASSESSMENT POINTS

160 0 0 0 0

PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)
100 0 0 0 0

Total Site Assessment (From Part VI above or local site assessment)

160 0 0 0 0

TOTAL POINTS (Total of above 2 lines)

260 0 0 0 0

Site Selected: Date Of Selection:

Was A Local Site Assessment Used?
YES □ NO □

Reason For Selection:

Name of Federal agency representative completing this form: Date:

(See Instructions on reverse side)
Form AD-1006 (03-02)
Dear Ms. Rubingh:

The SDDOT proposes the above projects which involve the reconstruction of the I-29/I-229 System Interchange and upgrading of the 85th Street across I-29.

On behalf of SDDOT, URS Corporation completed an intensive cultural resources survey to these project’s APE. Attached for your review is a cultural resources survey report entitled, I-29 Design Improvements Project: Results of a Class III Cultural Resources Inventory, Lincoln and Minnehaha Counties, South Dakota, prepared by Brian S. Shaw, M.A. and Juston James Fariello, B.A. Gordon C. Tucker Jr., URS Denver Cultural Resources Program Manager and Senior Archaeologist, served as the principle investigator.

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<td></td>
<td></td>
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<td>56401</td>
<td>Residence at 47036 85&lt;sup&gt;th&lt;/sup&gt; St.</td>
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</tr>
<tr>
<td><strong>Previously Recorded Sites</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LN01600001</td>
<td>Farm at corner of S. Tallgrass Ave. &amp; W. 85&lt;sup&gt;th&lt;/sup&gt; St.</td>
<td>Determined Not Eligible (1991)</td>
</tr>
<tr>
<td>LN04400001</td>
<td>Farm on S. Tallgrass Ave.</td>
<td>Determined Not Eligible (1991)</td>
</tr>
</tbody>
</table>

The report advises that further cultural resources work in the project area is considered unnecessary and that no sites are recommended as eligible for listing in the NRHP. None of the resources is within the direct APE of the project; all are located within the indirect APE. Based on the findings of the report, SDDOT requests SHPO concurrence in a Section 106 determination of *No Historic Properties Affected* for this project.

Sincerely,

Tom Lehmkuhl  
Environmental Engineer  
Office of Project Development  
605.773.3180

Attachment
September 3, 2014

Mr. Tom Lehmkuhl  
Department of Transportation  
Office of Project Development – Environmental  
700 E Broadway Avenue  
Pierre SD 57501-2586

SECTION 106 PROJECT CONSULTATION  
Project: 140808011F – IM 0293(96)73, PCN 01WS; IM 2292(90)0, PCN 020Q; P 1360(01), PCN 03YF – I29, I229 and W 85th St  
Location: Minnehaha and Lincoln Counties  
(FHWA/DOT)

Dear Mr. Lehmkuhl:

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

The SHPO has made the following decision based upon the information provided in your correspondence and the report “South Dakota Department of Transportation I-29 Design Improvements Project: Results of a Class III Cultural Resources Inventory, Lincoln and Minnehaha Counties, South Dakota” by Brian Shaw and Juston Fariello, received on August 8, 2014. Based on the information provided, the SHPO concurs with your determination that structures LN06300001, LN06300002, LN06400001, LN06400002, LN060000732, LN06500001, LN06500002, LN060000733, LN06600001, LN06600002, LN06600003, LN06600004, and LN060000735 should be considered Not Eligible for the National Register of Historic Places. Therefore, we concur with you determination of No Historic Properties Affected for this undertaking. Activities occurring in areas not identified in the original request, including all staging and borrow areas, will require the submission of additional documentation pursuant to 36 CFR part 800.4.

If historic properties are discovered or unanticipated effects on historic properties are found after the agency official has completed the Section 106 process, the agency official shall avoid, minimize or mitigate the adverse effects to such properties and notify the SHPO/ THPO, and
Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery, pursuant to 36 CFR part 800.13.

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

Should you require any additional information, please do not hesitate to contact Amy Rubingh at (605) 773-8370. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,

Jay D. Vogt
State Historic Preservation Officer

[Signature]

Amy Rubingh
Review and Compliance Archaeologist
September 4, 2014

Susan Volkmer  
Environmental Scientist  
URS  
12120 Shamrock Plaza, Suite 100  
Omaha, Nebraska 68154

RE: I-29/I-229 Interchange Upgrade and 85th Street Extension Project, Sioux Falls, SD

Dear Ms. Volkmer:

As requested we have re-evaluated this project with the adjusted acreage values. Due to the change in size it appears that alternative site A is not totally located in the road of way and therefore it has been evaluated in the same manor as the other two alternatives. All three sites A, B and C are located on prime and important farmland. Enclosed is a Farmland Conversion Impact Rating Form (AD-1006) for this project. We have completed Parts II through V. Please complete parts VI and VII. If the TOTAL POINTS in part VII is less than 160 points, the proposed activity will have no significant impact on the prime or land of statewide importance in Lincoln County, and no further alternatives need be considered.

The Natural Resources Conservation Service (NRCS) would advise the applicant to consult with the local NRCS and Farm Service Agency (FSA) offices regarding any USDA easements or contract in the project area that may be affected.

If you have any questions, please contact Jeff Hemenway, Soil Health Specialist, at (605)352-1239.

Sincerely,

ANDREW OXFORD  
Acting State Soil Scientist
U.S. Department of Agriculture

**FARMLAND CONVERSION IMPACT RATING**

**PART I (To be completed by Federal Agency)**
- Date Of Land Evaluation Request: 8/15/14
- Name Of Project: 85th St. Extension II-29/I-229
- Federal Agency Involved: FHWA
- Proposed Land Use: Transportation corridor
- County And State: Lincoln, South Dakota

**PART II (To be completed by NRCS)**
- Date Request Received By NRCS: 8/15/14
- Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form.)
  - Yes: ✓
  - No: □
  - Acres Irrigated: __
  - Average Farm Size: __

<table>
<thead>
<tr>
<th>Major Crop(s)</th>
<th>Farmland In Govt. Jurisdiction</th>
<th>Amount Of Farmland As Defined In FPPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cropland</td>
<td>Acres: 327,335 % 89</td>
<td>Acres: 325,659 % 88</td>
</tr>
<tr>
<td>Cropland Property</td>
<td>Name Of Local Site Assessment System</td>
<td>Date Land Evaluation Returned By NRCS 8/25/14</td>
</tr>
<tr>
<td>None</td>
<td></td>
<td></td>
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</table>

**PART III (To be completed by Federal Agency)**

<table>
<thead>
<tr>
<th>Alternative Site Rating</th>
<th>Site A</th>
<th>Site B</th>
<th>Site C</th>
<th>Site D</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Total Acres To Be Converted Directly</td>
<td>19.0</td>
<td>12.0</td>
<td>18.0</td>
<td></td>
</tr>
<tr>
<td>B. Total Acres To Be Converted Indirectly</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>C. Total Acres In Site</td>
<td>19.0</td>
<td>12.0</td>
<td>18.0</td>
<td></td>
</tr>
</tbody>
</table>

**PART IV (To be completed by NRCS) Land Evaluation Information**

| A. Total Acres Prime And Unique Farmland | 9.6  | 5.3  | 6.2  |        |
| B. Total Acres Statewide And Local Important Farmland | 9.3  | 5.7  | 9.6  |        |
| C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted | 0.0  | 0.0  | 0.0  |        |
| D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value | 53.0 | 66.0 | 67.0 |        |

**PART V (To be completed by NRCS) Land Evaluation Criterion**

Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)

<table>
<thead>
<tr>
<th>Site Assessment Criteria (These criteria are explained in 7 CFR 656.5(b))</th>
<th>Maximum Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Area In Nonurban Use</td>
<td>15</td>
</tr>
<tr>
<td>2. Perimeter In Nonurban Use</td>
<td>10</td>
</tr>
<tr>
<td>3. Percent Of Site Being Farmed</td>
<td>20</td>
</tr>
<tr>
<td>4. Protection Provided By State And Local Government</td>
<td>15</td>
</tr>
<tr>
<td>5. Distance From Urban Builtup Area</td>
<td>10</td>
</tr>
<tr>
<td>6. Distance To Urban Support Services</td>
<td>20</td>
</tr>
<tr>
<td>7. Size Of Present Farm Unit Compared To Average</td>
<td>10</td>
</tr>
<tr>
<td>8. Creation Of Nonfarmable Farmland</td>
<td>10</td>
</tr>
<tr>
<td>9. Availability Of Farm Support Services</td>
<td>10</td>
</tr>
<tr>
<td>10. On-Farm Investments</td>
<td>20</td>
</tr>
<tr>
<td>11. Effects Of Conversion On Farm Support Services</td>
<td>10</td>
</tr>
<tr>
<td>12. Compatibility With Existing Agricultural Use</td>
<td>10</td>
</tr>
</tbody>
</table>

**TOTAL SITE ASSESSMENT POINTS**: 160

**PART VI (To be completed by Federal Agency)**

| Relative Value Of Farmland (From Part V) | 100  |
| Total Site Assessment (From Part VI above or a local site assessment) | 160  |

**TOTAL POINTS (Total of above 2 lines)**: 260

<table>
<thead>
<tr>
<th>Site Selected:</th>
<th>Date Of Selection</th>
<th>Was A Local Site Assessment Used?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes ☐ No ☐</td>
</tr>
</tbody>
</table>

Reason For Selection:

_(See Instructions on reverse side)_
DATE: November 19, 2014  TIME: 
JOB NO.: 16170615.01000
RECORDED BY: 
OWNER/CLIENT: SDDOT
TALKED WITH: Charlene Beeklen  
OF USFWS
NATURE OF CALL: INCOMING  OUTGOING  VISIT  MEETING  PHONE: # 605.224.8693
ROUTE TO: INFORMATION  
ACTION  ext 231

MAIN SUBJECT: Candidate Species in Lincoln County

ITEMS DISCUSSED: I called Charlene to discuss the two candidate species—Rufa Red Knot and Long-eared bat relative to the I-29/I-229/85th Street project. Charlene indicated I could send her an email explaining the project and location and she would review the project relative to the two species. Charlene did state that the Rufa Red Knot was not a concern unless we had really big wetlands within the project area. The Bird is now in South Dakota.

SWM
Kollbaum, James

From: Kollbaum, James [mailto:james.kollbaum@urs.com]
Sent: Tuesday, December 09, 2014 4:30 PM
To: Schmitt, Jeff
Cc: Ausen, Shannon
Subject: I-29/I-229 and 85th Street EA - Future Land Use

Jeff,

I left you a voicemail, but thought I'd follow up with this email. As I stated in my message we are working on the EA for the I-29/I-229 and 85th Street project. Shannon Ausen had reviewed the preliminary draft and thought the figure for future land use (see attached) didn’t look right. After reviewing that figure against the information in 1) Shape Sioux Falls 2035, 2) City of Tea future land use, and 3) Lincoln County zoning map I would agree that our current figure doesn’t look right. In reviewing these other documents I’m not entirely clear on a few issues:

- What is happening in the Sioux Falls Joint Jurisdiction Areas? (shown on the Lincoln Co. Zoning Map)
- What is happening in the Regional Employment Center? (shown in Ch. 3 of Shape Sioux Falls)
- What is proposed land use south of 85th St, either side of Tallgrass Ave? The parcel SW of the 85th St/Tallgrass Ave intersection falls under the regional center and the parcel SE of the intersection is shown as residential according to Shape Sioux Falls map, but I had heard that might not be the correct land use?

This is a fairly complex study area due to the fact that we have 3 jurisdictions basically overseeing the land uses in this area and land uses are somewhat in flex at this time. I just want to make sure we are using the most up to date information for our EA document.

Please let me know if you have any questions about this request. It might be easier to discuss on the phone?
Thanks in advance for any assistance you can provide for this request.

Jim Kollbaum, PE
Senior Transportation Engineer

12120 Shamrock Plz, Suite 300
Omaha, NE 68154
Tel: 402.952.2556

Cell: 402.203.9773
Fax: 402.334.1984
Email: james.kollbaum@urs.com

Please consider the environment before printing this email
January 7, 2015

Scott Larson, Field Supervisor
U.S. Fish & Wildlife Service
420 Garfield - Suite 400
Pierre, SD 57501-5408

RE: Project IM 0293(96)73, PCN 01QS, Lincoln/ Minnehaha County
I29 - Fm N of Exit 73 (Tea) to 57th Street & I229
Grading, Str.s PCC Surfacing, Lighting & Utilities

IM 2292(90)0, PCN 020Q, Lincoln County
I229 - Fm I29 to W of the Louise Interchange
Grading, Str.s PCC Surfacing, Lighting & Utilities

P 1360(01), PCN 03YF, Lincoln County
W 85th St. (270th St.) from Sundowner Ave., E 1 mi. to Tallgrass Ave. in Sioux Falls
Grading, Structures, Gravel Surfacing, ROW

Dear Mr. Larson:

SDDOT originally talked to USFWS about this I-29/I-229/85th Street Environmental Assessment (EA) back in November 2012 and previously coordinated project on October 9, 2013. Since that time the EA has moved forward to the Draft stage. Charlene Bessken was recently contacted regarding two species: the Rufa Red Knot and the Northern Long-eared Bat. Below is a project description and a determination of effects for those two species, as well as statements about the Migratory Treaty Bird Act and the Bald Eagle.

The proposed action includes upgrades of the Interstate 29 (I-29)/Interstate 229 (I-229) interchange, extending 85th Street roadway over or under I-29, and upgrading from Sundowner Avenue to Louise Avenue. Activities associated with the I-29/I-229 interchange upgrade include enhancing the I-229 and I-29 mainline capacity by adding auxiliary lanes and relocating the southbound I-29 northbound I-229 loop ramp. Three 85th Street extension alternatives are being evaluated as a part of the project:

- The extension of 85th Street under I-29 by elevating the I-29 mainline over and constructing 85th Street on-grade under the I-29 on the section line.
- The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 on the section line.
- The extension of 85th Street over I-29 by including a grade separation at I-29 and elevating 85th Street over the I-29 along a route south of the section line.
The project area included in the I-29/I-229 interchange upgrade are mowed right of ways. The project area along 85th Street is primarily used for agriculture and residential housing. Single family residential housing is located on the north side of 85th Street west and east of I-29. The land south of 85th Street and west of I-29 is actively used as farmland. On the east side of I-29, a pasture area separates the end of 85th street from I-29. The pasture stretches north and south from the 85th Street section line. The area between Tallgrass Avenue and Louise Avenue includes a developed residential area and tilled farmland.

The two species include:

- **Rufa Red Knot** (*Calidris canutus rufa*) Threatened
- **Northern Long-Eared Bat** (*Myotis septentrionalis*) Proposed Endangered

**Rufa Red Knot**
The Rufa Red Knot, a master of long-distance aviation, received protection as a threatened species as of December 9, 2014. Some knots fly more than 9,300 miles from south to north every spring and repeat the trip in reverse every autumn, making this bird one of the longest-distance migrants in the animal kingdom. The knot’s unique and impressive life history depends on suitable habitat, food, and weather conditions at far-flung sites across the Western Hemisphere, from the extreme south of Tierra del Fuego to the far north of the central Canadian Arctic. Knots need to encounter this favorable habitat, food and weather conditions within narrow seasonal windows as the birds hopscotch along migration stopovers between wintering and breeding areas. The bird breeds in drier tundra areas, such as sparsely vegetated hillsides. Outside of breeding season, it is found primarily in intertidal, marine habitats, especially near coastal inlets, estuaries, and bays. The Rufa Red Knot is rare in South Dakota (Personal communication with Charlene Bessken, USFWS, November 19, 2014).

**Northern Long-Eared Bat**
The Northern long-eared bat, federally proposed as endangered, spends winters hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. During the summers, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds.

**SDDOT Determination**
Based on the fact that no quality habitat for these two species occurs within the project area, SDDOT has determined that the I-29/I-229 interchange upgrade and extension of 85th Street would have a “No Effect” on the Rufa Red Knot and the Northern Long-eared Bat.

**Migratory Bird Treaty Act**
The 85th Street corridor includes trees which may be used as nesting sites for migratory birds, such as raptors (including the bald eagle) and songbirds. Depending on the alignment of the final design, some trees located within the project area may be designated for removal during construction of the roadway. These trees could be used as nesting habitat by migratory birds. Vegetation removal, including the removal of trees will be timed to the extent possible to avoid the migratory bird breeding and fledging season (April 1 through July 15). If any trees need to be removed during this time period, the trees will be surveyed for nests and cleared by a qualified biologist prior to the initiation of work, and a migratory bird nest depredation permit under the MBTA will be obtained (if necessary), or appropriate inactive nest removal and
hazing/exclusion measures will be incorporated into the work to avoid the need to disturb active migratory bird nests. The mitigation plan will stipulate trees and/or brush will be replaced at a ratio of at least 2:1 acres planted versus acres impacted.

**Bald Eagle**
Although the bald eagle is no longer a federal-listed species, it is protected under the Bald and Golden Eagle Protection Act and the MBTA. If an occupied bald eagle nest is within one-mile of the construction site, the project will comply with the National Bald Eagle Management Guidelines (USFWS 2007a). Additionally, SDDOT will preserve any trees with active or unoccupied eagle nests.

Your timely review of this project would be appreciated. If you need additional information or have questions, please call myself, Tom Lehmkuhl at (605) 773-3180.

Sincerely,

Tom Lehmkuhl  
Environmental Engineer  
605.773.3180

Attachments
January 7, 2015

Scott Larson, Field Supervisor
U.S. Fish & Wildlife Service
420 Garfield - Suite 400
Pierre, SD 57501-5408

RE: Project IM 0293(96)73, PCN 01QS, Lincoln/Minnehaha County
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Sincerely,

Tom Lehmkuhl  
Environmental Engineer  
605.773.3180

Attachments
Jim,
I double checked with our subdivision submittals and also checked with Jeff Schmitt and Sam Trebilcock in Planning regarding the development changes and future land uses. Generally speaking, the land uses have not changed. Therefore, we feel there does not need to be any changes to the future land use map as sent to us.

Secondly, must to my surprise, there are three houses that have been taken down. Please see attached map with the pink “X” on the parcels. Those homes have been removed. The exhibit is a little tough to see so if you have questions on what the addresses are just let me know. So there are only 7 homes remaining on the north side. And the property ownership has not changed, so I am not for sure what is going on down there.

Let me know what else you need!

Shannon R. Ausen, PE
City of Sioux Falls Public Works: Engineering
224 West 9th Street
Sioux Falls, SD 57104

Shannon,
As previously discussed, there have been a number of City / MPO documents that have been updated and maybe some more development changes since this EA effort was undertaken. I had coordinated with Jeff Schmitt on the future land use for the earlier version of the 85th St EA (see attached emails) and the result of that effort is Figure 4-2 (attached). The future land use in Figure 4-2 is based on the following proposed developments that Jeff and I discussed and the City’s future land use map.

- Brentwood Village (north of 85th St and east of Tallgrass Ave)
- Tallgrass Village (southeast corner of 85th St & Tallgrass Ave)

Based on updated development plans and updated City / MPO “future” land use plans do you feel there should be revisions made to Figure 4-2 for the EA document?
Please provide any relevant document, graphics that would help us make revisions to Figure 4-2.

There are currently 10 homes on the north side of 85th St, between I-29 and Sundowner. Thanks for taking a look in the field.

Please let me know if you have any questions.
Thanks
Jim
IPaC record locator: 740-8988772

Subject: Consistency letter for the '85th Street Improvements: Sundowner to Louise' project under the December 15, 2016 FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the 85th Street Improvements: Sundowner to Louise (Proposed Action) may rely on the concurrence provided in the December 15, 2016 FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Based on the information you provided (Project Description repeated below), you have determined that the Proposed Action is within the scope, and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and is not likely to adversely affect the endangered Indiana bat (\textit{Myotis sodalis}) and/or the threatened Northern long-eared bat (\textit{Myotis septentrionalis}). Consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required.

The validity of this not likely to adversely affect determination is contingent upon a representative from the lead Federal action agency or a designated non-federal representative formally submitting a concurrence verification to the Service.

To submit a project for concurrence verification, the lead Federal action agency or designated non-federal representative should log into IPaC using their agency email account and click "Submit a project for verification". They will need to enter the record locator 740-8988772.

If the Proposed Action may affect any other federally-listed or proposed species or designated critical habitat, additional consultation between the lead Federal action agency and this Office is required. Please advise the lead Federal action agency for the Proposed Action accordingly.
The following species may occur in your project area and are not covered by this determination:

- Pallid Sturgeon, *Scaphirhynchus albus* (Endangered)
- Red Knot, *Calidris canutus rufa* (Threatened)
- Topeka Shiner, *Notropis topeka (=tristis)* (Endangered)
- Western Prairie Fringed Orchid, *Platanthera praecllara* (Threatened)
Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

85th Street Improvements: Sundowner to Louise

Description

Upgrade 85th street from gravel road west of I-29 and paved two lane road east of I-29 to a 4 lane divided roadway from Sundowner to Louise. Project would require a bridge over I-29. Some trees would need to be removed during construction of this project.
Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect, the endangered Indiana bat and/or the threatened Northern long-eared bat; therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required. However, also based on your answers provided, this project may rely on the December 15, 2016 FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.
Qualification Interview

1. Is the project within the range of the Indiana bat\(^1\)?

\[\text{[1]} \text{ See Indiana bat species profile} \]

Automatically answered

No

2. Is the project within the range of the Northern long-eared bat\(^1\) (NLEB)?

\[\text{[1]} \text{ See Northern long-eared bat species profile} \]

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are all project activities limited to non-construction activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, property inspections, planning and technical studies, property sales, property easements, and equipment purchases)

No

5. Are all project activities completely within the existing road/rail surface\(^1\) (e.g., road line painting)?

\[\text{[1]} \text{ Road surface is defined as the driving surface and shoulders (may be pavement, gravel, etc.) and rail surface is defined as the edge of the rail ballast.} \]

No

6. Are all project activities limited to the maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

7. Are all project activities limited to wetland or stream protection activities associated with compensatory wetland mitigation?

No

8. Will the project raise the road profile \textbf{above the tree canopy} within 1,000 feet of known summer habitat (based on documented roosts and/or captures)?

No
9. Does the project include percussives or other activities (not including the removal of trees) that will increase noise levels above existing traffic/background levels?
   Yes

10. Is there any suitable summer habitat\(^1\) for Indiana Bat or NLEB within the project area? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)
   [1] See the Service’s summer survey guidance for our current definitions of suitable habitat.
   Yes

11. Will the project clear any suitable summer habitat\(^1\)?
   [1] See the Service’s summer survey guidance for our current definitions of suitable habitat.
   Yes

12. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?
    No

13. Have presence/probable absence (P/A) summer surveys\(^1\)[\(^2\)] been conducted\(^3\)[\(^4\)]?
   [1] See the Service’s summer survey guidance for our current definitions of suitable habitat.
   [2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum(contact local Service Field Office for appropriate distance from hibernaculum) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.
   [3] Negative presence/probable absence survey results obtained using the summer survey guidance are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.
   [4] negative presence/probable absence survey results obtained using the summer survey guidance are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

   No, P/A surveys have not been conducted and therefore it is assumed that bats are present for this analysis
14. Does the project include activities within documented NLEB habitat[1][2]?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

15. Will the project remove any suitable NLEB roosting/foraging habitat or travel corridors that have not been documented as being used by NLEB?
Yes

16. When will the suitable (but not documented) NLEB roosting/foraging habitat or travel corridors be removed?
   B) During the inactive season

17. Does the project include any ground disturbing activities?
   Yes

18. Is the project located within a karst area?
   No

19. Will the project include any type of activity that could impact a known hibernaculum[1], or impact a karst feature (e.g., sinkhole, losing stream, or spring) that could result in effects to a known hibernaculum?

   [1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

   No
20. Does the project include any activities within 0.5 miles of an Indiana bat and/or NLEB hibernaculum\(^1\)?

\[^1\] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

\textit{No}

21. Does the project include any activities greater than 300 feet from existing road/rail surfaces?

\textit{No}

22. Does the project include slash pile burning?

\textit{No}

23. Does the project include any bridge removal and/or replacement activities?

\textit{No}

24. Does the project include any bridge maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

\textit{No}

25. Does the project include the removal and/or replacement of any structures other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

\textit{Yes}

26. Does the project include maintenance activities of any structures other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

\textit{No}
27. Has a Structure Assessment[1] for use by bats been conducted within the last 12 months[2]?

[1] Structure Assessment for occupied buildings means a cursory inspection for bat use. For abandoned buildings a more thorough evaluation is required (See User Guide Appendix D for bridge/abandoned structure assessment guidance).

[2] Assessments must be completed a maximum of 1 year prior to conducting work on any structure, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- Bat_Survey_Memo_compiled.pdf
  https://ecos.fws.gov/ipac/project/MLDN6NZ6TVDLLITD5VZUJ3K7LO/projectDocuments/8988578

28. Did the structure assessment detect bats or sign of bat roosting in/under the structure?

No

29. Will the structure related activities reduce (or eliminate) the roosting potential of the structure?

Yes

30. Will the structure related activities make the structure no longer suitable for roosting?

Yes

31. Does the project include tree removal?

Yes

32. Will the tree removal alter any documented Indiana bat or NLEB roosts and/or alter any surrounding summer habitat within 0.25 mile of a documented roost?

No

33. Will any tree removal occur within 100 feet of existing road/rail surfaces[1]?

[1] Road surface is defined as the driving surface and shoulders (may be pavement, gravel, etc.) and rail surface is defined as the edge of the rail ballast.

Yes

34. Will all tree removal occur within 100 feet of existing road/rail surfaces?

Yes
35. Are all trees that are being removed clearly demarcated?
   Yes

36. Will the project involve the use of temporary lighting during the construction/maintenance activities?
   Yes

37. Lighting AMM 1
   Will all temporary lighting be directed away from suitable habitat during the active season?
   Yes

38. Will the project install new (or replace existing) permanent lighting?
   Yes

39. Lighting AMM 2
   Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society\cite{1}\cite{2} to rate the amount of light emitted in unwanted directions?

   [1] Refer to Fundamentals of Lighting - BUG Ratings
   [2] Refer to The BUG System—A New Way To Control Stray Light

   Yes

40. Lighting AMM 2
   Will the permanent lighting be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

   Yes

41. Will the use of temporary or permanent lighting increase illumination within suitable habitat above ambient conditions?
   No
42. **General AMM 1**
Will the project ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

*Yes*

43. **Tree Removal AMM 1**
Can all phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is an avoidance measure, the full implementation of which may not always be practicable. In such cases, projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented

*Yes*

44. **Tree Removal AMM 2**
Can all tree removal activities be restricted to when bats are not likely to be present\(^1\)?

\(^1\) Coordinate with the local Service Field Office for appropriate dates.

*Yes*

45. **Tree Removal AMM 3**
Can tree removal be limited to that area specified in project plans, and assured through: (1) installation of bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits, and (2) confirmation that contractors understand clearing limits and how they are marked in the field?

*Yes*
46. **Tree Removal AMM 4**

Can the project avoid cutting down/removal of all 1) documented Indiana bat or NLEB roosts\[1\] (that are still suitable for roosting), and 2) trees within 0.25 miles of roosts?

\[1\] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

**Automatically answered**

*Yes - you indicated that tree removal for this project would not alter documented Indiana bat or NLEB roosts and/or summer habitat within 0.25 mile of a documented roost*

47. **Structure AMM 4**

Will you avoid removing the structure if roosting bats or signs of roosting bats are observed?

Note: If there are concerns about human health/safety/property coordinate with a nuisance wildlife control officer and the local USFWS Field Office.

*Yes*
Project Questionnaire

1. Please describe the proposed structure work:

   All buildings on the impacted parcel will be removed as part of this project because the houses will be too close to the roadway once it is completed. With the house gone the outbuildings will also be removed. The removal activities would be timed to occur within the inactive season; however, a new habitat survey will be completed within 12 months of any structure removal activities. This condition will be added to the environmental document and the plan notes for the project.

2. Please state the timing of all proposed structure work:

   Tree removal activities will occur outside of bat roosting period. Tree removal will occur after October and before April.

3. Have you made a No Effect determination for all other species indicated on the FWS IPaC generated species list?
   Yes

4. Have you made a May Affect determination for any other species on the FWS IPaC generated species list?
   No

5. How many acres of trees are proposed for removal?
   1

6. Please verify:

   All tree removal will occur greater than 0.5 mile from any hibernaculum.

   Yes, I verify that all tree removal will occur greater than 0.5 miles from any hibernaculum.

7. The project location is 0-100 feet from the edge of existing road/rail surface.
   Yes

8. The project location is 100-300 feet from the edge of existing road/rail surface.
   Yes

Avoidance And Minimization Measures (AMMs)

These measures were accepted as part of this determination key result:
GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to the extent practicable to avoid tree removal in excess of what is required to implement the project safely.

Note: Tree Removal AMM 1 is an avoidance measure, the full implementation of which may not always be practicable. In such cases, projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented.

TREE REMOVAL AMM 2

Apply time of year (TOY) restrictions for tree removal\(^1\) when bats are not likely to be present.\(^1\) Coordinate with the local Service Field Office for appropriate dates.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans. Install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits. Ensure that contractors understand clearing limits and how they are marked in the field.

TREE REMOVAL AMM 4

Do not cut down documented Indiana bat or NLEB roosts (that are still suitable for roosting) or trees within 0.25 miles of roosts, or documented foraging habitat at any time of year.

STRUCTURE AMM 4

If roosting bats or signs of roosting bats are observed, Transportation Agencies/State DOTs will avoid removing the structure.

Note: If there are concerns about human health/safety/property coordinate with a nuisance wildlife control officer and the local USFWS Field Office.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.
LIGHTING AMM 2

Use downward-facing, full cut-off\textsuperscript{[1]} lens lights, and direct lighting away from suitable habitat when installing new or replacing existing permanent lights; or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society\textsuperscript{[2][3]}, the goal is to be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

\textsuperscript{[1]} Refer to \textit{Luminaire classification for controlling stray light}

\textsuperscript{[2]} Refer to \textit{Fundamentals of Lighting - BUG Ratings}

\textsuperscript{[3]} Refer to \textit{The BUG System—A New Way To Control Stray Light}

Additional Avoidance And Minimization Measures (AMMs)

These measures \textbf{are not required} for this project as described:

TREE REMOVAL AMM 5

Avoid conducting tree removal within documented Indiana bat roosting/foraging habitat\textsuperscript{[1]} or travel corridors\textsuperscript{[2]} from May 1-July 31.

\textsuperscript{[1]} Documented roosting or foraging habitat – for the purposes of this BA, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.

\textsuperscript{[2]} Documented travel corridor - for the purposes of this BA, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) tree corridors located directly between documented roosting and foraging habitat.
TREE REMOVAL AMM 6
Minimize tree removal within suitable Indiana bat habitat (no documented habitat) from May 1-July 31 in the following manner:
1) Limit clearing such that all trees can be visually assessed.
2a) Conduct visual emergence surveys if trees are greater than or equal to 9 inches diameter at breast height (dbh).
   - If no bats are observed, proceed with clearing the following day.
   - If bats observed, modify project to conduct tree removal after August 1.

OR
2b) If trees are <9 inches dbh, no emergence survey required.

TREE REMOVAL AMM 7
Avoid removing documented NLEB maternity roosts and trees within 150 feet of those roosts from June 1-July 31.

BRIDGE AMM 1
To completely avoid direct effects to roosting bats, perform any bridge repair, retrofit, maintenance, and/or rehabilitation work during the winter hibernation period\[1\].

\[1\] Coordinate with the local Service Field Office for appropriate dates.

BRIDGE AMM 2
If construction activity is planned during the active season, perform a bridge assessment\[1\] for presence of bats.

\[1\] See User Guide Appendix D for [bridge assessment guidance](#).

BRIDGE AMM 3
If bridge assessment for bats suggests presence of bats, ensure activity will not disturb bats.

BRIDGE AMM 4
If bridge assessment for bats suggests presence of a small number of bats (5)6, conduct bridge repair, retrofit, maintenance, and/or rehabilitation work (including activity with percussives) outside of pup season (June 1- July 31) AND keep the light localized in the evening while the bats are feeding, starting one hour after sunset and ending one hour before daylight, excluding the hours between 10 p.m. and midnight\[1\].

\[1\] Keeley and Tuttle (1999) indicated peak night roost usage is between 10:00 p.m. to midnight.
BRIDGE AMM 5

Ensure suitable roosting sites remain after any bridge work. Suitable roosting sites may be incorporated into the design of a new bridge.

STRUCTURE AMM 1

If the goal of the project is to exclude bats from the structure, coordinate with your local Service Field Office and follow the Acceptable Management Practices for Bat Control Activities in Structures guidance document (White-nose Syndrome Conservation and Recovery Working Group 2015).

STRUCTURE AMM 2

Perform all maintenance and/or repair work during the winter hibernation period[1] unless a hibernating colony of bats is present.

[1] Coordinate with the local Service Field Office for appropriate dates.

STRUCTURE AMM 3

If maintenance and/or repair work will be performed outside of the winter hibernation period, determine if work will occur in an area with roosting bats. If there is observed bat activity (or signs of frequent bat activity), Transportation Agencies/State Departments of Transportation (DOTs) will conduct maintenance activity or similar structure alteration when bats are not present (i.e., foraging) or in a manner that will not disturb them.

HIBERNACULA AMM 1

For projects located within karst areas, on-site personnel will use best management practices[1], secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula. Where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.

[1] Coordinate with the appropriate Service Field Office on recommended best management practices for karst in your state.
Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on April 03, 2017. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered Indiana bat (Myotis sodalis) and the threatened Northern long-eared bat (NLEB) (Myotis septentrionalis).

This decision key should only be used to verify project applicability with the Service’s revised programmatic biological opinion for transportation projects dated December 15, 2016. The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.
U.S. Fish & Wildlife Service Contact List

Determination key office contact information

Assistant Director-Ecological Services
5275 Leesburg Pike, Ms: Es
Falls Church, VA 22041-3803
(703) 358-2171

Offices with jurisdiction over project area

South Dakota Ecological Services Field Office
420 South Garfield Avenue, Suite 400
Pierre, SD 57501-5408
(605) 224-8693
MEMO

Date: Wednesday, July 19, 2017

Project: I-29 and 85th Street

To: Shannon Ausen, City of Sioux Falls

From: Jill Rust, HDR Engineering

Subject: Bat Habitat Structure Survey

HDR Engineering conducted a bat habitat structure survey on July 19, 2017 to determine if structures planned for removal along the I-29 and 85th Street corridor are serving as habitat for roosting northern long-eared bat. Two properties are within the working limits of the project along 270th/85th Street (See Figure 1). The properties were surveyed for the following signs:

1. Presence of guano or urine staining along structure walls or siding.
2. Presence of bat droppings along window sills, ledges or other areas where bat guano may collect from roosting bats.
3. Presence of dead bats
4. Presence of “grease” stains or markings along potential points of entry on the outside of houses or outbuildings.

Figure 1. Project Location

Property 1 – 47042 W 85th St

Two structures exist on this property – one house and one small shed (See Figure 2). The house was currently occupied. No access was granted to either the house or shed. The outside of the house and shed
were examined closely for evidence of bat use. No evidence of bat use was found. Human disturbance inside the structures is likely common and often and bat use is unlikely.

Property 2 – 47032 W 85th St

Two structures on the property – one house and one large steel shed (See Figure 2). House was occupied and relatively new (built in the last 10 years). Steel shed was used for boat camper storage. The outside of both structures were closely examined. No evidence of bat use or entry was found. No access to the inside of the house was granted, but the inside of the shed was examined and no evidence of bat use was observed. Human disturbance inside both structures is likely common and often and bat use is unlikely.

Figure 2. Locations of structures on I-29 and 85th Street Project
Photos of Structures

Property 1 Home (Looking northeast)

Property 1 Shed (Looking N from driveway)
Property 2 Home (Looking N)

Property 2 Shed (Looking North)
APPENDIX D: Bridge/Structure Assessment Form

This form will be completed and submitted to the District Environmental Manager by the Contractor prior to conducting any work below the deck surface either from the underside; from activities above that bore down to the underside; from activities that could impact expansion joints; from deck removal on bridges; or from structure demolition for bridges/structures within 1000 feet of suitable bat habitat.

<table>
<thead>
<tr>
<th>DOT Project #</th>
<th>Water Body</th>
<th>Date/Time of Inspection</th>
<th>Within 1,000 ft of suitable bat habitat (circle one)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA</td>
<td>7/19/14 8:40</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Route</th>
<th>County</th>
<th>Federal Structure ID</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lincoln</td>
<td>N/A</td>
</tr>
</tbody>
</table>

If the bridge/structure is 1,000 feet or more from suitable bat habitat (e.g., an urban or agricultural area without suitable foraging habitat or corridors linking the bridge to suitable foraging habitat), check box and STOP HERE. No assessment required. ☐

Please submit to the U.S. Fish and Wildlife Service.

Areas Inspected (Check all that apply)

<table>
<thead>
<tr>
<th>Bridges</th>
<th>Culverts/Other Structures</th>
<th>Summary Info (circle all that apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All vertical crevices sealed at the top and 0.5-1.25” wide &amp; ≥4” deep</td>
<td>Crevices, rough surfaces or imperfections in concrete</td>
<td>Human disturbance or traffic under bridge/in culvert or at the structure</td>
</tr>
<tr>
<td>All crevices &gt;12” deep &amp; not sealed</td>
<td>Spaces between walls, ceiling joists</td>
<td>Possible corridors for netting</td>
</tr>
<tr>
<td>All guardrails</td>
<td></td>
<td>None/poor</td>
</tr>
<tr>
<td>All expansion joints</td>
<td></td>
<td>Marginal</td>
</tr>
<tr>
<td>Spaces between concrete end walls and the bridge deck</td>
<td></td>
<td>Excellent</td>
</tr>
</tbody>
</table>

Last Revised May 31, 2017

See written field notes
Evidence of Bats (Circle all that apply) Presence of one or more indicators is sufficient evidence that bats may be using the structure.

None

Visual (e.g. survey, thermal, emergent etc.)
- Live ______ number seen
- Dead ______ number seen

Guano
Staining definitively from bats

Odor Y/N
Photo documentation Y/N

Photo documentation Y/N

Audible

Assessment Conducted By: [Signature]

District Environmental Use Only: Date Received by District Environmental Manager: 

DOT Bat Assessment Form Instructions

1. Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges, regardless of whether assessments have been conducted in the past.
2. Any bridge/structure suspected of providing habitat for any species of bat will be removed from work schedules until such time that the DOT has coordinated with the USFWS. Additional studies may be undertaken by the DOT to determine what species may be utilizing each structure identified as supporting bats prior to allowing any work to proceed.
3. Any questions should be directed to the District Environmental Manager.

Last Revised June 2017
**APPENDIX D: Bridge/Structure Assessment Form**

This form will be completed and submitted to the District Environmental Manager by the Contractor prior to conducting any work below the deck surface either from the underside; from activities above that bore down to the underside; from activities that could impact expansion joints; from deck removal on bridges; or from structure demolition for bridges/structures within 1000 feet of suitable bat habitat.

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<td></td>
<td>NA</td>
<td>7/19/17 8:20</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Route</th>
<th>County</th>
<th>Federal Structure ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>85th St</td>
<td>Lincoln</td>
<td>N/A</td>
</tr>
</tbody>
</table>

If the bridge/structure is 1,000 feet or more from suitable bat habitat (e.g., an urban or agricultural area without suitable foraging habitat or corridors linking the bridge to suitable foraging habitat), check box and STOP HERE. No assessment required. 

Please submit to the U.S. Fish and Wildlife Service.

**Areas Inspected (Check all that apply)**

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<td>None/poor Marginal Excellent</td>
</tr>
<tr>
<td>All expansion joints</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spaces between concrete end walls and the bridge deck</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Last Revised May 31, 2017

SEE written field notes
Vertical surfaces on concrete I-beams

Evidence of Bats (Circle all that apply) Presence of one or more indicators is sufficient evidence that bats may be using the structure.

None

Visual (e.g. survey, thermal, emergent etc.)
- Live _number seen
- Dead _number seen

Guano
Odor Y/N
Staining definitively from bats
Photo documentation Y/N

Photo documentation Y/N

Audible

Assessment Conducted By: Jill Rust, M.S  Signature(s): Jill Rust

District Environmental Use Only: Date Received by District Environmental Manager: ____________

DOT Bat Assessment Form Instructions

1. Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges, regardless of whether assessments have been conducted in the past.

2. Any bridge/structure suspected of providing habitat for any species of bat will be removed from work schedules until such time that the DOT has coordinated with the USFWS. Additional studies may be undertaken by the DOT to determine what species may be utilizing each structure identified as supporting bats prior to allowing any work to proceed.

3. Any questions should be directed to the District Environmental Manager.

Last Revised June 2017
Property 1  47042 W 85th St / 270th St

Two structures on property. One house and shed.
House occupied. Small shed in back yard.
Outside of both structures examined.
No evidence of rat use
  - no guano/waste staining or presence
  - no "grease" stains at any potential point of entry
  - no dead bats
  - no dropping on window sills/ledges.
House occupied well tended. No access to inside of house or shed was granted.

Property 2  47032 W 85th St / 270th St

Two structures on property. One house and shed.
House was occupied and relatively new (built in last 10 years). Shed was steel and used for boat/camper storage. Outside of both structures examined. Inside of steel shed examined. No access to inside of house.

No evidence of rat use
  - no guano/waste staining
  - no "grease" markings at potential point of entry
  - no dead bats
  - no guano in window sills or ledges
In Reply Refer To: Consultation code: 06E14000-2017-I-0362
Event Code: 06E14000-2017-E-01476
Project Name: 85th Street Improvements: Sundowner to Louise

Subject: Concurrence verification letter for the '85th Street Improvements: Sundowner to Louise' project under the December 15, 2016 FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the 85th Street Improvements: Sundowner to Louise (Proposed Action) may rely on the concurrence provided in the December 15, 2016, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Based on the information you provided (Project Description repeated below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and is not likely to adversely affect (NLAA) the endangered Indiana bat (Myotis sodalis) and/or the threatened Northern long-eared bat (Myotis septentrionalis).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or northern long-eared bat in a manner or to an extent not considered in the PBO, further
review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, or any designated critical habitat, additional consultation is required. In either of these circumstances, please contact this Office.

The following species may occur in your project area and are not covered by this determination:

- Pallid Sturgeon, *Scaphirhynchus albus* (Endangered)
- Red Knot, *Calidris canutus rufa* (Threatened)
- Topeka Shiner, *Notropis topeka (=tristis)* (Endangered)
- Western Prairie Fringed Orchid, *Platanthera praecleta* (Threatened)
Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

85th Street Improvements: Sundowner to Louise

Description

Upgrade 85th street from gravel road west of I-29 and paved two lane road east of I-29 to a 4 lane divided roadway from Sundowner to Louise. Project would require a bridge over I-29. Some trees would need to be removed during construction of this project.
Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect, the endangered Indiana bat and/or the threatened Northern long-eared bat; therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required. However, also based on your answers provided, this project may rely on the December 15, 2016 FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.
Qualification Interview

1. Is the project within the range of the Indiana bat\textsuperscript{[1]}?

\textsuperscript{[1]} See Indiana bat species profile

Automatically answered

No

2. Is the project within the range of the Northern long-eared bat\textsuperscript{[1]} (NLEB)?

\textsuperscript{[1]} See Northern long-eared bat species profile

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are all project activities limited to non-construction activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, property inspections, planning and technical studies, property sales, property easements, and equipment purchases)

No

5. Are all project activities completely within the existing road/rail surface\textsuperscript{[1]} (e.g., road line painting)?

\textsuperscript{[1]} Road surface is defined as the driving surface and shoulders (may be pavement, gravel, etc.) and rail surface is defined as the edge of the rail ballast.

No

6. Are all project activities limited to the maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

7. Are all project activities limited to wetland or stream protection activities associated with compensatory wetland mitigation?

No

8. Will the project raise the road profile above the tree canopy within 1,000 feet of known summer habitat (based on documented roosts and/or captures)?

No
9. Does the project include percussives or other activities (not including the removal of trees) that will increase noise levels above existing traffic/background levels?
   Yes

10. Is there any suitable summer habitat[1] for Indiana Bat or NLEB within the project area? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

   [1] See the Service’s summer survey guidance for our current definitions of suitable habitat.

   Yes

11. Will the project clear any suitable summer habitat[1]?

   [1] See the Service’s summer survey guidance for our current definitions of suitable habitat.

   Yes

12. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

   No

13. Have presence/probable absence (P/A) summer surveys[1][2] been conducted[3][4]?

   [1] See the Service’s summer survey guidance for our current definitions of suitable habitat.

   [2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum(contact local Service Field Office for appropriate distance from hibernaculum) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

   [3] Negative presence/probable absence survey results obtained using the summer survey guidance are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

   [4] Negative presence/probable absence survey results obtained using the summer survey guidance are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

   No, P/A surveys have not been conducted and therefore it is assumed that bats are present for this analysis
14. Does the project include activities within documented NLEB habitat\(^1\)[2]?

\(^1\) Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.

\(^2\) For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

\(\text{No}\)

15. Will the project remove any suitable NLEB roosting/foraging habitat or travel corridors that have not been documented as being used by NLEB?

\(\text{Yes}\)

16. When will the suitable (but not documented) NLEB roosting/foraging habitat or travel corridors be removed?

\(B\) During the inactive season

17. Does the project include any ground disturbing activities?

\(\text{Yes}\)

18. Is the project located within a karst area?

\(\text{No}\)

19. Will the project include any type of activity that could impact a known hibernaculum\(^1\), or impact a karst feature (e.g., sinkhole, losing stream, or spring) that could result in effects to a known hibernaculum?

\(^1\) For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

\(\text{No}\)
20. Does the project include any activities **within** 0.5 miles of an Indiana bat and/or NLEB hibernaculum\(^1\)?

\(^1\) For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

*No*

21. Does the project include any activities **greater than** 300 feet from existing road/rail surfaces?

*No*

22. Does the project include slash pile burning?

*No*

23. Does the project include any bridge removal and/or replacement activities?

*No*

24. Does the project include any bridge maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

*No*

25. Does the project include the removal and/or replacement of any structures other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

*Yes*

26. Does the project include maintenance activities of any structures other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

*No*
27. Has a Structure Assessment\(^1\) for use by bats been conducted within the last 12 months\(^2\)?

\(^1\) Structure Assessment for occupied buildings means a cursory inspection for bat use. For abandoned buildings a more thorough evaluation is required (See User Guide Appendix D for bridge/abandoned structure assessment guidance).

\(^2\) Assessments must be completed a maximum of 1 year prior to conducting work on any structure, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- Bat_Survey_Memo_compiled.pdf
  https://ecos.fws.gov/ipac/project/MLDN6NZ6TVDLLJT5VZUJ3K7LQ/projectDocuments/8988578

28. Did the structure assessment detect bats or sign of bat roosting in/under the structure?

No

29. Will the structure related activities reduce (or eliminate) the roosting potential of the structure?

Yes

30. Will the structure related activities make the structure no longer suitable for roosting?

Yes

31. Does the project include tree removal?

Yes

32. Will the tree removal alter any documented Indiana bat or NLEB roosts and/or alter any surrounding summer habitat within 0.25 mile of a documented roost?

No

33. Will any tree removal occur within 100 feet of existing road/rail surfaces\(^1\)?

\(^1\) Road surface is defined as the driving surface and shoulders (may be pavement, gravel, etc.) and rail surface is defined as the edge of the rail ballast.

Yes

34. Will all tree removal occur within 100 feet of existing road/rail surfaces?

Yes
35. Are all trees that are being removed clearly demarcated?
   Yes

36. Will the project involve the use of temporary lighting during the construction/maintenance activities?
   Yes

37. Lighting AMM 1
   Will all temporary lighting be directed away from suitable habitat during the active season?
   Yes

38. Will the project install new (or replace existing) permanent lighting?
   Yes

39. Lighting AMM 2
   Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society\(^1\)\(^2\) to rate the amount of light emitted in unwanted directions?

   [1] Refer to Fundamentals of Lighting - BUG Ratings
   [2] Refer to The BUG System—A New Way To Control Stray Light

   Yes

40. Lighting AMM 2
   Will the permanent lighting be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

   Yes

41. Will the use of temporary or permanent lighting increase illumination within suitable habitat above ambient conditions?
   No
42. **General AMM 1**
   Will the project ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

   Yes

43. **Tree Removal AMM 1**
   Can all phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal in excess of what is required to implement the project safely?

   Note: Tree Removal AMM 1 is an avoidance measure, the full implementation of which may not always be practicable. In such cases, projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented

   Yes

44. **Tree Removal AMM 2**
   Can all tree removal activities be restricted to when bats are not likely to be present\(^1\)?

   \(^1\) Coordinate with the local Service Field Office for appropriate dates.

   Yes

45. **Tree Removal AMM 3**
   Can tree removal be limited to that area specified in project plans, and assured through: (1) installation of bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits, and (2) confirmation that contractors understand clearing limits and how they are marked in the field?

   Yes
46. **Tree Removal AMM 4**

Can the project avoid cutting down/removal of all 1) documented Indiana bat or NLEB roosts\(^{[1]}\) (that are still suitable for roosting), and 2) trees within 0.25 miles of roosts?

\(^{[1]}\) Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

**Automatically answered**

Yes - you indicated that tree removal for this project would not alter documented Indiana bat or NLEB roosts and/or summer habitat within 0.25 mile of a documented roost

47. **Structure AMM 4**

Will you avoid removing the structure if roosting bats or signs of roosting bats are observed?

Note: If there are concerns about human health/safety/property coordinate with a nuisance wildlife control officer and the local USFWS Field Office.

Yes
Project Questionnaire

1. Please describe the proposed structure work:
   
   All buildings on the impacted parcel will be removed as part of this project because the houses will be too close to the roadway once it is completed. With the house gone the outbuildings will also be removed. The removal activities would be timed to occur within the inactive season; however, a new habitat survey will be completed within 12 months of any structure removal activities. This condition will be added to the environmental document and the plan notes for the project.

2. Please state the timing of all proposed structure work:
   
   Tree removal activities will occur outside of bat roosting period. Tree removal will occur after October and before April.

3. Have you made a No Effect determination for all other species indicated on the FWS IPaC generated species list?
   
   Yes

4. Have you made a May Affect determination for any other species on the FWS IPaC generated species list?
   
   No

5. How many acres of trees are proposed for removal?
   
   1

6. Please verify:
   
   All tree removal will occur greater than 0.5 mile from any hibernaculum.

   Yes, I verify that all tree removal will occur greater than 0.5 miles from any hibernaculum.

7. The project location is 0-100 feet from the edge of existing road/rail surface.
   
   Yes

8. The project location is 100-300 feet from the edge of existing road/rail surface.
   
   Yes

Avoidance And Minimization Measures (AMMs)

These measures were accepted as part of this determination key result:
GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to the extent practicable to avoid tree removal in excess of what is required to implement the project safely.

Note: Tree Removal AMM 1 is an avoidance measure, the full implementation of which may not always be practicable. In such cases, projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented.

TREE REMOVAL AMM 2

Apply time of year (TOY) restrictions for tree removal[1] when bats are not likely to be present. [1] Coordinate with the local Service Field Office for appropriate dates.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans. Install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits. Ensure that contractors understand clearing limits and how they are marked in the field.

TREE REMOVAL AMM 4

Do not cut down documented Indiana bat or NLEB roosts (that are still suitable for roosting) or trees within 0.25 miles of roosts, or documented foraging habitat at any time of year.

STRUCTURE AMM 4

If roosting bats or signs of roosting bats are observed, Transportation Agencies/State DOTs will avoid removing the structure.

Note: If there are concerns about human health/safety/property coordinate with a nuisance wildlife control officer and the local USFWS Field Office.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.
LIGHTING AMM 2

Use downward-facing, full cut-off\(^1\) lens lights, and direct lighting away from suitable habitat when installing new or replacing existing permanent lights; or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society\(^2\)\(^3\), the goal is to be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

\(^1\) Refer to Luminaire classification for controlling stray light

\(^2\) Refer to Fundamentals of Lighting - BUG Ratings

\(^3\) Refer to The BUG System—A New Way To Control Stray Light

Additional Avoidance And Minimization Measures (AMMs)

These measures are not required for this project as described:

TREE REMOVAL AMM 5

Avoid conducting tree removal within documented Indiana bat roosting/foraging habitat\(^1\) or travel corridors\(^2\) from May 1-July 31.

\(^1\) Documented roosting or foraging habitat – for the purposes of this BA, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.

\(^2\) Documented travel corridor - for the purposes of this BA, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) tree corridors located directly between documented roosting and foraging habitat.
TREE REMOVAL AMM 6
Minimize tree removal within suitable Indiana bat habitat (no documented habitat) from May 1-July 31 in the following manner:
1) Limit clearing such that all trees can be visually assessed.
2a) Conduct visual emergence surveys if trees are greater than or equal to 9 inches diameter at breast height (dbh).
   ■ If no bats are observed, proceed with clearing the following day.
   ■ If bats observed, modify project to conduct tree removal after August 1.

OR
2b) If trees are <9 inches dbh, no emergence survey required.

TREE REMOVAL AMM 7
Avoid removing documented NLEB maternity roosts and trees within 150 feet of those roosts from June 1-July 31.

BRIDGE AMM 1
To completely avoid direct effects to roosting bats, perform any bridge repair, retrofit, maintenance, and/or rehabilitation work during the winter hibernation period\(^1\).

\(^{1}\) Coordinate with the local Service Field Office for appropriate dates.

BRIDGE AMM 2
If construction activity is planned during the active season, perform a bridge assessment\(^1\) for presence of bats.

\(^{1}\) See User Guide Appendix D for bridge assessment guidance

BRIDGE AMM 3
If bridge assessment for bats suggests presence of bats, ensure activity will not disturb bats.

BRIDGE AMM 4
If bridge assessment for bats suggests presence of a small number of bats (5)6, conduct bridge repair, retrofit, maintenance, and/or rehabilitation work (including activity with percussives) outside of pup season (June 1- July 31) AND keep the light localized in the evening while the bats are feeding, starting one hour after sunset and ending one hour before daylight, excluding the hours between 10 p.m. and midnight\(^1\).

\(^{1}\) Keeley and Tuttle (1999) indicated peak night roost usage is between 10:00 p.m. to midnight.
BRIDGE AMM 5

Ensure suitable roosting sites remain after any bridge work. Suitable roosting sites may be incorporated into the design of a new bridge.

STRUCTURE AMM 1

If the goal of the project is to exclude bats from the structure, coordinate with your local Service Field Office and follow the Acceptable Management Practices for Bat Control Activities in Structures guidance document (White-nose Syndrome Conservation and Recovery Working Group 2015).

STRUCTURE AMM 2

Perform all maintenance and/or repair work during the winter hibernation period[1] unless a hibernating colony of bats is present.

[1] Coordinate with the local Service Field Office for appropriate dates.

STRUCTURE AMM 3

If maintenance and/or repair work will be performed outside of the winter hibernation period, determine if work will occur in an area with roosting bats. If there is observed bat activity (or signs of frequent bat activity), Transportation Agencies/State Departments of Transportation (DOTs) will conduct maintenance activity or similar structure alteration when bats are not present (i.e., foraging) or in a manner that will not disturb them.

HIBERNACULA AMM 1

For projects located within karst areas, on-site personnel will use best management practices[1], secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula. Where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.

[1] Coordinate with the appropriate Service Field Office on recommended best management practices for karst in your state.
**Determination Key Description: FHWA, FRA, FTA**

**Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat**

This key was last updated in IPaC on April 03, 2017. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should **only** be used to verify project applicability with the Service’s revised programmatic biological opinion for transportation projects dated December 15, 2016. The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is **not** intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.
U.S. Fish & Wildlife Service Contact List

Determination key office contact information

Assistant Director-Ecological Services
5275 Leesburg Pike, Ms: Es
Falls Church, VA 22041-3803
(703) 358-2171

Offices with jurisdiction over project area

South Dakota Ecological Services Field Office
420 South Garfield Avenue, Suite 400
Pierre, SD 57501-5408
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