

Appendix D – Agency Correspondence



Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

February 18, 2019

Patrick Snyder
SD Dept. of Environment & Natural Resources
Joe Foss Building
Pierre, SD 57501-3181

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Snyder:

Attached is information on the above project. Please comment on any of the following topics that pertain to your agency:

1. Wetland Locations	8. Section 404 Permits
2. Threatened or Endangered Species	9. Section 10 Permits
3. Refuges	10. Air Quality
4. SDGF&P Game Production Areas	11. Hazardous Waste
5. SDGF&P Recreation Areas	12. Land & Water Conservation Funds
6. Parks	13. Underground Storage Tanks
7. Water Quality Standards	14. Contaminated Soils

Please submit your comments as soon as possible, so that the project's environmental coordination and documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
Engineering Supervisor
605.773.3721

Attachments

Cc: Shannon Minerich, DENR
Nicole Stasch, DENR
Doug Miller, DENR

Project Description, Background, and Next Steps

Project Description

The South Dakota Department of Transportation (SDDOT), in partnership with the City of Sioux Falls, the 85th Street Joint Venture Group (85th Street JV), the Sioux Falls Metropolitan Planning Organization (MPO) and Federal Highway Administration (FHWA) – the Study Partners – are proposing the construction of an interchange at the intersection of I-29 and the planned 85th street corridor in the Cities of Sioux Falls and Tea, South Dakota. An Environmental Assessment (EA) is currently being completed for the project. The project will also include minor modifications to surrounding local roads and intersections as part of overall system improvements. Improvements for the project include:

- Construction of a Diverging Diamond Interchange (DDI) along I-29 at 85th Street
- The configuration also includes a connector ramp from southbound I-229 to the 85th Street exit ramp and a braided exit ramp from southbound I-29.
- Turning and travel lane improvements to provide acceptable levels of service at the following intersections:
 - 57th Street at Sundowner – EB/WB left turn lanes, Traffic Signal Control
 - 57th Street at Marion – WB Right turn lane, SB Right turn lane (AM Peak still contains queue storage issues)
 - 57th Street at Solberg – WB and NB dual left turns
 - 57th Street at Louise – WB right turn lane, SB additional through lane; this intersection still operates under failing conditions. Major capacity is required however it is not directly tied to this interchange project.
 - Louise Avenue at I-229 North Ramp – extend NB left turn lane to 600 feet
 - Solberg Avenue at 69th Street – SB left turn to 450 feet; assumes single lane approach on west leg for development
 - 85th Street at Tallgrass – 85th and Tallgrass will be four-lane (TIP), convert to All Way Stop
 - CR 106 at Sundowner – NB right turn lane; Traffic Signal Control
 - CR 106 at Tallgrass – Add left turn lanes at all four approaches
 - CR 106 at Louise – Add left turn lanes at all four approaches
- SDDOT will also schedule a project for the construction of Veterans Parkway (SD Highway 100) from I-29 to Louise Avenue utilizing highway funds.

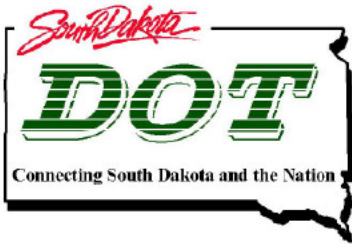
Project Background

Previously, a NEPA study was completed in March of 2018 for the construction of a grade-separated structure (overpass) for 85th street at I-29. FHWA determined that the proposed improvements would have no significant impact on the human environment and issued a Finding of No Significant Impact (FONSI) on March 1, 2018. The EA did not include analysis or consideration for an interchange at 85th Street and I-29 because at the time of publication, an interchange was not identified in any regional planning documents. During the preparation of the EA, representatives of the 85th Street JV came forward with a request to evaluate an interchange at 85th Street and I-29. An operational and safety analysis and an Interchange Justification Report (IJR) have since been completed and the recommended interchange concept from the IJR was given Engineering and Operations Acceptance by FHWA.

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Next Steps

The next steps for advancing the interchange study include, the continuation of field studies, investigations, and surveys, and NEPA documentation. The study partners, along with public input from future public involvement activities, will work to finalize the range of alternatives and define the project's Purpose and Need. These will be the foundation of the EA and will help kick off the NEPA process.



Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
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February 18, 2019

Hilary Meyer
SD Dept. of Game, Fish & Parks
523 E. Capitol Ave
Pierre, SD 57501

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Ms. Meyer:

Attached is information on the above project. Please comment on any of the following topics that pertain to your agency:

1. Wetland Locations	9. Section 10 Permits
2. Threatened or Endangered Species	10. Air Quality
3. Refuges	11. Hazardous Waste
4. SDGF&P Game Production Areas	12. Land & Water Conservation Funds
5. SDGF&P Recreation Areas	13. Underground Storage Tanks
6. Parks	
7. Water Quality Standards	
8. Section 404 Permits	

Please submit your comments as soon as possible so that the project's environmental documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
Engineering Supervisor
605.773.3721

Attachments

Cc: Randy Kittle

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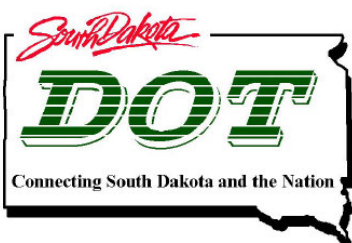
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Department of Transportation

Environmental Office

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Pierre, South Dakota 57501-2586

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February 18, 2019

Natoma Hansen
Madison WMD
U.S. Fish & Wildlife Service
P.O. Box 48
Madison, SD 57042

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
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Dear Ms. Hansen:

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Joanne Hight
Engineering Supervisor
605.773.3721

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Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

February 18, 2019

Garrie KILLSAHUNDRED
Flandreau Santee Sioux Tribe THPO
P.O. Box 283
Flandreau, SD 57028

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. KILLSAHUNDRED:

Attached is information on the above project. The proposed project will include an interchange at I-29 and 85th Street, and minor improvements to surrounding local roadways. Please provide any comments on the proposed project that may affect the Flandreau Santee Sioux Tribe.

Please also submit your comments as soon as possible, so that the project's environmental coordination and documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
Engineering Supervisor
605.773.3721
Joanne.Hight@state.sd.us

Attachments

Cc: Bureau of Indian Affairs Archaeologist

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February 18, 2019

Clair Green
Section 106 Coordinator
Lower Brule Sioux Tribe
P.O. Box 187
Lower Brule, SD 57548

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Ms. Green:

Attached is information on the above project. The proposed project will correct deficiencies at the interchange of I-229 and Minnesota Avenue in Sioux Falls. Please provide any comments on the proposed project that may affect the Lower Brule Sioux Tribe.

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Sincerely,

Joanne Hight
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605.773.3721
Joanne.Hight@state.sd.us

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February 18, 2019

Diane Desrosiers
Sisseton-Wahpeton Oyate THPO
P.O. Box 907
Sisseton, SD 57028

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Ms. Desrosiers:

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Please also submit your comments as soon as possible, so that the project's environmental documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

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Engineering Supervisor
605.773.3721
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February 18, 2019

Jon Eagle
Standing Rock Sioux Tribe THPO
P.O. Box D
Fort Yates, ND 58538-0522

RE: Project P 1360(02), PCN 06JQ, Lincoln County
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 - 57th Street at Solberg – WB and NB dual left turns
 - 57th Street at Louise – WB right turn lane, SB additional through lane; this intersection still operates under failing conditions. Major capacity is required however it is not directly tied to this interchange project.
 - Louise Avenue at I-229 North Ramp – extend NB left turn lane to 600 feet
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- SDDOT will also schedule a project for the construction of Veterans Parkway (SD Highway 100) from I-29 to Louise Avenue utilizing highway funds.

Project Background

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Since the issuance of the FONSI for the 85th Street Overpass project, the City of Sioux Falls and SDDOT have determined that: 1) there is adequate funding for the interchange and the associated upgrades to the local street network, and 2.) that the work can be completed on a schedule that is compatible with the previously planned overpass. In May 2018, the Sioux Falls MPO removed the overpass project and added the proposed interchange project to the Financially Constrained Capital Roadway Projects List in the Long Range Transportation Plan. If a NEPA decision document (e.g., FONSI) is issued for the proposed project, the interchange would be constructed in place of the previously proposed overpass. If not, the LRTP will be amended accordingly to include the construction of the previously approved overpass project.

Next Steps

The next steps for advancing the interchange study include, the continuation of field studies, investigations, and surveys, and NEPA documentation. The study partners, along with public input from future public involvement activities, will work to finalize the range of alternatives and define the project's Purpose and Need. These will be the foundation of the EA and will help kick off the NEPA process.



Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

February 18, 2019

Kip Spotted Eagle
Yankton Sioux Tribe THPO
P.O. Box 1153
Wagner, SD 57380-1153

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Spotted Eagle:

Attached is information on the above project. The proposed project will correct deficiencies at the interchange of I-229 and Minnesota Avenue in Sioux Falls. Please provide any comments on the proposed project that may affect the Yankton Sioux Tribe.

Please also submit your comments as soon as possible, so that the project's environmental documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
Engineering Supervisor
605.773.3721
Joanne.Hight@state.sd.us

Attachments

Cc: Bureau of Indian Affairs Archaeologist

Project Description, Background, and Next Steps

Project Description

The South Dakota Department of Transportation (SDDOT), in partnership with the City of Sioux Falls, the 85th Street Joint Venture Group (85th Street JV), the Sioux Falls Metropolitan Planning Organization (MPO) and Federal Highway Administration (FHWA) – the Study Partners – are proposing the construction of an interchange at the intersection of I-29 and the planned 85th street corridor in the Cities of Sioux Falls and Tea, South Dakota. An Environmental Assessment (EA) is currently being completed for the project. The project will also include minor modifications to surrounding local roads and intersections as part of overall system improvements. Improvements for the project include:

- Construction of a Diverging Diamond Interchange (DDI) along I-29 at 85th Street
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Department of Transportation

Environmental Office

700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

February 18, 2019

Elgin Crows Breast
Three Affiliated Tribes (Mandan Hidatsa Arikara Nation) THPO
404 Frontage Road
New Town, ND 58763-9404

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Crows Breast:

Attached is information on the above project. The proposed project will correct deficiencies at the interchange of I-229 and Minnesota Avenue in Sioux Falls. Please provide any comments on the proposed project that may affect the Three Affiliated Tribes (Mandan Hidatsa Arikara Nation).

Please also submit your comments as soon as possible, so that the project's environmental documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
Engineering Supervisor
605.773.3721
Joanne.Hight@state.sd.us

Attachments

Cc: Bureau of Indian Affairs Archaeologist

Project Description, Background, and Next Steps

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Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

February 18, 2019

Mr. Shannon Wright
Ponca Tribe of Nebraska THPO
P.O. Box 288
Niobrara, NE 68760

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Wright:

Attached is information on the above project. The proposed project will correct deficiencies at the interchange of I-229 and Minnesota Avenue in Sioux Falls. Please provide any comments on the proposed project that may affect the Ponca Tribe of Nebraska.

Please also submit your comments as soon as possible, so that the project's environmental documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
Engineering Supervisor
605.773.3721
Joanne.Hight@state.sd.us

Attachments

Cc: Bureau of Indian Affairs Archaeologist

Project Description, Background, and Next Steps

Project Description

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Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

February 18, 2019

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

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Windy Boy:

Attached is information on the above project. The proposed project will correct deficiencies at the interchange of I-229 and Minnesota Avenue in Sioux Falls. Please provide any comments on the proposed project that may affect the Chippewa Cree Tribe.

Please also submit your comments as soon as possible, so that the project's environmental documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
Engineering Supervisor
605.773.3721
Joanne.Hight@state.sd.us

Attachments

Cc: Bureau of Indian Affairs Archaeologist

Project Description, Background, and Next Steps

Project Description

The South Dakota Department of Transportation (SDDOT), in partnership with the City of Sioux Falls, the 85th Street Joint Venture Group (85th Street JV), the Sioux Falls Metropolitan Planning Organization (MPO) and Federal Highway Administration (FHWA) – the Study Partners – are proposing the construction of an interchange at the intersection of I-29 and the planned 85th street corridor in the Cities of Sioux Falls and Tea, South Dakota. An Environmental Assessment (EA) is currently being completed for the project. The project will also include minor modifications to surrounding local roads and intersections as part of overall system improvements. Improvements for the project include:

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 20, 2019

Joanne Hight
Department of Transportation
700 East Broadway Avenue
Pierre, South Dakota 57501

RE: SD DOT Project
P 1360(02)
PCN 06JQ
Lincoln County

Dear Ms. Hight:

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 this 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 (800-737-8676) 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 the 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.

6. All newly created and disturbed area above the ordinary high water mark which are not ripped shall be seeded or otherwise revegetated to protect against erosion.
7. This project may be in the vicinity of multiple streams and wetlands. These waters are considered waters of the state and are protected under Administrative Rules of South Dakota (ARSD) Chapter 74:51. Special construction measures may have to be taken to ensure that water quality standards are not violated.

HAZARDOUS and SOLID 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 waste 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.
4. Some solid waste may be generated during this project. Any solid waste generated that will not be reused in some beneficial manner must be disposed or managed at a permitted solid waste facility.
5. Regional landfills able to accept all solid waste generated are listed on our website available here: <https://apps.sd.gov/NR60SolidWaste/main.html#>. Only Regional landfills are permitted to accept all wastes generated. If you have any questions please contact Waste Management at 605-773-3153.
6. Demolition or renovation of a building structure may be subject to asbestos abatement requirements. If demolition is part of the construction projects please contact our Asbestos Coordinator at 605-773-3153.

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 Rick Boddicker, 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 me at 605-773-3351 or Shannon.Minerich@state.sd.us.

Sincerely,

A handwritten signature in black ink that reads "Shannon Minerich". The script is cursive and fluid, with the first name "Shannon" and last name "Minerich" clearly legible.

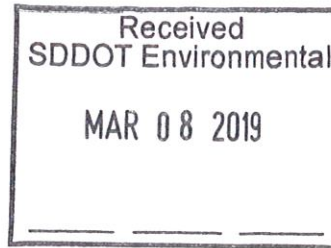
Shannon Minerich
Environmental Scientist
Surface Water Quality Program

Cc: Jim Wendte, DENR Waste Management Program
Rick Boddicker, DENR Air Quality Program



SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

523 EAST CAPITOL AVENUE | PIERRE, SD 57501



March 6, 2019

Joanne Hight
SD Department of Transportation
700 E. Broadway Avenue
Pierre, SD 57501

RE: Project P 1360(02) PCN 06JQ Lincoln County
I20 – 85th St Interchange; 85th St (270th street) – Fm Sundowner Avenue E 1 mile to Tallgrass
Avenue in Sioux Falls
Preliminary Engineering

Dear Joanne,

The Department of Game, Fish and Parks has reviewed the above project involving preliminary engineering on I29 in Sioux Falls, South Dakota.

Based on the information provided, there is no anticipated significant impact to fish and wildlife resources and would anticipate that to remain if the following suggestions are considered during the planning and construction of the project.

1. Disturbance to riparian and wetland areas should be kept to an absolute minimum.
2. If riparian vegetation is lost it should be quantified and replaced on site. Seeding of indigenous species should be accomplished immediately after construction to reduce sediment and erosion.
3. A site specific sediment and erosion control plan should be part of the project.
4. A post construction erosion control plan should be implemented in order to provide interim control prior to re-establishing permanent vegetative cover on the disturbed site.
5. If wetland areas are encountered by the project we first recommend avoidance, followed by minimization of impacts followed by mitigation (replacement of lost acres).

If you have any questions, please feel free to contact me at 605-773-6208.

Sincerely,

Hilary Meyer
Environmental Review Senior Biologist
523 East Capitol Avenue
Pierre, SD 57501
hilary.meyer@state.sd.us

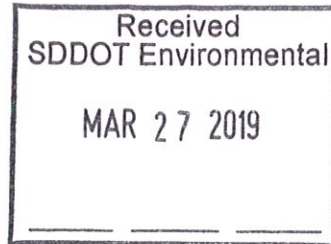


YANKTON SIOUX TRIBE TRIBAL HISTORIC PRESERVATION OFFICE

800 S. Main ■ PO BOX 1153 ■ Wagner, South Dakota 57380 ■ 605.384.3641

March 20, 2019

South Dakota Department of Transportation
Environmental Office
700 E. Broadway Ave.
Pierre, SD 57501-2586



RE: Project P 1360(02), PCN 06JQ, Lincoln County

Dear Madam,

We have reviewed the documentation for the referenced project(s). Based on the information provided, we would like to notify you the Yankton Sioux Tribe Tribal Historic Preservation Office does not have interest in the proposed project at this time but would like to be notified if any cultural artifacts are found.

Please retain this letter in your files as compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. Finally, be advised that this correspondence is not consultation with the Yankton Sioux Tribe. The Ihanktonwan Consultation Wo'ope (Protocols for Consultation with the Yankton Sioux Tribe) are attached for your reference. Thank you for your cooperation. If there are any questions or concerns, please do not hesitate to contact us at our office by phone at 605-384-3641 ext. 1032/1033 or by e-mail at yst.thpo@gmail.com.

Sincerely,

Kip Spotted Eagle, THPO Director
Tribal Historic Preservation Office
Yankton Sioux Tribe of South Dakota



Ihanktonwan Consultation Wo'ope

Protocols for Consultation with the Yankton Sioux Tribe

I. Purpose

The purpose of these protocols is to provide federal agencies with standards with which they must comply when engaging in consultation with the Yankton Sioux Tribe ("Tribe") in order to ensure that consultation is meaningful and will fulfill the purpose and intent of Executive Order 13175 as well as applicable federal statutes, regulations, and agency policies, manuals, and Secretarial Orders. Consultation shall create understanding, commitment, and trust between the parties, and should be used to identify opportunities and solve problems.

II. Scope

The scope of these consultation protocols includes any and all consultation for both federal undertakings, as defined by 36 C.F.R. § 800.16(Y), and other "policies that have tribal implications," as that phrase is defined in Executive Order 13175.

These consultation protocols apply to any effort by a federal agency to consult with the Yankton Sioux Tribe pursuant to federal law(s), including but not limited to the National Environmental Policy Act implementing regulations (40 C.F.R. Part 1500), the National Historic Preservation Act (16 U.S.C. § 470 et seq.) and implementing regulations (36 C.F.R. Part 800), the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 et seq.) and implementing regulations (43 C.F.R. Part 10), the American Indian Religious Freedom Act (42 U.S.C. §§ 1996 & 1996a), the Archeological Resources Protection Act of 1979 (16 U.S.C. §§ 470aa-mm), Executive Order 13175, and Executive Order 12989. For purposes of these protocols, "agency" means any authority of the United States that is an "agency" under 44 U.S.C. § 3502(1).

III. Protocols

A. Cultural Protocols

1. Relationship-building should be at the center of any consultation, as this is a primary cultural protocol for the Ihanktonwan ("Yankton"). Relationship building cannot occur through just one meeting, or by telephone or email. It requires time, trust, and respect for the relationship.
2. Agencies must recognize that water is viewed as the first medicine, and it must be honored and protected. Water is vital to the spiritual practices, culture, and health of the Ihanktonwan.



3. Agencies shall respect the fact that Yankton Sioux Tribal members have experience and knowledge that makes them uniquely qualified to identify Ihanktonwan cultural resources, and shall weigh their views accordingly.
4. Agencies must recognize that certain members of the Tribe possess inherent abilities and historical knowledge passed down through generations that make those tribal members uniquely equipped and able to identify sites of spiritual, cultural, and historical interest. These skills and knowledge should be utilized through tribal surveys of areas that may be impacted by a proposed action.
5. Agencies must recognize and respect the cultural practice of speaking in a “circular” manner, which may mean that it takes time for a speaker to arrive at the ultimate point but which conveys relevant information necessary to a proper understanding of that point.
6. Elders must be respected.
7. Agencies must recognize that the Ihanktonwan practice reciprocity, which means that if remains are unearthed, something must be given back in return to restore balance. There are consequences dictated by the universe for disturbing graves and remains, and this must be avoided.
8. Agencies must respect the practice of making offerings.
9. Sharing a meal at the conclusion of a meeting is customary and expected.

B. Behavioral Protocols

1. Parties shall respect each participant and respect each other’s diversity.
2. Parties shall speak with respect, courtesy, dignity, care, and moderation to maintain an amicable atmosphere.
3. Parties shall avoid the use of language of dominance and/or oppression.
4. Parties shall refrain from disruptive gestures or actions.
5. Parties shall avoid tactics to induce intimidation. This includes manner of dress. Parties should dress in civilian clothing or dress uniform. Fatigues must not be worn.
6. Parties shall treat everyone involved in a consultation meeting, particularly elders, with respect.
7. When an individual is speaking, all parties must refrain from interrupting that individual.



8. Parties shall not be dismissive of any statement made, but rather, shall acknowledge and value all contributions and bring them into consideration in any decision.
9. Parties shall refrain from reaching any decision until consultation has concluded and sufficient information has been exchanged.
10. Parties shall contribute and express opinions with complete freedom.
11. Parties shall carefully examine the views of others and accept valid points when made by others.
12. Parties shall focus on the subject of the consultation and avoid extraneous conversation.

C. Procedural Protocols

1. Consultation shall only include government-to-government, in-person meetings with the Tribe's General Council. Consultation shall not be conducted via telephone or written correspondence unless expressly agreed to by the Chairman of the Tribe in writing.
2. A meeting shall not be considered consultation unless the relevant federal agency is represented at the meeting by an individual with decision-making authority over the proposed federal action at issue.
3. If more than one agency is involved in the federal activity at issue, each agency shall be responsible for fulfilling consultation requirements for any activity under its respective authority. Agencies may appoint a lead agency to coordinate and lead tribal consultation; however, all involved agencies shall participate directly in consultation.
4. Multi-tribal or public meetings shall not be considered consultation unless expressly agreed to by the Chairman of the Tribe in writing unless the meeting is comprised exclusively of the federal agency and the Oceti Sakowin.
5. The consultation process shall commence as early as possible. Initial notification by a federal agency to the Tribe of a proposed action shall occur within two weeks of the federal agency becoming aware of the proposed action.
6. A federal agency shall contact the Chairman of the Tribe and the Ihanktonwan Treaty Steering Committee for the Tribe to notify the Tribe of a proposed federal action and initiate the consultation process. If the proposed federal action is expected to impact tribal cultural, spiritual, or historical resources, the federal agency shall also contact the Tribal Historic Preservation Officer. Notification pursuant to this protocol does not constitute consultation, but merely initiates the consultation process.



7. The consultation process shall include a pre-consultation meeting with the Tribe's Business and Claims Committee at which preliminary information shall be exchanged and an overview of the proposed federal action shall be provided.
8. During or prior to the pre-consultation meeting, the relevant federal agency shall inform the Tribe of the potential impacts on the Tribe of the proposed federal action.
9. During or prior to the pre-consultation meeting, the relevant federal agency shall inform the Tribe of which federal officials will make the final decision with respect to the proposed federal action.
10. Pre-consultation meetings shall be held at the Tribe's Fort Randall Casino on the first Wednesday of each month. Consultation meetings shall be held at the Tribe's Fort Randall Casino on the third Wednesday of each month. Meeting times shall be scheduled on a first-come, first-served basis. An agency shall contact the Tribe's THPO and Secretary's office to determine the next available meeting time and to schedule pre-consultation and consultation meetings.
11. Consultation meetings shall be scheduled at least thirty-five (35) days in advance to allow for adequate notice to the General Council, which is comprised of tribal members age 18 years and older and which is the governing body of the Tribe.
12. All meetings shall be opened with a prayer.
13. All meetings shall be closed with a prayer.
14. All meetings shall be followed by a meal or include a meal as part of the necessary relationship-building.
15. Consultation meetings shall not designate an end time, but shall continue until all have had an opportunity to speak.
16. The federal agency shall provide the services of a court reporter to record each consultation meeting. A transcription of each meeting shall be provided to the Tribe within ten (10) days following said consultation meeting.
17. No party shall unreasonably withhold consent to terminate consultation, but consultation shall continue until meaningful consultation has been achieved.
18. While there is no set number of meetings required for consultation to be deemed sufficient, consultation shall not be considered complete until the parties are satisfied that all necessary information has been adequately exchanged.



19. Consultation shall be completed before any federal funds are expended for the proposed federal action, before the issuance of any license or permit for the proposed federal action, and prior to the agency making any decision or taking any action regarding policies that have tribal implications.

Summary of Consultation Steps:

1. Federal agency learns of proposed federal action that may affect the Yankton Sioux Tribe.
2. Federal agency promptly (within two weeks) notifies the Chairman of the Tribe and the Ihanktonwan Treaty Steering Committee (and the Tribal Historic Preservation Officer for the Tribe if the proposed action is expected to impact tribal cultural, spiritual, or historic resources) of the proposed action. The consultation process is thus initiated.
3. The Chairman and/or his staff schedules a pre-consultation meeting.
4. A pre-consultation meeting is held.
 - a. Opening Prayer
 - b. Meeting
 - c. Closing Prayer
 - d. Meal (may also occur during the midpoint of the meeting)
5. The Chairman or his staff schedules a consultation meeting.
6. A consultation meeting is held.
 - a. Opening Prayer
 - b. Meeting
 - c. Closing Prayer
 - d. Meal (may also occur during the midpoint of the meeting)
7. Federal agency provides the Chairman of the Tribe with a transcript of the consultation meeting within 10 days.
8. Repeat steps 5-7 until meaningful consultation has been fully achieved.

D. Governmental Protocols

1. Federal agencies shall respect the unique legal and political relationship between the United States and the Tribe.
2. Consultation shall be meaningful and shall include collaboration with tribal officials.



3. The Tribe's views shall be incorporated into a federal agency's decision-making process.
4. Consultation shall be conducted and resulting agency decisions shall be made in such a way that the government-to-government relationship between the Tribe and the United States is strengthened. The Tribe shall be considered as a collaborative partner with the federal agency.
5. Federal agencies shall recognize the Tribe's right to self-government and its inherent sovereign powers. Federal agencies shall be respectful of the Tribe's sovereignty.
6. Federal agencies shall acknowledge and abide by the treaties between the United States and the Tribe.
7. Federal agency actions during and after consultation shall reflect the trust responsibility of the United States to the Tribe.

IV. Compliance

All parties shall comply with the protocols contained herein when engaging in the consultation process. Should a party fail to comply with one or more protocols, the other party shall notify the non-compliant party of the violation and the parties shall mutually agree upon a time and location for a meeting between the parties to resolve the matter. The goal of this meeting shall be to restore balance and reduce or eliminate discord by talking through the violation and reaching a mutual understanding to move forward in compliance with the protocols.



IN REPLY REFER TO:
P 1360(02), PCN
06JQ

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



May 19, 2020

Ms. Joanne Hight
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, South Dakota, 57501-2586

Dear Ms. Joanne Hight:

This letter is in response to your request received April 24, 2020 for environmental comments regarding I-29 -85th Street Interchange Preliminary Engineering and Environmental Assessment located in Lincoln and Minnehaha Counties, South Dakota.

According to the National Wetlands Inventory, (available online at www.fws.gov/wetlands/) wetlands exist within the project boundary. If a project may impact wetlands or other important fish and wildlife habitats, the U.S. Fish and Wildlife Service (Service), in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and other environmental laws and rules, recommends complete avoidance of these areas, if possible, then minimization of any adverse impacts, and finally replacement of any lost acres, in that order. Alternatives should be examined and the least damaging practical alternative selected. If wetland impacts are unavoidable, a mitigation plan addressing the number and types of wetland acres to be impacted, and the methods of replacement should be prepared and submitted to the resource agencies for review.

The following recommendations should be implemented in the construction plans for grading/construction where wetlands exist in order to minimize potential environmental impacts:

1. Crossing of wetland basins should be done, if possible, when dry conditions exist.
2. In cases where wetland basins to be crossed are formed because of impermeable soils, the soil area should be packed to reestablish the impermeability of the basin's floor.
3. Removal of vegetation and soil should be accomplished in a manner to reduce soil erosion and to disturb as little vegetation as possible.
4. Grading operations and reseedling of native species should begin immediately following trench backfilling.

Generally, once all measures to avoid and minimize impacts to the maximum extent possible have been taken, the Service recommends mitigation in the form of restoration of drained wetlands at a ratio of 1:1. If creation of new wetlands are needed to mitigate for wetland losses, a 2:1 ratio (restored: impacted) is recommended. Created wetlands may have a lower rate of establishment success, result in a temporal delay in achieving value to wildlife, or may not contain the degree of biological diversity typically found in a natural wetland basin, thus are not preferred when considering mitigation options. Preservation of existing wetlands is also not recommended as a means of mitigation as this is not consistent with the “no net loss” of wetlands as outlined in Executive Order #11990.

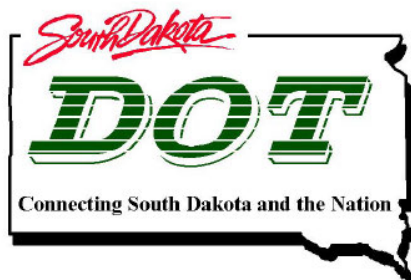
Work requiring the alteration or disturbance of wetlands or streams may require a permit from the U.S. Army Corps of Engineers (Corps) according to the regulations set forth in section 10 of The Rivers and Harbors Act, or section 404 of The Clean Water Act. You may contact the Corps Regulatory Office at 28563 Powerhouse Rd, Rm 118, Pierre, SD 57501, Telephone (605) 224-8531.

The Service concurs with your conclusion that the described project will not adversely affect listed species. Contact this office if changes are made or new information becomes available.

The Service appreciates the opportunity to provide comments. If you have any questions on these comments, please contact Dylan Turner of this office at (605) 224-8693, Extension 233.

Sincerely,

Scott Larson
Field Supervisor
North and South Dakota Field Office



Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

April 26, 2019

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

RE: Project P 1360(02), PCN 06JQ, Lincoln and Minnehaha Counties
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Larson:

This letter includes information on the above project for your review and comment. Previous coordination with USFWS regarding this project occurred on February 18, 2019.

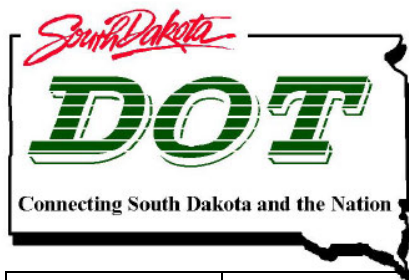
The project includes the following major components:

- Construction of a Diverging Diamond Interchange (DDI) along I-29 at 85th Street. The configuration also includes a connector ramp from southbound I-229 to the 85th Street exit ramp and a braided exit ramp from southbound I-29.
- Two-lane pavement of 270th Street from its future interchange at I-29 west to Tea/Ellis Road.
- Two-lane pavement of Sundowner Avenue from 69th Street to 270th Street

This project may impact aquatic resources. The project area contains National Wetland Inventory Wetlands. The project will be reviewed for wetland impacts, and the project will comply with all federal and state environmental regulations.

According to the U.S. Fish & Wildlife Service (FWS) IPaC Information for Planning and Conservation system, the following species are known to occur in Lincoln and Minnehaha County: (Consultation code: 06E14000-2019-SLI-0247).

Consultation Code	Species	Status	SDDOT Determination	Comments
06E14000-2019-SLI-0247	Northern Long-eared Bat	Threatened	May Affect, Not Likely to Adversely Affect	The USFWS IPaC determination key was completed for this species on April 4, 2019 and a preliminary determination of "may effect – not likely to adversely affect" was made for the project.



Department of Transportation
Environmental Office
 700 E Broadway Avenue
 Pierre, South Dakota 57501-2586
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06E14000-2019-SLI-0247	Red Knot	Threatened	No Effect	No project impacts are expected for the Red Knot. This species is migratory and is known to avoid inhabited, urbanized areas. Although no critical habitat has been defined for this species, no shallow water is available that would support feeding during migration, making the study area an unideal stopover site.
06E14000-2019-SLI-0247	Western Prairie Fringed Orchid	Threatened	No Effect	No project impacts are expected for this species. Impacts from the project would occur primarily on cropland, which is not a suitable habitat for this species.

I am requesting FWS concurrence with the above determinations. Please provide your acknowledgment of this request at your earliest convenience. If no response is received, the project will proceed to the next step in the process based on the above determination(s).

Please submit your response so that the project's environmental documentation can be completed, and the project can be let and constructed in a timely manner.

Sincerely,

Joanne Hight
 Engineering Supervisor
 605.773.3721



Building a Better World
for All of Us®

MEMORANDUM

TO: Joanne Hight, SDDOT Environmental Engineer Manager

FROM: Rebecca Beduhn, SEH Senior Scientist

DATE: December 27, 2019

RE: Northern Long-Eared Bat Habitat Assessment: I-29 and 85th Street Interchange
SEH No. OWNJV 149418

INTRODUCTION

The purpose of this memo is to summarize the results of a northern long-eared bat (*Myotis septentrionalis*) habitat survey for the proposed I-29 and 85th Street Interchange in Tea, South Dakota. I conducted the survey on July 28th, 2019 for structures and tree communities in the vicinity of the proposed project that may serve as habitat for northern long-eared bat. The habitat survey included several properties that may be demolished as part of the proposed project, and any trees or groups of trees within 100 feet of the proposed corridor.

The subject site is located in Sections 13, 14 of Range 51 West, Township 100 North; and Sections 18 and 19 of Range 50 West, Township 100 North in the City of Tea, Lincoln County, South Dakota as shown on **Figure 1**. The proposed interstate access location is between the service interchange of County Road 106 (271st Street) and I-29 (Exit 73) in the City of Tea, and the system interchange of I-29 and I-229 (Exit 75) in the City of Sioux Falls. The proposed 85th Street interchange would be Exit 74 on I-29.

Land use immediately surrounding the I-29/I-229 System interchange is primarily agricultural, with several single family residential homes included along portions of 85th Street. Approximately 10% of the project area is comprised of existing roadway and 10% is the adjacent roadside ditches; the remaining areas consist of approximately 20% residential developed property, and 60% agricultural land.

PURPOSE

As part of the Environmental Assessment (EA) required for this project, the Sponsor must assess the extent of potential impact to state and federally listed species. Due to declines caused by white-nose syndrome and continued spread of the disease, the northern long-eared bat was listed as threatened under the Endangered Species Act on April 2, 2015. For projects that the South Dakota Department of Transportation (SDDOT) Environmental Office has determined have potential to affect northern long-eared bats due to removal of trees and/or work on structures (bridges, culverts, or buildings), a detailed habitat assessment is required to determine whether the Northern Long-Eared Bat may or may not be present in the project limits.

This report serves to assess the habitat suitability within the study area to determine the potential for the presence of the northern long-eared bat. The presence or absence of suitable habitat determines the potential for impacts to the bat or its habitat resulting from the completion of the proposed project.

METHODOLOGY

SEH contacted the SDDOT (Joanne Hight) prior to the site visit to establish protocols and survey areas for the project needs. Based on the DOT's recommendations, the following assessment methodology was utilized to

complete the habitat assessments within the project study area.

SEH examined any structures that may be removed as part of the project for the following characteristics:

- Presence of guano or urine staining along structure walls or siding;
- Presence of bat droppings along window sills, ledges, or other areas where bat guano may collect from roosting bats,
- Presence of dead bats
- Presence of "grease" stains or makings along potential points of entry on the outside of house or outbuildings.

RESULTS

Seven (7) land parcels containing four (4) structures were surveyed within the project limits as part of the proposed project. These structures were examined closely for evidence of bat use as described above. Photographs are included as part of **Appendix A**.

47042 85th St

- There are no structures present in this lot. One home was identified in historic aerial photographs, but was removed from the site between the 2016 and 2017 aerial photography flight dates.

47036 85th St

- Two (2) structures exist on the property, one home and one small shed. The house is currently occupied. No access was granted to the house or the shed. The outside of both structures were examined closely for evidence of bat habitat and use. No evidence of bat use was found. Human disturbance inside the structure is likely.
- There were a few scattered trees around the property. These included quaking aspen (*Populus tremuloides*) and black walnut (*Juglans nigra*). They appeared healthy with no visible exfoliating bark or scars.
- This property was surveyed in 2017 by HDR. No bat habitat was recorded at that time.

47032 85th St

- Two (2) structures exist on the property, one home and one large shed. The house is currently occupied. No access was granted to the house or the shed. The outside of both structures were examined closely for evidence of bat habitat and use. No evidence of bat use was found. Human disturbance inside the structure is likely.
- There are several trees around the perimeter the property limits. It is not likely these trees are suitable as bat habitat. These included green ash (*Fraxinus pennsylvanica*), quaking aspen, and boxelder (*Acer negundo*). They appeared healthy with no visible exfoliating bark or scars.
- This property was surveyed in 2017 by HDR. No bat habitat was recorded at that time.

47030 85th St

- There are no structures present in this lot. One home was identified in historic aerial photographs, but was removed from the site between the 2016 and 2017 aerial photography flight dates.

47028 85th St

- There are no structures present in this lot. One home was identified in historic aerial photographs, but was removed from the site between the 2016 and 2017 aerial photography flight dates.

47024 85th St

- There are no structures present in this lot. One home was identified in historic aerial photographs, but was removed from the site between the 2016 and 2017 aerial photography flight dates.

47012 85th St

- Three (3) structures exist on the property, one home, and two large sheds. The house is currently occupied. No access was granted to the house or the sheds. The outside of the structures were examined closely for evidence of bat habitat and use. No evidence of bat use was found. Human disturbance inside the structure is likely.
- There are several trees around the perimeter the property limits. These included quaking aspen, green ash, other unidentifiable deciduous, and an identifiable spruce. It is not likely these trees are suitable as bat habitat.

Tree Habitat

There is no suitable tree habitat present in the proposed project area of investigation.

CONCLUSION

No evidence of bat use was found at the surveyed structures within the project area. The trees present in the area were all younger or smooth barked species and had no large cracks, cavities, or peeling bark. No evidence of bat use was found at these tree stands. It is our understanding that since the project is not anticipated to have impacts on state or federally listed species, that this Habitat Assessment Survey will fulfill the obligations of the Environmental Assessment to investigate for the northern long-eared bat and its associated habitat prior to commencing construction.

FIGURES

Figure 1 – Project Location

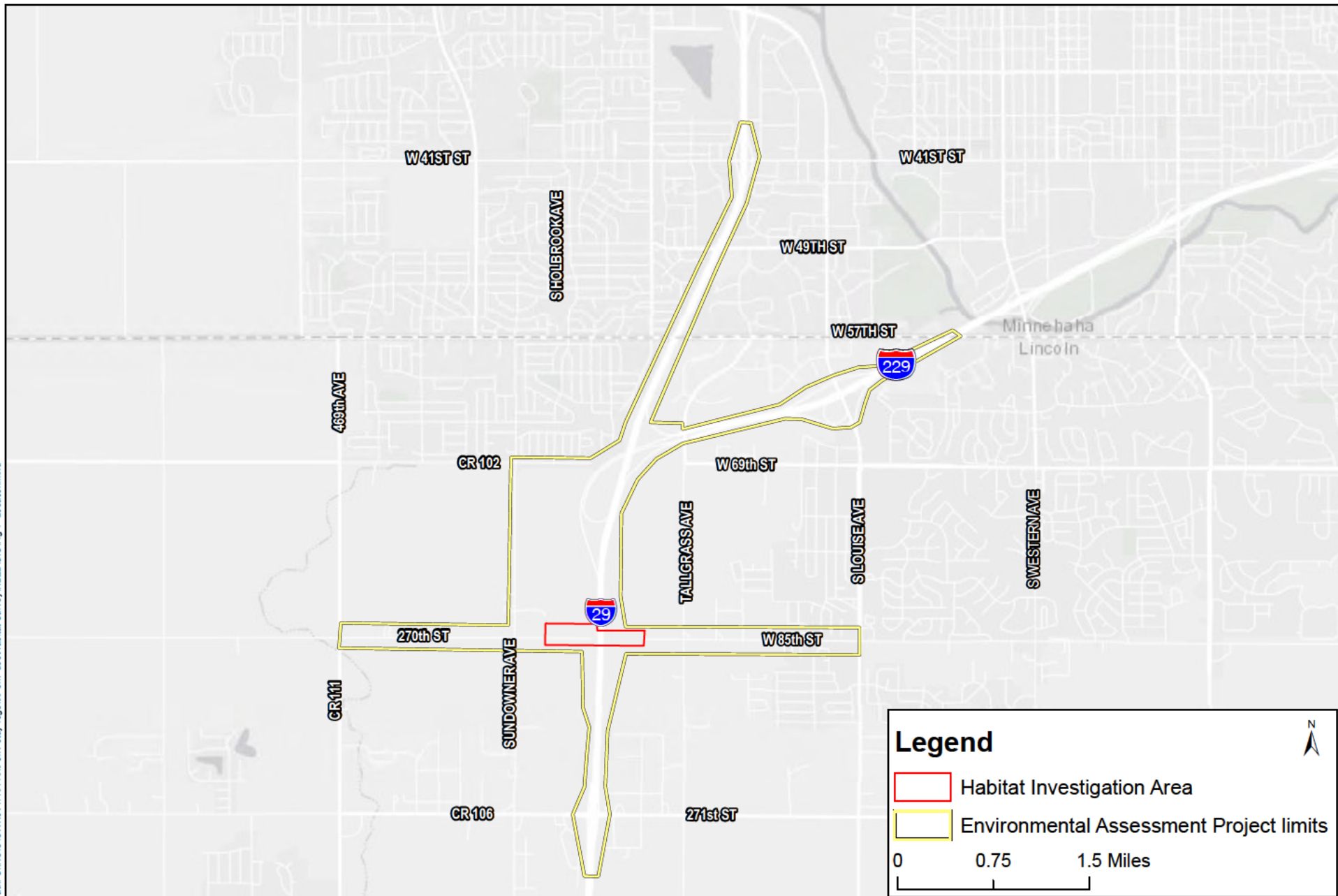
Figure 2 – Habitat Assessment Areas of Investigation

Appendix A – Assessment Forms

RB

c: Ross Harris, SEH

s:\ko\o\ownjv\149418\3-env-stdy-regs\30-env-doc\habitat survey\nleb\oct24_seh memo_nleb habitat assessment.docx



3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (651) 490-2150
WATTS: 800-325-2055
www.sehinc.com

Project: OWNJV 149418
Print Date: 9/11/2019

Map by: rbeduhn
Projection: UTM NAD 83 Zone 14N
Source: SEH, ESRI, Google

Project Location

Northern Long-Eared Bat Habitat Assessment: I-29 and 85th Street Interchange Tea, Lincoln County, South Dakota

Figure
1

Path: S:\KOD\OWNJV\1494183-env-study-ngs\30-env-doc\Habitat Survey\NL EBGIS\Fig 2-AOI.mxd



Legend

 Investigation Area

 Properties

0 250 500 Feet



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Habitat Assessment Areas of Investigation

Northern Long-Eared Bat Habitat Assessment: I-29 and 85th Street Interchange

Tea, Lincoln County, South Dakota

Figure
2

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



Phase I Summer Habitat Assessments

Northern Long-Eared Bat Habitat Assessment Data Sheet

South Dakota Department of Transportation
Office of Project Development-Environmental
Becker-Hansen Building
700 E. Broadway Ave.
Pierre, SD 57501-2586

Date: 07 / 25 / 19

Surveyor: Rebecca Beduhn, SEH

Phone (605) 773-3721

<http://www.sddot.com/business/environmental/Default.aspx>

General Project Information

Project/PCN I-29 and 85th Street Interchange

County Lincoln

Station #

Multiple Sample Sites? ☐ Yes, See Comments

MRM #

☒ No

Structure # 47012 85th St

Brief Project Description

The proposed project consists of the construction of a new diverging diamond interchange at the planned 85th Street crossing of I-29, including new ramp access to the I-29 and I-229 Systems interchange, an auxiliary lane to I-229, and the repaving of the northbound I-229 and Louise Avenue exit ramp.

Buildings on this site may be removed as part of the construction of the new interchange.

Project Area

	Total acres	Forest acres	Open acres
Project (Acres of site being surveyed)	4.93	0.28	3.12
	Completely Cleared	Partially Cleared (Leave Some trees)	Preserve acres (no clearing)

Proposed tree removal

(acres) ☐ No Removal

Vegetation cover types

Pre-project	Mixed Grass	-	-	-	-
	-	-	-	-	-

Post-project

Vegetation will be similar post project. Disturbed areas will be re-vegetated post-construction.

Landscape within 5-Mile Radius

Flight corridors to other forested areas? (If yes, Describe. e.g. shelterbelt, forested, forested creek bottom, forested river bottom)

☐ Yes

☒ No

Describe adjacent properties (e.g., forested, grassland, commercial or residential development, water sources).

Residential

Residential

Residential

Proximity to public land (15 Mile Radius)

What is the distance in miles from the project area to forested public lands (e.g., national or state forests, national or state parks, conservation areas or wildlife management areas)?

No Section 4(f) resources exist within the study area. However, several parks, including Sertoma Park, Oxbow Park, Yankton Trail Park, lie adjacent to or are in close proximity to the study area. These parks qualify as protected section 4(f) resources.

The closest park is located approximately 3.75 miles northeast of the project.

Northern Long-Eared Bat Habitat Assessment Data Sheet (continued)

Additional information about discreet habitat types at multiple sites

Use additional sheets to assess discrete habitat types at multiple sites in a project area. Include a map depicting sample sites in project area. A single sheet can be used for multiple sample sites if the habitat is the same.

Sample Site Description (Station # / MRM#)

Sample site no.

Sample site no.

Water Resources at Sample Site

Stream type (# and length in FT)	<u>Ephemeral</u>	<u>Intermittent</u>	<u>Perennial</u>	Describe existing condition of water sources
	--	--	--	
Pools/ponds (# and size in acres)	<u>Open and accessible to bats?</u>			<input type="radio"/> _____ provides potential summer water source.
	N/A			
Wetlands (Approx. acres)	<u>Permanent</u>	<u>Seasonal</u>		<input checked="" type="radio"/> No Water Source

Forest Resources at Sample Site

Closure/density (Use 1-6 from far right table)	<u>Canopy (>50')</u>	<u>Midstory (20-50')</u>	<u>Understory (<20')</u>	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81-100%
	1	1		
Dominant species of mature trees	Other Deciduous	Green Ash		
% of trees with exfoliating bark	0	0		
Size composition of live trees (%)	<u>Small (3-8 in.)</u>	<u>Med. (9-15 in.)</u>	<u>Large (>15 in.)</u>	
	95	5		
Total # of suitable snags	0			<input checked="" type="checkbox"/> No Forest Resources

(Suitable snags are standing dead trees with exfoliating bark, cracks, crevices or hollows.)

Conclusion

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional comments:

There are trees lining the property. Species present include: Quaking Aspen (*Populus tremuloides*), Green Ash (*Fraxinus pennsylvanica*), other deciduous, and an identifiable spruce. No evidence of large cracks or peeling bark was observed, which makes it non-suitable for future bat use.

The structure on the property was closely examined for signs of NLEB. No evidence of bat habitat was located on the property.

Attach aerial map of project site with all forested areas labeled and a general description of the habitat.

Photographic documentation should include: habitat shots at edge and interior from multiple locations; canopy, midstory, understory; examples of potential suitable snags and live trees; and water resources.

47012 85th St











Phase I Summer Habitat Assessments

Northern Long-Eared Bat Habitat Assessment Data Sheet

South Dakota Department of Transportation
Office of Project Development-Environmental
Becker-Hansen Building
700 E. Broadway Ave.
Pierre, SD 57501-2586

Date: 07 / 25 / 19

Surveyor: Rebecca Beduhn, SEH

Phone (605) 773-3721

<http://www.sddot.com/business/environmental/Default.aspx>

General Project Information

Project/PCN I-29 and 85th Street Interchange

County Lincoln

Station #

Multiple Sample Sites? ☐ Yes, See Comments

MRM #

☒ No

Structure # 47032 85th St

Brief Project Description

The proposed project consists of the construction of a new diverging diamond interchange at the planned 85th Street crossing of I-29, including new ramp access to the I-29 and I-229 Systems interchange, an auxiliary lane to I-229, and the repaving of the northbound I-229 and Louise Avenue exit ramp.

Buildings on this site may be removed as part of the construction of the new interchange.

Project Area

	Total acres	Forest acres	Open acres
Project (Acres of site being surveyed)	2.47	0.33	1.78
	Completely Cleared	Partially Cleared (Leave Some trees)	Preserve acres (no clearing)

Proposed tree removal

(acres) ☐ No Removal

Vegetation cover types

Pre-project	Mixed Grass	-	-	-	-
	-	-	-	-	-

Post-project

Vegetation will be similar post project. Disturbed areas will be re-vegetated post-construction.

Landscape within 5-Mile Radius

Flight corridors to other forested areas? (If yes, Describe. e.g. shelterbelt, forested, forested creek bottom, forested river bottom)

☐ Yes

☒ No

Describe adjacent properties (e.g., forested, grassland, commercial or residential development, water sources).

Residential

Residential

Residential

Proximity to public land (15 Mile Radius)

What is the distance in miles from the project area to forested public lands (e.g., national or state forests, national or state parks, conservation areas or wildlife management areas)?

No Section 4(f) resources exist within the study area. However, several parks, including Sertoma Park, Oxbow Park, Yankton Trail Park, lie adjacent to or are in close proximity to the study area. These parks qualify as protected section 4(f) resources.

The closest park is located approximately 3.75 miles northeast of the project.

Northern Long-Eared Bat Habitat Assessment Data Sheet (continued)

Additional information about discreet habitat types at multiple sites

Use additional sheets to assess discrete habitat types at multiple sites in a project area. Include a map depicting sample sites in project area. A single sheet can be used for multiple sample sites if the habitat is the same.

Sample Site Description (Station # / MRM#)

Sample site no.

Sample site no.

Water Resources at Sample Site

Stream type (# and length in FT)	<u>Ephemeral</u>	<u>Intermittent</u>	<u>Perennial</u>	Describe existing condition of water sources
	--	--	--	
Pools/ponds (# and size in acres)	<u>Open and accessible to bats?</u>			<input type="radio"/> _____ provides potential summer water source.
	N/A			
Wetlands (Approx. acres)	<u>Permanent</u>	<u>Seasonal</u>		<input checked="" type="radio"/> No Water Source

Forest Resources at Sample Site

Closure/density (Use 1-6 from far right table)	<u>Canopy (>50')</u>	<u>Midstory (20-50')</u>	<u>Understory (<20')</u>	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81-100%
	2			
Dominant species of mature trees	Green Ash		-	
% of trees with exfoliating bark	0			
Size composition of live trees (%)	<u>Small (3-8 in.)</u>	<u>Med. (9-15 in.)</u>	<u>Large (>15 in.)</u>	
	95	5		
Total # of suitable snags	0			<input checked="" type="checkbox"/> No Forest Resources

(Suitable snags are standing dead trees with exfoliating bark, cracks, crevices or hollows.)

Conclusion

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional comments:

There are trees lining the property. Tree species include: Green Ash, Quaking Aspen, and Boxelder (*Acer negundo*). The trees in the stand were closely examined for signs of NLEB. There was no evidence of current bat use. No evidence of large cracks or peeling bark was observed, which makes it non-suitable for future bat use.

The structure on the property was closely examined for signs of NLEB. No evidence of bat habitat was located on the property.

Attach aerial map of project site with all forested areas labeled and a general description of the habitat.

Photographic documentation should include: habitat shots at edge and interior from multiple locations; canopy, midstory, understory; examples of potential suitable snags and live trees; and water resources.

47032 85th St







Phase I Summer Habitat Assessments

Northern Long-Eared Bat Habitat Assessment Data Sheet

South Dakota Department of Transportation
Office of Project Development-Environmental
Becker-Hansen Building
700 E. Broadway Ave.
Pierre, SD 57501-2586

Date: 07 / 25 / 19

Surveyor: Rebecca Beduhn, SEH

Phone (605) 773-3721

<http://www.sddot.com/business/environmental/Default.aspx>

General Project Information

Project/PCN I-29 and 85th Street Interchange

County Lincoln

Station #

Multiple Sample Sites? ☐ Yes, See Comments

MRM #

☒ No

Structure # 47036 85th St

Brief Project Description

The proposed project consists of the construction of a new diverging diamond interchange at the planned 85th Street crossing of I-29, including new ramp access to the I-29 and I-229 Systems interchange, an auxiliary lane to I-229, and the repaving of the northbound I-229 and Louise Avenue exit ramp.

Buildings on this site may be removed as part of the construction of the new interchange.

Project Area

	Total acres	Forest acres	Open acres
Project (Acres of site being surveyed)	3.34	0.01	3.06
	Completely Cleared	Partially Cleared (Leave Some trees)	Preserve acres (no clearing)

Proposed tree removal

(acres) ☐ No Removal

Vegetation cover types

Pre-project	Mixed Grass	-	-	-	-
	-	-	-	-	-

Post-project

Vegetation will be similar post project. Disturbed areas will be re-vegetated post-construction.

Landscape within 5-Mile Radius

Flight corridors to other forested areas? (If yes, Describe. e.g. shelterbelt, forested, forested creek bottom, forested river bottom)

☐ Yes

☒ No

Describe adjacent properties (e.g., forested, grassland, commercial or residential development, water sources).

Residential

Residential

Residential

Proximity to public land (15 Mile Radius)

What is the distance in miles from the project area to forested public lands (e.g., national or state forests, national or state parks, conservation areas or wildlife management areas)?

No Section 4(f) resources exist within the study area. However, several parks, including Sertoma Park, Oxbow Park, Yankton Trail Park, lie adjacent to or are in close proximity to the study area. These parks qualify as protected section 4(f) resources.

The closest park is located approximately 3.75 miles northeast of the project.

Northern Long-Eared Bat Habitat Assessment Data Sheet (continued)

Additional information about discreet habitat types at multiple sites

Use additional sheets to assess discrete habitat types at multiple sites in a project area. Include a map depicting sample sites in project area. A single sheet can be used for multiple sample sites if the habitat is the same.

Sample Site Description (Station # / MRM#)

Sample site no.

Sample site no.

Water Resources at Sample Site

Stream type (# and length in FT)	<u>Ephemeral</u>	<u>Intermittent</u>	<u>Perennial</u>	Describe existing condition of water sources
	--	--	--	
Pools/ponds (# and size in acres)	<u>Open and accessible to bats?</u>			<input type="radio"/> _____ provides potential summer water source.
	N/A			
Wetlands (Approx. acres)	<u>Permanent</u>	<u>Seasonal</u>		<input checked="" type="radio"/> No Water Source

Forest Resources at Sample Site

Closure/density (Use 1-6 from far right table)	<u>Canopy (>50')</u>	<u>Midstory (20-50')</u>	<u>Understory (<20')</u>	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81-100%
	1			
Dominant species of mature trees	Other Deciduous			
% of trees with exfoliating bark	0			
Size composition of live trees (%)	<u>Small (3-8 in.)</u>	<u>Med. (9-15 in.)</u>	<u>Large (>15 in.)</u>	
		50	50	
Total # of suitable snags	0			<input checked="" type="checkbox"/> No Forest Resources

(Suitable snags are standing dead trees with exfoliating bark, cracks, crevices or hollows.)

Conclusion

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional comments:

There are some trees on the property. Species include Quaking Aspen and Black Walnut (*Juglans nigra*). The trees in the stand were closely examined for signs of NLEB. There was no evidence of current bat use. No evidence of large cracks or peeling bark was observed, which makes it non-suitable for future bat use.

The structure on the property was closely examined for signs of NLEB. No evidence of bat habitat was located on the property.

Attach aerial map of project site with all forested areas labeled and a general description of the habitat.

Photographic documentation should include: habitat shots at edge and interior from multiple locations; canopy, midstory, understory; examples of potential suitable snags and live trees; and water resources.

47036 85th St





United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Dakota Ecological Services Field Office
420 South Garfield Avenue, Suite 400
Pierre, SD 57501-5408
Phone: (605) 224-8693 Fax: (605) 224-1416
<http://www.fws.gov/southdakotafieldoffice/>

In Reply Refer To:
Project Code: 2022-0004099
Project Name: I-29 and 85th Street Interchange Project

February 07, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)).

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, as amended), as well as the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may benefit from the development of an Eagle Conservation Plan (ECP), see guidance at this website (http://www.fws.gov/windenergy/eagle_guidance.html). An ECP can assist developers in achieving compliance with regulatory requirements, help avoid “take” of eagles at project sites, and provide biological support for eagle permit applications. Additionally, we recommend wind energy developments adhere to our

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

South Dakota Ecological Services Field Office

420 South Garfield Avenue, Suite 400

Pierre, SD 57501-5408

(605) 224-8693

Project Summary

Project Code: 2022-0004099

Event Code: None

Project Name: I-29 and 85th Street Interchange Project

Project Type: New Construction

Project Description: Construction of a Diverging Diamond Interchange along I-29 at 85th Street. Also includes a connector ramp from southbound I-229 to the 85th Street exit ramp and a braided exit ramp from southbound I-29.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.4871663832899,-96.80016491603735,14z>



Counties: Lincoln and Minnehaha counties, South Dakota

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Western Prairie Fringed Orchid <i>Platanthera praeclara</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1669	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Black Tern <i>Chlidonias niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3093	Breeds May 15 to Aug 20

NAME	BREEDING SEASON
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
Franklin's Gull <i>Leucophaeus pipixcan</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Hudsonian Godwit <i>Limosa haemastica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Le Conte's Sparrow <i>Ammodramus leconteii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 1 to Aug 15
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

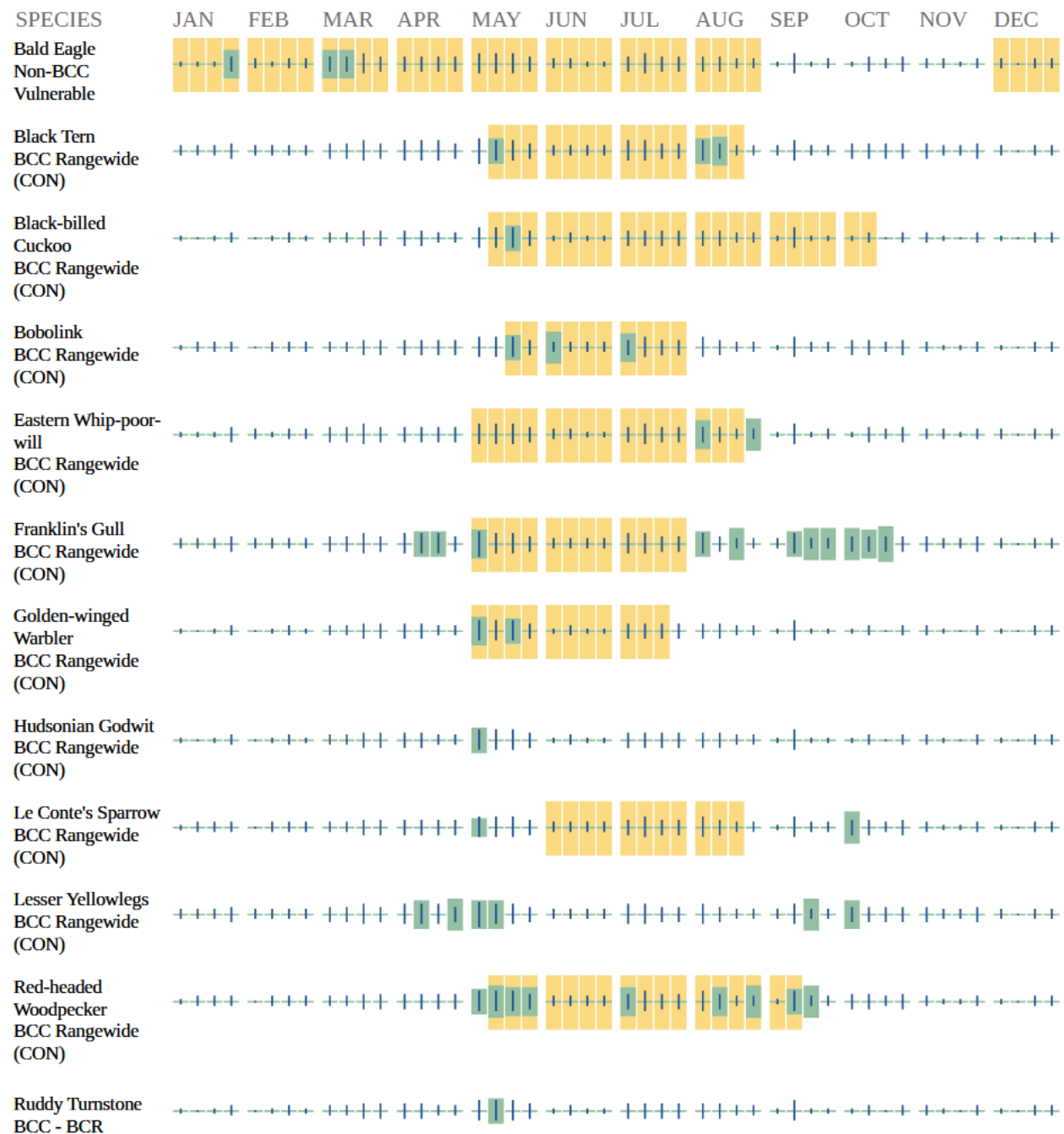
No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>

- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab](#)

[of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be

aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER POND

- [Palustrine](#)

RIVERINE

- [Riverine](#)
-



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Dakota Ecological Services Field Office
420 South Garfield Avenue, Suite 400
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<http://www.fws.gov/southdakotafieldoffice/>

In Reply Refer To:
Consultation Code: 06E14000-2019-TA-0247
Event Code: 06E14000-2020-E-01664
Project Name: I-29 and 85th Street Interchange Project

April 14, 2020

Subject: Verification letter for the 'I-29 and 85th Street Interchange Project' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Martin Falk:

The U.S. Fish and Wildlife Service (Service) received on April 14, 2020 your effects determination for the 'I-29 and 85th Street Interchange Project' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Red Knot, *Calidris canutus rufa* (Threatened)
- Western Prairie Fringed Orchid, *Platanthera praeclara* (Threatened)

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

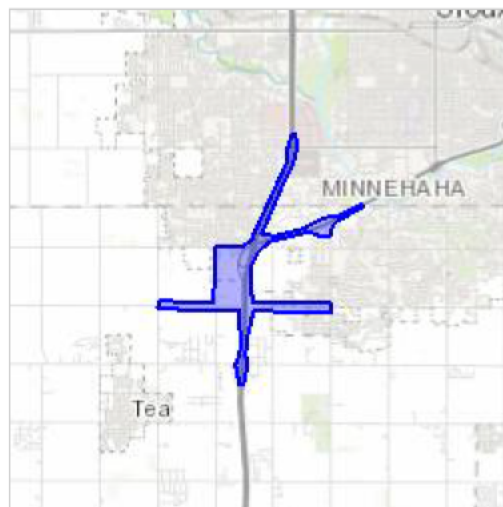
I-29 and 85th Street Interchange Project

2. Description

The following description was provided for the project 'I-29 and 85th Street Interchange Project':

Construction of a Diverging Diamond Interchange along I-29 at 85th Street. Also includes a connector ramp from southbound I-229 to the 85th Street exit ramp and a braided exit ramp from southbound I-29.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.48690206655453N96.80025431804017W>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No

3. Will your activity purposefully **Take** northern long-eared bats?
No

4. Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No

5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases is available at www.fws.gov/midwest/endangered/mammals/nleb/nhsites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

No

7. Will the action involve Tree Removal?

Yes

8. Is the action the removal of hazardous trees for protection of human life or property?

No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0



February 10, 2022

Mr. Kit Bramblee
South Dakota Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501

RE: Environmental Review for:
Sioux Falls_Tea Project P1360_02_PCN 06JQ

Dear Mr. Bramblee:

Thank you for the opportunity to provide Farmland Protection Policy Act (FPPA) review of this project.

The project **does** impact prime farmland and land of statewide importance. Enclosed is a Web Soil Survey map delineating the FPPA farmland classifications of the proposed site. Also enclosed is a Farmland Conversion Impact Rating Form (AD-1006) for this project. We have completed Parts II, IV, and V. Please complete Parts I, III, VI, and VII as per instructions on the back of the form and the attached document titled **Site Assessment Scoring for the Twelve Factors Used in FPPA**. If the TOTAL POINTS in Part VII is less than 160 points, the proposed activity will have no significant impact on the prime farmland or farmland 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 offices regarding any United States Department of Agriculture easements or contracts in the project areas that may be affected. For any other easements outside of the NRCS, you should check with the local courthouse.

If you have any questions, please contact me at (605) 352-1234.

Sincerely,

JESSICA MICHALSKI
State Resource Conservationist


Attachments

cc:
Nathan Jones, State Soil Scientist, NRCS, Huron SO

Farmland Classification—Lincoln County, South Dakota
(Sioux Falls_Tea Project P 1360_02_PCN 06JQ)









MAP LEGEND








Area of Interest (AOI)






-  Area of Interest (AOI)








Soils



Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season









-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60



































-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of statewide importance, if hawed
-  Farmland of local importance
-  Farmland of local importance, if irrigated

-  Farmland of unique importance
-  Not rated or not available

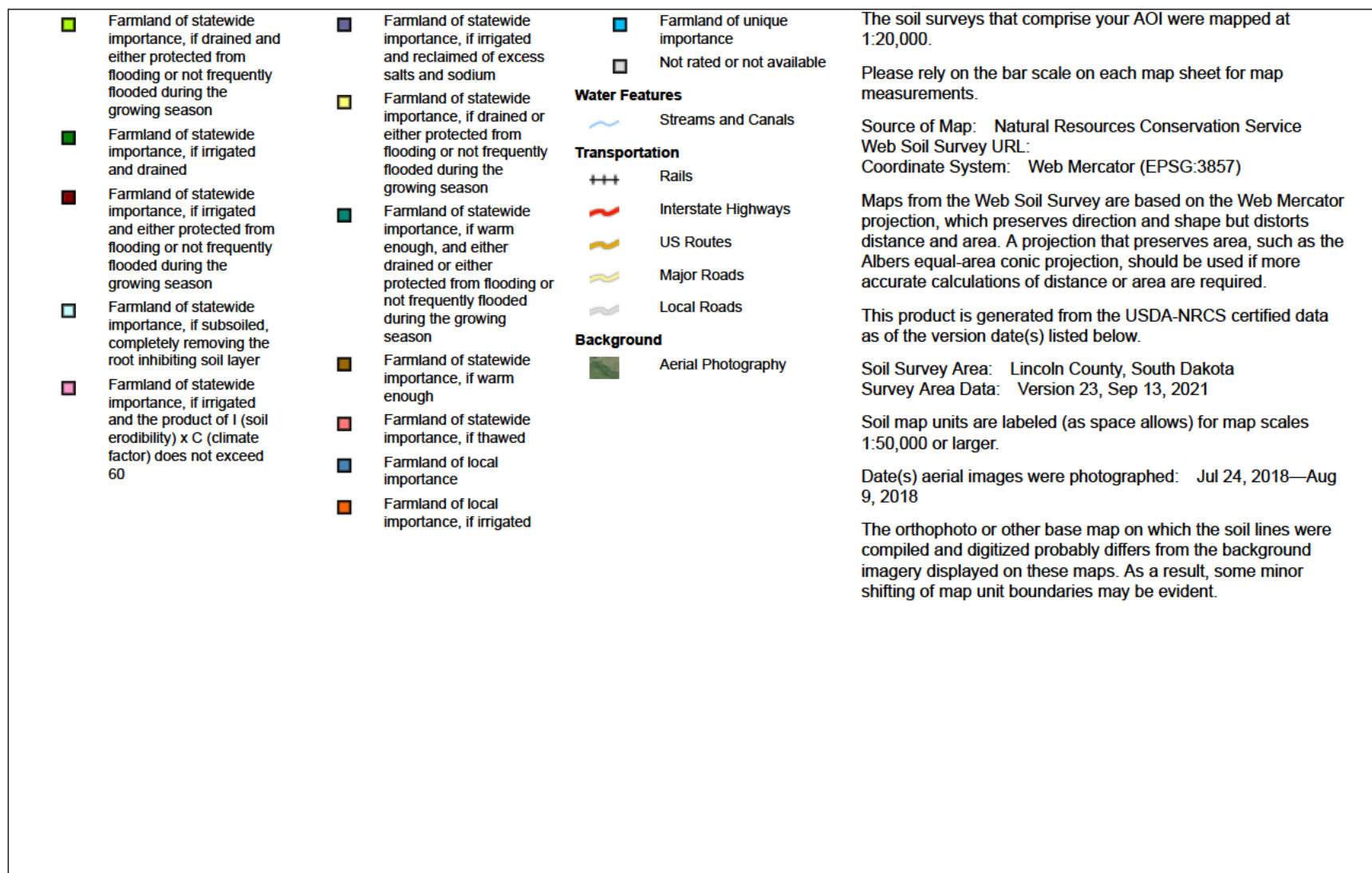
Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—Lincoln County, South Dakota
(Sioux Falls_Tea Project P 1360_02_PCN 06JQ)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season		Not rated or not available		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Soil Rating Points		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance						Prime farmland if drained		Farmland of statewide importance
	Farmland of statewide importance, if drained		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer				Prime farmland if irrigated		Farmland of statewide importance, if drained
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if warm enough		Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
	Farmland of statewide importance, if irrigated				Farmland of statewide importance, if thawed		Prime farmland if irrigated and drained		Farmland of statewide importance, if irrigated
					Farmland of local importance		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		
					Farmland of local importance, if irrigated				

Farmland Classification—Lincoln County, South Dakota
(Sioux Falls_Tea Project P 1360_02_PCN 06JQ)



Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Af	Alcester silty clay loam, channeled	Not prime farmland	4.2	2.4%
Bp	Orthents, loamy	Not prime farmland	0.3	0.2%
Ca	Chancellor-Tetonka complex, 0 to 2 percent slopes	Prime farmland if drained	14.6	8.5%
Cd	Chancellor-Viborg silty clay loams	Prime farmland if drained	2.5	1.5%
EaB	Egan silty clay loam, 3 to 6 percent slopes	All areas are prime farmland	43.1	25.1%
EcB	Egan-Chancellor silty clay loams, 0 to 4 percent slopes	Farmland of statewide importance	36.1	21.0%
EsC	Egan-Shindler complex, 6 to 9 percent slopes	Farmland of statewide importance	2.2	1.3%
EwB	Egan-Worthing complex, 0 to 6 percent slopes	Not prime farmland	11.9	6.9%
HuA	Huntimer silty clay loam, 0 to 2 percent slopes	All areas are prime farmland	19.5	11.4%
Mh	Baltic silty clay loam, ponded	Not prime farmland	1.0	0.6%
Te	Tetonka silt loam, 0 to 2 percent slopes, frequently ponded	Prime farmland if drained	1.5	0.9%
WeA	Wentworth silty clay loam, 0 to 2 percent slopes	All areas are prime farmland	20.9	12.2%
WhA	Wentworth-Chancellor silty clay loams, 0 to 2 percent slopes	Prime farmland if drained	10.6	6.2%
Ws	Worthing silty clay loam, 0 to 1 percent slopes	Not prime farmland	3.1	1.8%
Totals for Area of Interest			171.6	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Planning and Engineering

Environmental Office
700 E Broadway Avenue
Pierre, SD 57501-2586
O: 605.773.4336
dot.sd.gov

December 29, 2021

Deron Ruesch
District Conservationist
USDA – Natural Resource Conservation Service
801 E 5th Street
Canton, SD 53703-1920

RE: Project P 1360(02), PCN 06JQ, Lincoln County

I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Ruesch:

The South Dakota Department of Transportation is currently preparing an Environmental Assessment for potential impacts associated with the construction of an interchange at 85th Street and Interstate 29 in Lincoln County, SD.

Proposed improvements for the project include construction of a Diverging Diamond Interchange (DDI) along I-29 at 85th Street. The configuration also includes a connector ramp from southbound I-229 to the 85th Street exit ramp and a braided exit ramp from southbound I-29. Access and facility modifications along 85th street that would be required with the construction of the interchange are also being evaluated for this Environmental Assessment.

Previous coordination was sent for this project on November 21, 2019. Since that time, drainage improvements have been designed for the project which would require the conversion of additional agricultural land. Approximately 21.12 acres of land actively used for agriculture would be required for the proposed project.

Enclosed are the form AD 1006 along with additional figures and justification for the Land Evaluation Site Assessment criteria. Your timely review of this project would be much appreciated. If you need additional information, please contact me using the contact information provided below.

Sincerely,

Kit Bramblee
Environmental Scientist Manager
605.773.3721

Enclosures
Cc: Joanne Hight, SDDOT
Tom Lehmkuhl, FHWA

Legend

Parcels

Preferred Alternative
(Pavement Edge)

Proposed Drainage Features

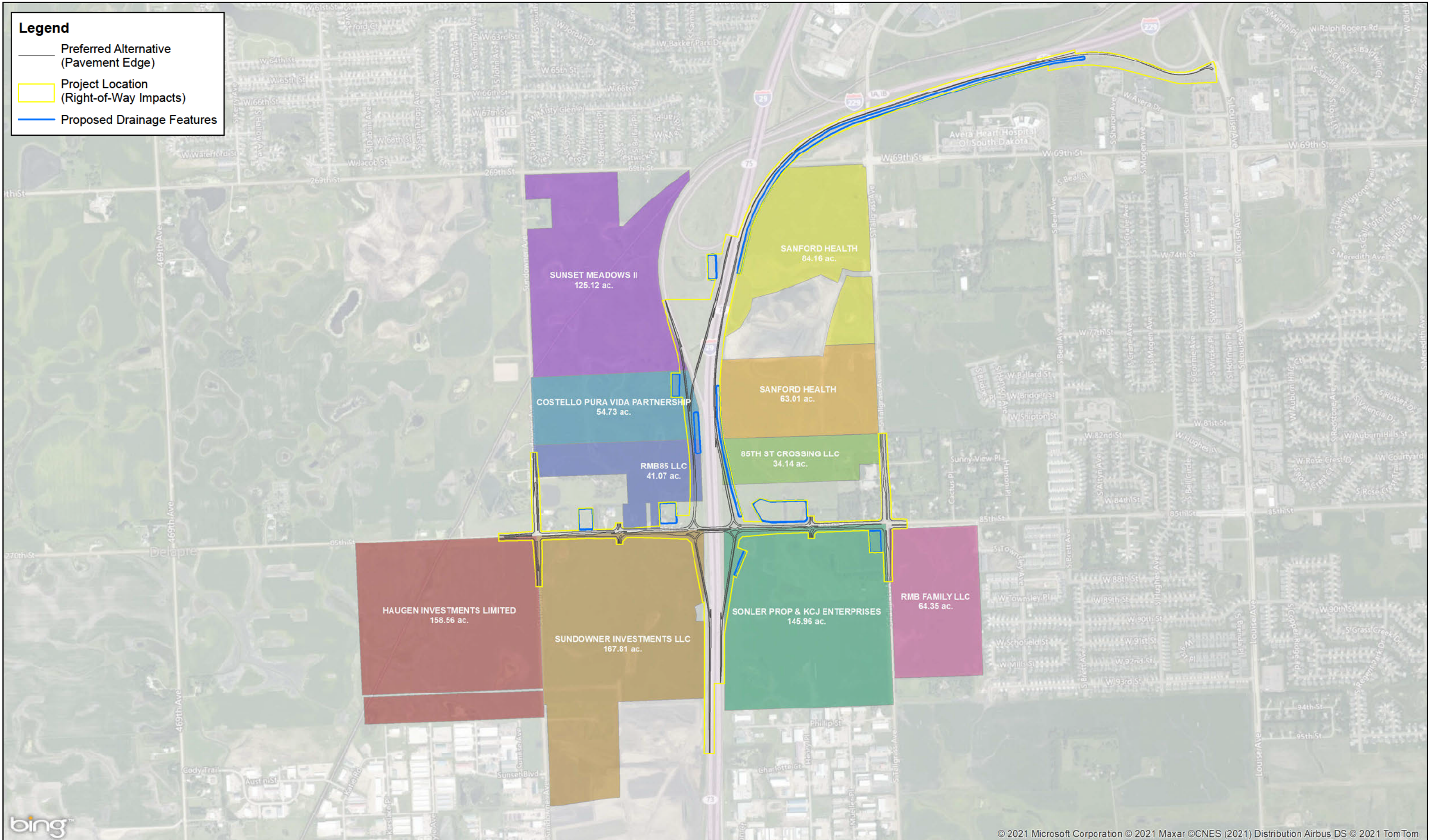
Project Location
(Right-of-Way Impacts)

Proposed Converted
Agricultural Land





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U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 12/29/2021				
Name of Project I-29 and 85th Street Interchange		Federal Agency Involved FHWA				
Proposed Land Use Roadway/Interchange and R/W		County and State Lincoln County, South Dakota				
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 <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated 2123	Average Farm Size 389	
Major Crop(s) Field Crops	Farmable Land In Govt. Jurisdiction Acres: 332,335 % 89	Amount of Farmland As Defined in FPPA Acres: 330,659 % 85				
Name of Land Evaluation System Used Relative Productivity	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				
		Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly		21.21				
B. Total Acres To Be Converted Indirectly		0				
C. Total Acres In Site		21.21				
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 Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)						
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use		(15)	15			
2. Perimeter In Non-urban Use		(10)	10			
3. Percent Of Site Being Farmed		(20)	20			
4. Protection Provided By State and Local Government		(20)	0			
5. Distance From Urban Built-up Area		(15)	5			
6. Distance To Urban Support Services		(15)	0			
7. Size Of Present Farm Unit Compared To Average		(10)	0			
8. Creation Of Non-farmable Farmland		(10)	0			
9. Availability Of Farm Support Services		(5)	0			
10. On-Farm Investments		(20)	0			
11. Effects Of Conversion On Farm Support Services		(10)	0			
12. Compatibility With Existing Agricultural Use		(10)	10			
TOTAL SITE ASSESSMENT POINTS		160	60	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	60	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	60	0	0	0
Site Selected: Site A	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>				
Reason For Selection: This site was selected because it addresses the project purpose and need of the project (achieving planned growth and development, improving access and mobility, and meeting transportation system demands) while also minimizing impacts to surrounding resources.						
Name of Federal agency representative completing this form:					Date:	

(See Instructions on reverse side)

Form AD-1006 (03-02)

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, <http://fppa.nrcs.usda.gov/lesa/>.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.
- Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM (For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.
2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

I-29 and 85th Street Interchange Project

Land Evaluation Site Assessment – Justification of Responses

USDA NRCS Form AD-1006 (03-02)

Part VI Evaluation Criteria:

- 1) 15 points, although the area is in close proximity to a major urban area and planned for urban use in the future, the area is currently rural
- 2) 10 points, the area immediately surrounding the site perimeter is currently non-urban, despite much of it being planned for urban use in the future
- 3) 20 points, 90% or more of the agricultural land in the area is actively farmed
- 4) 0 points, no known protection programs are in place for affected farming operations
- 5) 5 points, the site is within ½ mile of urban development in the Cities of Sioux Falls and Tea, but not immediately adjacent to urban development
- 6) 0 points, urban support services exist and are planned within 1/2 mile of the site.
- 7) 0 Points, The average farm size in Lincoln County is 390 acres. The proposed site would impact farmland from 8 farming operations, with an average size of 98.97 Acres. This is less than 50% of the average farm size in Lincoln County
- 8) 0 points, The proposed action will not create non farmable farmland off-site
- 9) 0 points, the site does not include farm support services
- 10) 0 points, the site is use for row crops and does not contain additional on-farm investments
- 11) 0 points, No significant reduction in demand for support services are anticipated as a result of land conversion on the site.
- 12) 10 points, the project is fully compatible with surrounding urban use, however, the project would also support the conversion of farmland to urban uses that is already planned for the area.



Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

November 21, 2019

Deron Ruesch
District Conservationist
USDA – Natural Resource Conservation Service
801 E 5th Street
Canton, SD 53703-1920

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Ruesch:

The South Dakota Department of Transportation is currently preparing an Environmental Assessment for potential impacts associated with the construction of an interchange at 85th Street and Interstate 29 in Lincoln County, SD.

Proposed Improvements for the project include construction of a Diverging Diamond Interchange (DDI) along I-29 at 85th Street. The configuration also includes a connector ramp from southbound I-229 to the 85th Street exit ramp and a braided exit ramp from southbound I-29. Access and facility modifications along 85th street that would be required with the construction of the interchange are also being evaluated for this Environmental Assessment.

The project will involve the acquisition of agricultural property and conversion of acquired land to non-agricultural uses (i.e. road right-of-way). Approximately 16.24 acres of land actively used for agriculture would be required for the proposed project.

Enclosed are the form AD 1006 along with additional figures and justification for the Land Evaluation Site Assessment criteria. Your timely review of this project would be much appreciated. If you need additional information, please contact me using the contact information provided below.

Sincerely,

Joanne Hight
Engineering Supervisor
605.773.3721

Enclosures
Cc: Tom Lemkuhl
Al Mura



Department of Transportation
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-4336

January 15, 2020

Deron Ruesch
District Conservationist
USDA – Natural Resource Conservation Service
801 E 5th Street
Canton, SD 53703-1920

RE: Project P 1360(02), PCN 06JQ, Lincoln County
I-29 -85th Street Interchange, City of Sioux Falls and City of Tea
Interchange Preliminary Engineering and Environmental Assessment

Dear Mr. Ruesch:

The South Dakota Department of Transportation is currently preparing an Environmental Assessment (EA) for potential impacts associated with improvements to 85th Street at the intersection of Interstate Highway 29 in Lincoln County, SD. The alternatives being considered for the project include:

- The Build Alternative (Site A on Form AD-1006) includes construction of a Diverging Diamond Interchange along I-29 at 85th Street. The configuration also includes a connector ramp from southbound I-229 to the 85th Street exit ramp and a braided exit ramp from southbound I-29. Access and facility modifications along 85th street that would be required with the construction of the interchange are also being evaluated for this Environmental Assessment. This alternative will involve the acquisition and conversion of approximately 16.24 acres of agricultural property to non-agricultural uses (i.e. road right-of-way).
- The No Build Alternative (Site B on Form AD-1006) includes 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. This alternative will involve the acquisition and conversion of approximately 12.0 acres of agricultural property to non-agricultural uses. This alternative was considered in a previous EA with a signed Finding of No Significant Impact from FHWA, and is currently budgeted and planned for construction should no other alternative be selected.
- Existing Conditions Alternative Does not propose any changes to the roadway system. Therefore, no impacts to farmland would result from this alternative and it is not included on form AD-1006.

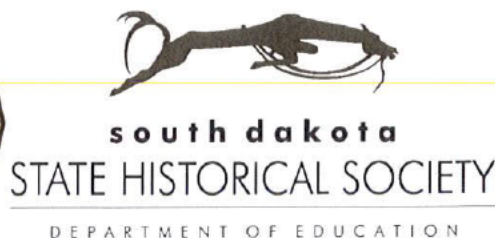
The project area included in the current roadway corridors are mowed rights of way. The project area along 85th Street is primarily used for agriculture and residential housing. Single family residential housing is located on the north side of 85th Street west and east of I-29. The land south of 85th 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.

Enclosed are the form AD-1006 along with maps of the alternatives and justification for the Land Evaluation Site Assessment criteria. Your timely review of this project would be much appreciated. If you need additional information, please contact me using the contact information provided below.

Sincerely,

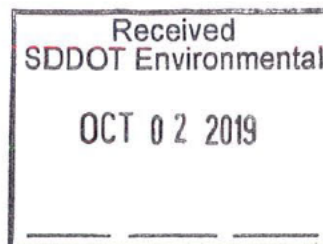
Joanne Hight
Engineering Supervisor
605.773.3721

Enclosures



September 27, 2019

Ms. Joanne Hight
Department of Transportation
Environmental Office
700 E. Broadway Avenue
Pierre, SD 57501-2586



SECTION 106 PROJECT CONSULTATION

Project: 190926005F – P 1360(02) PCN 06JQ – I-29 – 85th Street Interchange Construction
Location: Lincoln County
(FHWA/DOT)

Dear Ms. Hight,

Thank you for the opportunity to comment on the above-referenced project pursuant to 54 U.S.C. 306108 (Section 106) of the National Historic Preservation Act of 1966 (as amended). The Office of the South Dakota 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.

On September 26, 2019, we received your letter and the report entitled “An Intensive Cultural Resources Survey for SEH, Inc. of Interstate 29 New Overpass / Interchange, Lincoln County, South Dakota” by Lisa Nesselbeck (CIS No. 3397). Based upon the information provided, newly-recorded site [REDACTED] and newly-recorded structures [REDACTED], [REDACTED] and [REDACTED] should be considered **Not Eligible** for Listing in the National Register of Historic Places. Therefore, we concur with your determination of “No Historic Properties Affected” for the proposed undertaking.

Activities occurring in areas not identified in your request, such as any needed borrow or staging areas, will require the submission of additional documentation pertaining to the identification of historic properties, as described in 36 C.F.R. § 800.4.

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

If historic properties are discovered or unanticipated effects on historic properties are found after the agency official has completed the process outlined by 54 U.S.C. 306108 (Section 106) of the National Historic Preservation Act, the agency official shall avoid, minimize, or mitigate the

adverse effects to such properties and notify the SHPO and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery, pursuant to 36 C.F.R. § 800.13.

Should you require any additional information, please do not hesitate to contact Jenna Carlson Dietmeier at Jenna.CarlsonDietmeier@state.sd.us or (605)773-8370. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,

Jay D. Vogt
State Historic Preservation Officer



Jenna Carlson Dietmeier
Review & Compliance Archaeologist

CC: Jane Watts - Archaeological Research Center, Rapid City
Brian Huot - Archaeological Research Center, Rapid City
David Williams – Archaeological Research Center, Rapid City

From: [Ross Harris](#)
To: [Marty Falk](#)
Subject: FW: Lewis & Clark Water Costs
Date: Thursday, April 21, 2022 11:18:35 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image010.png](#)
[image012.png](#)

From: Ross D. Harris
Sent: Tuesday, December 15, 2020 3:33 PM
To: Mike E. Lyons <mlyons@sehinc.com>
Subject: FW: Lewis & Clark Water Costs

Mike, thank you for the reminder. I don't think (?) I sent this to you but if so, apologies for getting it twice. Good info for the team. We had to reach out to Scott V the first time to confirm that noise walls could not be placed along 85th anywhere near the L & C waterline.

Ross

From: Scott Vander Meulen <scottvm@bannerassociates.com>
Sent: Wednesday, January 15, 2020 8:36 AM
To: Ross D. Harris <rharris@sehinc.com>
Cc: Tim Conner <timc@bannerassociates.com>; Clinton Koehn <ckoehn@lcrws.org>; Jim Auen <jauen@lcrws.org>
Subject: RE: Lewis & Clark Water Costs

Hi Ross,

Sending this email in follow up to our phone conversation earlier this afternoon as it pertains to the Lewis & Clark Regional Water System (L&C) pipeline.

You had asked about relocation cost to relocate a portion of the Lewis & Clark pipeline that lays along 85th Street in Sioux Falls.

We can provide a cost but am hesitant to provide one as it would only be an opinion and I believe that the amount of work that would truly be involved in the relocation of that portion of the Lewis & Clark pipeline would not be fully understood by those who are not familiar with it and too easily dismissed. Any cost evaluation may consider cost for easements, engineering, surveying, potential lost water sales and pipe construction costs and construction observation.

To start, the pipeline that you have asked about is a 36" diameter spirally wound steel pipe (0.157-inch wall) with both o-ring joints and welded joints, lined with Cement Mortar Lining and coated on the exterior with a 30-mil polyurethane coating for corrosion protection. In addition, the pipe is cathodically protected with an impressed current cathodic protection system. The pipe is considered a flexible wall pipe and therefore is subject to collapse. The pipeline operating pressure at this location is approximately the 109 psi range with a static pressure of approx. 85 psi. The

pipeline is designed to ultimately convey 24.16 MGD of treated drinking water through this stretch. There are no individual service taps along this pipe however the pipe delivers water to the various members of Lewis & Clark. The pipeline was constructed around 2008.

The pipeline also lays within a specific permanent easement that was acquired by Lewis & Clark along with a temporary construction easement. The easements were obtained at a significant cost, based on land values.

L&C members who are currently served by this stretch of pipe include the following;

1. The City of Sioux Falls, SD
2. The City of Harrisburg, SD
3. Minnehaha Community Water Corporation
4. Rock County Rural Water, MN
5. The City of Rock Rapids, IA
6. The City of Luverne, MN
7. Lincoln-Pipestone Rural Water, MN
8. The City of Worthington, MN
9. The City of Sibley, IA. (yet to be connected).

In addition to the cost of relocation of the pipeline would be the concern of any disruption of water service. These customers have been waiting 25 years for quality water and now that it is finally in service would mean that any disruption of water service would not be well received.

Back in 2017 we had provided some responses/concerns back to the City of Sioux Falls with regard to several options proposed for noise walls. A couple of the options cut the L&C easement in half. Unknown construction techniques for a wall near the pipeline are also a great concern.

I do not have the authority to obligate Lewis & Clark Regional Water System into anything but my recommendation to L&C based on what I currently know would be to not allow any relocation of the pipeline or recommend the construction of a noise wall within its easement. If new information comes to light let us know.

If you have any other questions you may contact me directly,
Thank you,
Scott

Scott Vander Meulen | Senior Project Manager



Banner Associates, Inc.
2307 West 57th Street, Suite 102
Sioux Falls, South Dakota 57108
Toll Free | 1.855.323.6342

www.bannerassociates.com



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From: Scott Vander Meulen
Sent: Tuesday, January 14, 2020 10:30 AM
To: Ross Harris <rharris@sehinc.com>
Cc: Tim Conner <timc@bannerassociates.com>
Subject: RE: Lewis & Clark Water Costs

Hi Ross,
I think I better call to discuss this one a little further.
Relocation is not an option.

Scott

Scott Vander Meulen | Senior Project Manager



Banner Associates, Inc.
2307 West 57th Street, Suite 102
Sioux Falls, South Dakota 57108
Toll Free | 1.855.323.6342
www.bannerassociates.com



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From: Ross Harris <rharris@sehinc.com>
Sent: Tuesday, January 14, 2020 10:12 AM
To: Scott Vander Meulen <scottvm@bannerassociates.com>
Subject: Fw: Lewis & Clark Water Costs

Hi Scott,

I'm working as the PM for SEH and the landowner group for the updated EA on the I-29 / 85th Street EA. Al Murra from SEH passed along your contact info. Wondering if you could help me out with a question below....

We were required by FHWA to re-do the noise analysis that was completed by URS in 2017 for 85th Street due to the interchange being added to the project. We are proceeding under many of the assumptions of the prior noise study - but now that final design is being completed and some of the "unknowns" are available to provide better information, we wanted to be sure we understand (for documentation purposes) why potential noise wall locations on the south side of 85th Street would be cost-prohibitive to do - using the assumptions below from our noise specialist.

Could you please reply with valuation info (water line average relocation cost per foot) we can document in the noise study report at your earliest convenience - or give me a call to discuss?

Thank you,

Ross Harris, AICP | Senior Project Manager
SEH | 5414 NW 88th Street, Suite 140 | Johnston, IA 50131
515.608.6006 direct | 515.867.8228 mobile
515.608.6000 office | 888.908.8166 fax
www.sehinc.com
SEH - Building a Better World for All of Us®

----- Forwarded by Ross Harris/seh on 01/14/2020 10:03 AM -----

From: Savannah Stehn/seh
To: Ross Harris/seh@SEH
Date: 01/14/2020 09:48 AM
Subject: Lewis & Clark Water Costs

Hi Ross -

For the barrier on the south wall, I think we need to assume the water would need to be relocated for the construction of the wall (if it were to be built). There would be approximately 650 feet of water to be relocated and approximately 4400 sq feet of right-of-way that would need to be purchased for the wall location. There will likely be some power poles and electric lines that would need to be relocated with the proposed barrier location, just making the barrier that much more costly and unlikely.

If L & C has a cost in mind per foot of relocation, we can apply that, otherwise I can see if I can come up with a number in talking to others.

Thanks,

Savannah Stehn, PE (WI) | Project Engineer
608.620.6174 direct
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