

# Federal Highway Administration

## Finding of No Significant Impact (FONSI)

FOR

85<sup>th</sup> Street Improvements: Sundowner to Louise Avenue  
P1360(01); PCN 03YF  
Sioux Falls CIP Number 515099

Lincoln County  
Sioux Falls, South Dakota

Submitted Pursuant to 42 USC 4332(2)(c) and 49 USC 303

By the

U.S. Department of Transportation, Federal Highway Administration  
and South Dakota Department of Transportation

Submitted by:



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02.28.2018

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## I. Introduction

The Federal Highway Administration (FHWA) has determined that in accordance with 23 CFR § 771.119 and § 771.121, the 85<sup>th</sup> Street Improvements: Sundowner Avenue to Louise Avenue (the Project) will not have a significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) for Alternative 2, the preferred alternative, is based on the Environmental Assessment (EA), which was made available to stakeholders, agencies, and the public for a 30-day comment period. A Public Meeting was held on December 5, 2017 to discuss the EA and provide the public an opportunity to comment on the Project.

The EA for 85th Street Improvements: Sundowner Avenue to Louise Avenue is available online on the following webpages:

City of Sioux Falls 85<sup>th</sup> Street Improvement webpage

<http://siouxfalls.org/85thStreet>

City of Sioux Falls 85<sup>th</sup> Street and I-29 Overpass Environmental Assessment webpage

<http://siouxfalls.org/public-works/special-projects/projects-list/85th-st-improvements/85-I29-overpass-assessment>

South Dakota DOT Environmental Assessments webpage

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

The EA is also available for public viewing at the following locations:

City of Sioux Falls Public Works

South Dakota DOT Sioux Falls Area Office

City of Sioux Falls Caille Branch Library

A summary of agency and public comments received during the comment period is included in this FONSI. No agency or public comments were received that necessitated revisions to the document, therefore, the document will not be republished. This EA has been independently evaluated by the FHWA, who has determined that it accurately discusses the need, purpose, alternatives, environmental resources, and impacts of the Project and appropriate mitigation measures. The EA and referenced reports have provided sufficient evidence for determining that an Environmental Impact Statement (EIS) is not required. The EA and supporting documents are incorporated by reference into this document.

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

## II. Description of the Proposed Project

Sioux Falls, in cooperation with the South Dakota Department of Transportation (SDDOT), and the Sioux Falls Metropolitan Planning Organization (MPO), has initiated the assessment of the infrastructure needs to extend 85th Street across I-29 and upgrade 85th Street from Sundowner Avenue to Louise Avenue. The proposed project evaluates the following:

- Construction of a new section of 85th Street across I-29 with a grade separated structure.
- Reconstruction of 85th Street between Sundowner Avenue and Louise Avenue.

The study area and the existing jurisdictional authority is shown on Figure 1. The termini for the 85th Street proposed project were chosen based on logical connections with the north-south arterial street system. The selected western terminus is Sundowner Avenue which is the first north-south arterial roadway west of I-29 along the 85th Street corridor. The selected eastern terminus is Louise Avenue which is the first major and continuous north-south arterial roadway east of I-29 along the 85th Street corridor.

### a. Project Purpose and Need

#### 1. Purpose of the Project

The purpose of this project is to improve local and regional mobility by enhancing the transportation system and improving connectivity. The proposed project would be constructed to accommodate all modes of travel in accordance with the City of Sioux Falls Complete Streets program. The project is also intended to support local and regional initiatives of the City of Sioux Falls, Sioux Falls MPO, and the SDDOT.

#### 2. Project Need

The 85th Street project is needed to address the following:

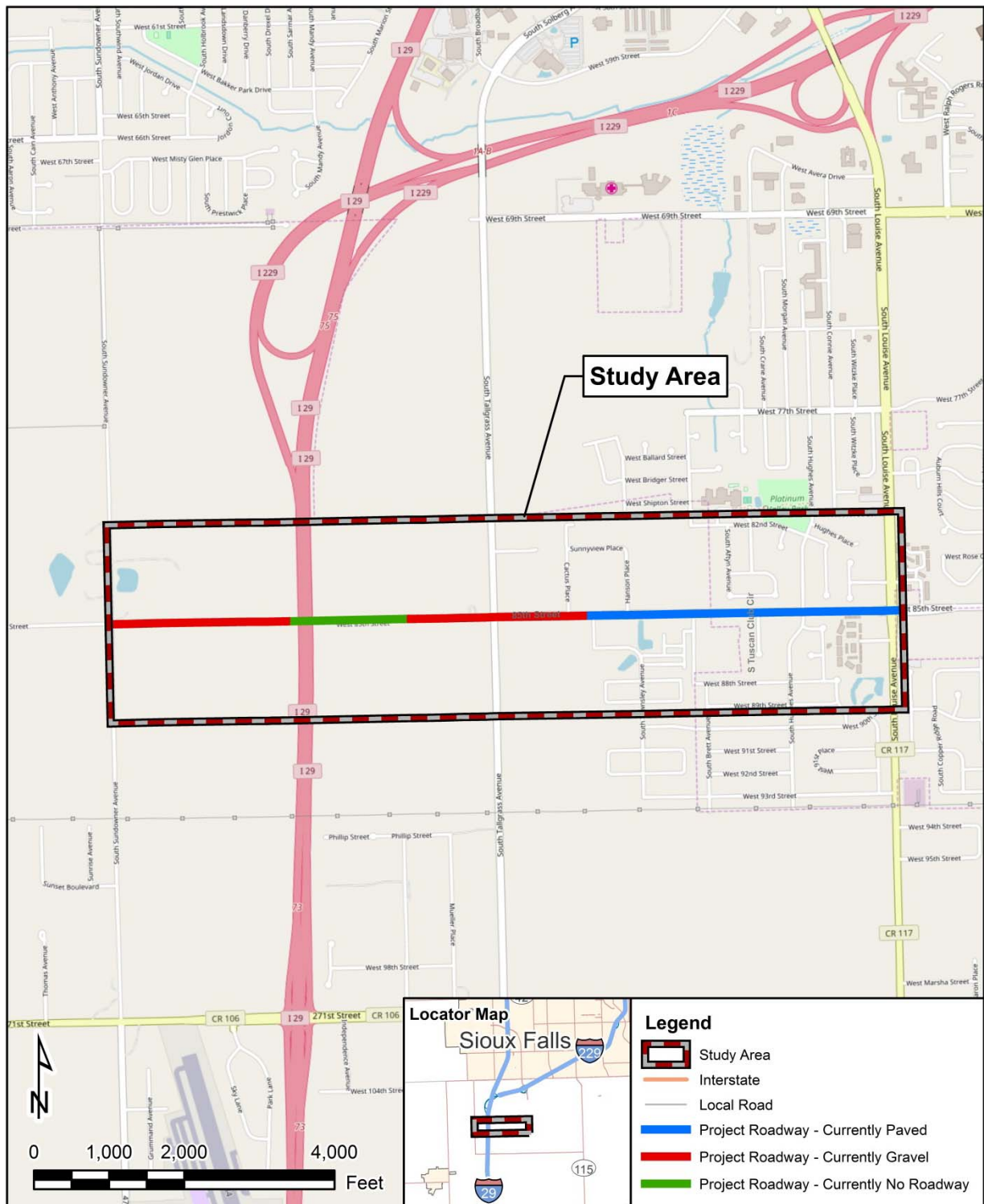
- System Linkage
- Traffic Growth

### b. Alternatives Considered

Two build alternatives were considered in this EA. In addition, the No Build Alternative has been included to satisfy NEPA requirements and FHWA guidelines. The three alternatives were considered in the EA:

- Alternative 1 – No Build;
- Alternative 2 –Extension of 85th Street Over I-29 on Section Line (see Figure 3-1 in the EA);  
and
- Alternative 3 –Extension of 85th Street Over I-29 South of the Section Line (see Figure 3-2 in the EA).

Figure 1. Project Study Area (Figure 1-2 in the EA)



These alternatives are detailed in the following subsections. One additional build alternative was evaluated as part of the alternative selection process. This alternative would have extended 85th Street across I-29 by elevating the I-29 mainline over 85th Street. This alternative was dismissed from consideration because it would take the longest time to construct, have the most traffic impacts, and the highest costs. Therefore, this alternative was not considered feasible or prudent to construct and was not evaluated further.

### **No Build (Alternative 1)**

The No Build Alternative assumes that no changes would be made to the 85th Street corridor. 85th Street would not be upgraded from Sundowner Avenue to Louise Avenue and would not be extended over I-29. However, the No Build Alternative would include any proposed maintenance/improvements to the existing 85th Street corridor and surrounding areas (such as resurfacing, painting and signaling intersection for traffic control), which are identified in the 2018-2021 STIP.

### **Build (Alternative 2)**

Activities associated with this alternative include increasing regional accessibility to/from southwestern Sioux Falls through completing an arterial connection across I-29 at 85th Street. This alternative would extend 85th Street from Sundowner Avenue to Louise Avenue with a grade separation at I-29. This grade separation would elevate 85th Street over I-29 on the existing section line. The grade separation and associated bridge over I-29 would be approximately 2,000 feet in length and have a maximum embankment width of approximately 300 feet.

The arterial connection is proposed as a four-lane median divided urban section with sidewalks (6 feet) on both sides of the roadway. Consistent with Sioux Falls street design standards a ROW of 100 feet is proposed. The key features of the assumed cross section are listed below:

- Four, 11 or 12-foot through lanes.
- Bike lanes (4 feet wide) are assumed along both the eastbound and westbound directions. The lanes would be signed and striped as bike lanes.
- A center median of 16 to 32 feet depending on the number of turn lanes required.
- Four curb and gutter sections of 2.5 feet each.
- Design speed of 45 miles per hour

Alternative 2 would require the least amount of farmland conversion, but requires the most property and structure acquisitions. Additionally, by staying on the section line and not elevating I-29, Alternative 2 would minimize impacts to utilities outside the current corridor ROW.

### Build (Alternative 3)

This alternative would extend 85th Street from Sundowner Avenue to Louise Avenue, including a grade separation at I-29. This grade separation would elevate 85th Street over I-29 along a route approximately 150 feet south of the existing section line. The grade separation would be the same as described for Alternative 2 (approximately 2,000 feet in length and a maximum width of 300 feet).

Alternative 3 would require the least amount of new ROW and no structure acquisitions. However, Alternative 3 would require the relocation of a major water line, adding to the cost of construction. The reverse curve associated with the grade separation would be inconsistent with driver expectations. A combination of a horizontal curve with a vertical curve is less desirable according to the SDDOT Road Design Manual.

### c. Preferred Alternative

With consideration of the Purpose and Need factors, potential impacts and public input, Alternative 2 was identified as the preferred alternative. The social, economic, and environmental impacts associated with Alternative 2 were evaluated in the EA. Table 1 summarizes the impacts associated with the preferred alternative.

**Table 1. Impacts Associated with the Preferred Alternative**

Resource	Summary of Impacts
Land Use	Approximately 24 acres of new ROW. Acquisition of 4 residential parcels for the bridge embankment ROW
Prime Farmland	Approximately 12 acres of cropland and pasture land converted to a transportation corridor.
Pedestrian and Bicycles	Bike lanes along east and west bound lanes of 85th Street Corridor and sidewalks.
Population / Demographics	Minor, positive effect on residential and commercial growth in western and southern sectors of Sioux Falls
Community Cohesion	No access restriction to any existing public or community services, businesses, or commercial areas. No separation or isolation of any distinct neighborhoods, ethnic groups, or other specific groups.
Environmental Justice	No direct adverse impact to low-income and/or minority populations.
Acquisition and Relocations	A total of two structures located on two residential parcels would need to be acquired for this alternative. Two additional parcels with no structures would also need to be acquired. Other parcels would have partial acquisition of land.

Public Facilities and Services	Several of these utilities would likely have to be relocated within the new ROW or into a new utility easement. These utilities could include cable, phone, fiber optic, and water lines.
Economics / Tax Base	A long term positive impact on the tax base would occur if development of the area occurs, especially commercial development.
Visual Quality / Aesthetics	Temporarily altered by construction activities and construction equipment. Post-construction minor change due to new overpass bridge at 85th Street.
Air Quality	Temporary, minor impacts on air quality relating to increased dust levels and vehicle exhaust during construction.
Noise	20 receptors within three noise sensitive areas (NSA) have the potential to incur substantial noise increase. All eight NSA had 1 or more receptors that were predicted to approach the noise abatement criteria of 66 dBA. Noise mitigation was determined to be feasible and reasonable for only one NSA (NSA 9). Construction noise impacts would be short-term and limited to the duration of construction.
Travel Patterns and Access	Long-term beneficial impact on traffic patterns and access for the Sioux Falls metro area due to the new east-west connection across I-29. Some traffic delays and rerouting expected during construction. 85 <sup>th</sup> St / I-29 overpass construction will result in overnight rerouting of I-29 traffic. Post-construction, full movement access along 85th Street would be limited to 0.25 mile. Properties between the 0.25 mile access points would be limited to right in/right out movements.
Geology, Topography, and Soils	Approximately 29 acres of soil impacted by construction activities. BMPs, such as silt fences and/or hay bales, would be utilized during construction to prevent or reduce soil erosion within disturbed areas. Re-vegetation program of disturbed areas once construction has been completed.
Hydrology and Water Quality	Development of a SWPPP that outlines the BMPs.
Floodplain	No adverse impacts.
Wetlands and other Waters of the U.S.	Approximately 1.65 acres of non-jurisdictional wetlands impacted.



Terrestrial Wildlife and Aquatic Resources	With the use of BMPs, such as silt fences and/or bales, and other stipulations in the NPDES construction permit required for the project, no indirect adverse effect on the Big Sioux River and associated aquatic resources.  Adherence to the MBTA and its amendments and USFWS regulations should result in the avoidance and/or minimization of most impacts to migratory birds. Vegetation removal, including the removal of trees would be timed to the extent possible to avoid the migratory bird breeding and fledging season (April 1 through July 15).
Threatened and Endangered Species	No Effect determination for all federal listed and candidate species, except the northern long eared bat. The bat determination was Not Likely to Adversely Affect.  No impact on state listed species.
Invasive Species	No invasive/noxious plant species issues were identified within the study area; therefore, construction equipment and associated construction activities would not result in the spread of an invasive plant species.
Historic and Archaeological Resources	No Historic Properties Affected.
Section 4(f) and 6(f) Properties	No Section 4(f) or Section 6(f) properties would be directly affected by project activities.
Regulated Materials	No regulated materials issues were identified within the construction corridor.

### III. Coordination and Public Involvement

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

#### a. Agency and Tribal Coordination

Federal, State, and Local agencies that were consulted regarding the Project include:

- U.S. Fish and Wildlife Services – South Dakota Field Office
- South Dakota Department of Game, Fish and Parks
- Natural Resources Conservation Service
- Lincoln County Planning Department and Weed Board
- South Dakota Department of Environment and Natural Resources
- State Historic Preservation Office
- U.S. Army Corps of Engineers

Table 7-1 in the EA summarizes the agency and local government coordination relevant to the Project.

For this Project, SDDOT sent coordination letters to eight Native American tribes that may have an interest in the initiation of the EA. The tribes consulted regarding the Project include:

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

Consultation letters were sent to each tribe on October 4, 2013. One comment was received from the Flandreau Santee Sioux Tribe on October 10, 2013 indicating “No Objections” to the proposed project.

### **b. Public Participation**

Public involvement occurred at key milestones throughout the Project development and EA process. Public input was used to identify potential environmental impacts of the No-Build and Build Alternatives. The following public meetings were held for the Project:

- Public Meeting #1, May 2, 2013 – A public meeting was held at Explorer Elementary School to update the public on the EA process, the purpose of the project, the proposed improvements and alternatives, and potential impacts. The public meeting was an open house style meeting scheduled from 5:30 p.m. to 7:00 p.m. with a brief summary presentation at 5:35 p.m. That was followed by an open house discussion with SDDOT, City and consultant staff.
- Public Meeting #2, September 14, 2017 – A public meeting was held at Explorer Elementary School to update the public on the purposed of the project and the noise study process and findings. The public meeting was an open house style meeting scheduled from 5:30 p.m. to 7:00 p.m. with a brief summary presentation at 5:35 p.m. That was followed by an open house discussion with SDDOT, City and consultant staff. Prior to the meeting a packet was mailed to adjacent property owners and persons who live adjacent to the project area.
- Public Meeting #3, December 5, 2017 – A public meeting was held at the Tea, SD City Hall to receive comments on the EA and the preferred alternative. The public meeting was an open house style meeting scheduled from 5:30 p.m. to 7:00 p.m. with a brief summary presentation at 5:45 p.m. That was followed by an open house discussion with City and consultant staff.

The public comment period for the EA ended on December 18, 2017. Public comments received at the meeting and during the public comment period are summarized in Appendix A.

Additional public involvement meetings were held during the earlier planning stage between March 2006 and April 2010 and information on those meetings is contained within (Section 7 and Appendix A of the EA).

#### IV. Summary of Mitigation Measures and Commitments

The preferred alternative avoided or minimized impacts to environmental resources to the extent practicable. For those unavoidable impacts, mitigation measures and environmental commitments were proposed in the EA. The mitigation measures and environmental commitments are summarized in Table 2 and will be implemented as part of this Project. In addition, a summary of anticipated permits that will be required prior to construction activities are listed in Table 3.

**Table 2. Mitigation Measures and Commitments**

<b>Environmental Resource</b>	<b>Mitigation Measure and Commitment</b>
Land Use	None required / Warranted
Prime Farmland	None required / Warranted
Pedestrian and Bicycles	None required / Warranted
Population / Demographics	None required / Warranted
Community Cohesion	None required / Warranted
Environmental Justice	None required / Warranted
Acquisition and Relocations	Property will be acquired or relocated in accordance with the Uniform Act (PL-91-646 and amendments).  The preferred alternative would result in the acquisition of four residential parcels located north of 85th Street and immediately west of I-29. A total of two structures located on two residential parcels would need to be acquired for this alternative.  SDDOT and Sioux Falls will coordinate temporary relocation of billboards with owners.
Public Facilities and Services	Utilities located within the new roadway alignment would be relocated.  SDDOT and Sioux Falls would coordinate with the utility companies regarding utility relocations prior to construction activities.  The public would be informed of any service interruption prior to the loss of service.
Economics / Tax Base	None required / Warranted
Visual Quality / Aesthetics	For any construction areas that would remain un-vegetated for an extended period of time, such as over the winter, temporary seeding would be required in accordance with the SWPPP.

Air Quality	<p>Construction contractors would be required to comply with the State statutory regulations for air pollution control and obtain appropriate permits.</p> <p>Adherence to requirements regarding open burning of grub material, fugitive dust, visible emissions, and permits.</p> <p>Water sprinkling schedule would be developed and followed to control dust.</p>
Noise ( <i>Commitment T</i> )	<p>Construct noise wall for NSA 9, beginning at station 22+50 left side, measured from the centerline of Tallgrass Avenue. The proposed noise wall will be 350 long and end at station 26+00 left side.</p> <p>Abatement determined to be “reasonable” and “feasible” for one of the 3 impacted NSAs. A public informational meeting was held as part of the process for a final determination of whether abatement would be reasonable. Benefited property owners and residents were given an opportunity to vote on noise abatement by ballot. The voting was carried out in accordance with the SDDOT noise guidance. The majority of benefited NSA 9 property owners and residents voted to accept construction of a noise barrier.</p> <p>All equipment used shall have sound-control devices no less effective than those provided on the original equipment. No equipment shall have unmuffled exhaust.</p> <p>All equipment shall comply with pertinent equipment noise standards of the USEPA.</p> <p>Notify the local public in advance of construction activities that may generate particularly high noise levels.</p> <p>Noise created by truck movement shall not exceed 88 dBA at a distance of 50 feet.</p> <p>When working between 7:00 PM and 10:00 PM, use “smart alarms” instead of standard re-verse signal alarms or sue spotters. When working between 10:00 PM and 7:00 AM use spotters.</p> <p>Have portable noise meters on the job at all times for noise level spot checks on specific operations.</p> <p>Limit construction to greater than 1,000 feet from an occupied dwelling unit on Sundays, legal holidays, or between the hours of 10:00 PM and 6:00 AM on other days without approval of the Sioux Falls/SDDOT construction project manager.</p> <p>No pile driving or blasting operations would be performed within 3,000 feet of an occupied dwelling unit on Sundays, legal holidays, or between the hours of 8:00 PM and 8:00 AM on other days without approval of the Sioux Falls/SDDOT construction project manager.</p>

Noise (Continued)	<p>Strategic placement of material stockpiles between the operation and affected dwellings or by other means approved by the Sioux Falls/SDDOT construction project manager.</p> <p>Locate stationary construction equipment as far from nearby noise-sensitive properties as feasible.</p> <p>Shut off idling equipment.</p> <p>Reschedule construction operations to avoid periods of noise annoyance identified in the complaint.</p> <p>Notify nearby residents whenever extremely noisy work will be occurring.</p> <p>Install temporary or portable acoustic barriers around stationary construction noise sources.</p> <p>Operate electrically powered equipment using line voltage power or solar power.</p> <p>Reduce night time detour traffic noise on Highway 106 and Louise Avenue by only closing one direction of I-29 at a time during 85th Street bridge construction activity.</p>
Travel Patterns and Access	<p>Traffic Control Plan, including appropriate signage and construction barriers, to alert motorists to altered traffic conditions.</p> <p>Coordination with emergency service providers and schools.</p> <p>Access to all residences and businesses will be maintained throughout the construction period.</p> <p>Reduce night time detour traffic on Highway 106 and Louise Avenue by only closing one direction of I-29 at a time during 85th Street bridge construction activity.</p>
Geology, Topography, and Soils	<p>BMPs, such as such as silt fences and/or hay bales to prevent or reduce soil erosion within disturbed areas and the movement of sediment into local streams.</p> <p>Re-vegetation of disturbed areas with approved grass mixture following construction.</p>
Hydrology and Water Quality (Commitments C, D2, and E) / Floodplain	<p>Prior to construction, Sioux Falls/SDDOT will submit a NOI to SDDENR for coverage under the General Storm Water Permit for Construction Activities. The SWPPP would be prepared prior to the NOI.</p> <p>Fill material will be free of substances in quantities, concentrations or combinations which are toxic to aquatic life.</p> <p>Removal of vegetation shall be confined to those areas absolutely necessary to construction.</p> <p>Appropriate erosion and sediment control measures are installed and a NPDES obtained from SDDENR.</p>

<p>Hydrology and Water Quality (Commitments C, D2, and E) / Floodplain (Continued)</p>	<p>All removed waste material is disposed of appropriately and not in a wetland.</p> <p>Steps are taken to minimize the spillage of petroleum, oils, and lubricants used in construction vehicles.</p> <p>A SWD permit would be required if any construction dewatering should occur with project action.</p>
<p>Wetlands and other Waters of the U.S. (Commitment A)</p>	<p>Mitigation plan developed under EO11990 and FHWA regulations.</p> <p>Mitigation of impacts would occur through use of the Tetonka Wetland Mitigation Bank or other equivalent bank.</p> <p>Wetland credits will be purchased prior to letting contract.</p> <p>Non-jurisdictional wetlands will be mitigated in accordance with FHWA regulation 23 CFR 777.9.</p>
<p>Terrestrial Wildlife and Aquatic Resources (Commitment S) / Threatened and Endangered Species (Commitment B) / Invasive Species</p>	<p>Adherence to the MBTA and its amendments and USFWS regulations.</p> <p>Vegetation removal, including the removal of trees will be timed to the extent possible to avoid the migratory bird breeding and fledging season and the NLEB roosting period (April through October). Tree to be removed would be clearly demarcated prior to removal to assure no additional trees would be accidentally removed from the project area. Therefore, bird nesting habitat would be removed outside of the nesting season and potential bat roosting habitat would be removed during the hibernation period when the roosting sites are not being used by the bats.</p> <p>If any trees need to be removed during this time period, the trees will be surveyed for nests by a qualified biologist and cleared prior to the initiation of work., If a nest is identified in any of the trees to be removed, a migratory bird nest depredation permit under the MBTA will be obtained from the USFWS, or appropriate inactive nest removal and hazing/exclusion measures will be incorporated into the work to avoid the need to disturb active migratory bird nests.</p> <p>Project Engineer will be notified immediately if an occupied bald eagle nest is observed within one-mile of a construction site.</p> <p>Compliance with the National Bald Eagle Management Guidelines.</p> <p>Preservation of any trees with active or unoccupied eagle nests.</p> <p>Trees and/or brush will be replaced at a ratio of at least 2:1 acres planted versus acres impacted.</p> <p>Re-vegetation of disturbed areas with approved grass mixture following construction.</p>

Terrestrial Wildlife and Aquatic Resources / Threatened and Endangered Species ( <i>Commitment B</i> ) / Invasive Species (Continued)	Chemical and biological control of weeds where warranted. Monitor the re-vegetation of disturbed areas until the desired level of vegetation density has been achieved. Use of BMPs, such as silt fences and/or bales, and other stipulations in the NPDES construction permit.
Historic and Archaeological Resources ( <i>Commitment I</i> )	If cultural resources are encountered during construction activities, construction would be stopped and the SHPO would be contacted. Construction would not be resumed until appropriate coordination has occurred and SHPO approval has been received.  In the unlikely event that human skeletal remains or associated funerary objects are inadvertently discovered during construction activities, all work in the immediate area of the find will immediately cease and the following protocol be followed, pursuant to the provisions of South Dakota Codified Law 34-27.
Section 4(f) and 6(f) Properties	None required / Warranted
Regulated Materials ( <i>Commitment H</i> )	Should any hazardous waste be generated during the implementation of the project, the generator must abide by all applicable hazardous waste federal, state and local regulations found at Administrative Rules of South Dakota (ARSD) 74:28 and 40 CFR Part 262.  If any contamination is encountered during construction activities, the contractor, owner, or party responsible for the release must report the contamination to the SDDENR.

Note: SDDOT Section A – Estimate of Quantities and Environmental Commitments are noted as (*Commitment #*) in the table.

**Table 3. Anticipated Permits**

Permit Name / Type	Permit Description	Issuing Agency	Permit Requirements
Clean Water Act- NPDES General Permit for Stormwater Discharges Associated with Construction Activities	Regulates discharges of pollutants from non-point sources and construction sites greater than 1 acre	SDDENR	BMPs would be implemented to minimize impacts to Big Sioux River Basin.
Air Quality Permit	Emissions for Construction Equipment	SDDNR	Equipment with point source emission may be required to have an air quality permit. Equipment should be evaluated to determine whether a permit is required by contacting the SDDNR Air Quality Program.

## V. FHWA Decision

FHWA has reviewed all of the relevant documents and materials as well as all comments from the public, agencies, and tribes received during the development of the EA. Based upon the independent review and analysis, FHWA finds that the EA analyzed and considered all the relevant potential environmental impacts and issues.

Based upon the review and consideration of the analysis and evaluation contained in the EA; and after careful consideration of all social, economic and environmental factors and mitigation of construction impacts; and considering input from the public involvement process and agency coordination; FHWA hereby approves the issuance of a Finding of No Significant Impact (FONSI) for the 85<sup>th</sup> Street Improvements: Sundowner Avenue to Louise Avenue Project. FHWA further approves Alternative 2 as the preferred alternative for the Project. The preferred alternative will best fulfill the purpose and need for the project, meet the goals identified for the project.

Regarding mitigation and commitments, SDDOT and the City, on behalf of FHWA, are hereby required to ensure completion of all mitigation outlined above and set out specifically in the EA. SDDOT and the City are also required to ensure that any and all local, state, and federal permit agencies and conditions are met and otherwise complied with.



## Appendix A: Public Comments and Responses

For this public involvement process there were a number of methods available for the public to comment:

- Verbal questions and comments received following the presentation portion of the public information meeting / open house.
- Comment forms received during and after the public information meeting.
- Written comments received via email to Shannon Ausen with the City of Sioux Falls.

### Verbal Questions and Comments

Below are the questions and comments received by the project team following the formal presentation during the public meeting held on December 5, 2017. Verbal responses to the comments, when provided, are also noted below.

1. Al Timmerman 26986 S Tallgrass Avenue not on the mailing list, wants to be added.
2. Tallgrass and 85<sup>th</sup> Street grading maintenance is not good enough. The gravel roads are in horrible shape. The township just bladed two times though on 12/4/17. Why don't you pave it now City?  
**Response:** City will pave both streets in the upcoming years however, the street section either full urban or rural will depend on successful property owner negotiations. This area is a transitional area with it being outside of the City Limits.
3. Drainage south of 85<sup>th</sup> Street has changed since Clint Ackerman developed the houses off of Townsley Avenue and 85<sup>th</sup> Street. More drainage is pushing north through Bathos addition. The Bathos Addition also wants better dust control.  
**Response:** Fill out a comment card on that issue and we can discuss further at the display boards.
4. Why do we need an interchange at 85<sup>th</sup> Street and I-29 when we have Tea Interchange and Hwy 100 interchange?  
**Response:** This project is only extending 85<sup>th</sup> Street to create connectivity. A second study / environmental document will evaluate the need for an 85<sup>th</sup> Street interchange. With the projected land uses, another access to I29 may be needed due to the lower level of service at 57<sup>th</sup>/I229 and Tea/I29. Today the Tea interchange is at LOS C.
5. Q: Beal is being used today and has "tons of traffic." Why not do 85<sup>th</sup> Street, Tallgrass Avenue, 69<sup>th</sup> Street I29 Overpass first?  
**Response:** The arterial streets are identified in the Long Range Transportation Plan and will be improved over the next 20 years. Beal Avenue is a collector street and not intended to carry arterial street volumes. However, all of these streets are needed for the street network for this area.

6. Q: No one stops at the stop sign at 85<sup>th</sup> Street and Hughes Avenue, 77<sup>th</sup> Street and Hughes, or at 85<sup>th</sup> Street and Tallgrass Avenue.

**Response:** City will continue to monitor the intersections that are within City Limits.

7. Q: What is the width of the median in the typical section and why is it that wide?

**Response:** The median width is 16 feet and that width is needed to accommodate the left turn lanes at the ¼ mile locations to minimize the taper.

8. Q: I have to move my fence because of the left turn lane and his fence is already in the wrong spot. He wants a new policy on the fence locations.

**Response:** Arterial right of way is 100 ft. wide. The traffic projections for an arterial street may require additional turn lanes which requires the City to purchase more right of way to accommodate the extra width.

9. Q: For the interchange, what is the projected traffic?

**Response:** 30,000 vehicles per day

10. Q: Does the interchange impact Phase 2 of 85<sup>th</sup> Street from Hughes to Tallgrass Avenue?

**Response:** We need to have a paved street network for the overpass. The interchange would also require a paved street network.

11. Q: Are bike lanes typical and how many extra feet do you need to add the bike lanes?

**Response:** No change in the 100 ft. right of way but there would be less footage of green space. The Sioux Falls Bicycle Committee has given varying options for consideration on accommodating bikes along this corridor.

12. Q: Was 85<sup>th</sup> Street going under I29 considered?

**Response:** Yes and due to costs, proximity to the I229/I29 Systems Interchange, and surrounding land uses, was deemed unfeasible.

13. Q: Wasn't 69<sup>th</sup> Street supposed to have access to I29 as an interchange?

**Response:** Having a 69<sup>th</sup> Street interchange with I29/I229 was studied and was deemed unfeasible. Interchange improvements at 57<sup>th</sup> and I229, Tea and Highway 106 (future Hwy 100), and various arterial improvements were studied as part of the Sioux Falls Long Range Transportation Program and Sioux Falls and Tea have identified all improvements needed to support traffic growth for the next 20 years.

14. Q: Will the Avera Hospital at 69<sup>th</sup> Street and Louise Avenue create problems for Louise Avenue and 69<sup>th</sup> Street?

**Response:** Avera completed a Traffic Impact Study and the City accepted it. There were additional turn lanes needed to mitigate the traffic expected near the development site and Avera is making those improvements. Hospital/clinic trips are completed at differing times than the morning and afternoon peak hours.

15. Q: What is the population at 85<sup>th</sup> Street and Louise Avenue?

**Response:** Fill out a comment card on the specific location and we can get that for you.

## Written Comments

Below are the written comments received for the Project and responses are also provided below. A total of 5 written comments were received through comment forms or email. In some cases, a number of questions were brought up within a comment form or email and those comments are broken up into parts and responses provided for each comment / question.

1. Will there be any property taken from homes on 84<sup>th</sup> Street at any point from beginning to end of the entire project?

**Response:** The preliminary design does not require any right of way acquisition from properties along 84th Street. Final design has not been completed for the entire project at this point. City Engineering/DGR/HDR team will coordinate with the property owners as the design progresses.

2a. Just a note about 85<sup>th</sup> Street and Tallgrass Road. It needs to be maintained at least 2 or 3 times a week. Dust control should be placed on the road at all times.

**Response:** City staff will continue to work with Delapre Township on maintenance responsibilities and will pass along your request to the Delapre Township, who have the current jurisdiction over the unpaved portions of these two roadways.

2b. 85<sup>th</sup> Street construction should be done all the way to end not just Hughes. You want all this development but what about the roads in the new area.

**Response:** The reconstruction of 85th Street between Louise Avenue and Sundowner Avenue is currently planned for completion in phases between 2018 and 2021. The reconstruction of Tallgrass Avenue between 69th and 85th Street is currently planned for 2019-2020.

3. Last winter we filed a complaint with the City of Sioux Falls regarding its approval of the development south of 85<sup>th</sup> Street between Brett Avenue and Townsley Avenue. The redistribution of fill in this area south of 85<sup>th</sup> Street and Townsley Street itself effectively block the pre-existing natural water course that drained to the northeast between Beal Avenue and Hanson Place. Previous to this development, this natural watercourse drained most of the area south of 85<sup>th</sup> between Brett Avenue and Tallgrass. This included a good portion of the area west of Townsley Avenue. It appears now that the developer is filling in the large slough southeast of the Townsley/85<sup>th</sup> intersection. This slough served as a natural flood retention area for decades. Since the above developmental changes were approved by the City of Sioux Falls and put into place by the developer we have experienced a significant increase in the volume of drainage through our backyards. This negatively impacts the rightful enjoyment of our properties. If the city goes forward with the 85<sup>th</sup> Street development without dealing with the drainage issues, this additional hard surface will add significantly to the problem in both drainage rate and volume. In this state one cannot prevent an adjoining landowner from developing their property

for best use, but the development cannot result in a negative impact on neighboring land. Under South Dakota law this liability extends to both public and private entities.

**Response:** Our design consultant has been analyzing the drainage along this corridor. The change in runoff due to the additional impervious area will be analyzed as part of the final design process that has not been completed yet. The developer to the south is required to follow the City of Sioux Falls Engineering Design Standards and the requirements contained within their subdivision approvals.

- 4a. Matter of consistency: It appears that 85<sup>th</sup> street east of Louise has storm sewer. Could storm sewer be considered going west of Louise so ditch area more usable by adjacent property owners?

**Response:** The ditch between Hughes and Louise on the north side will be filled in and storm sewer will be installed. Storm sewer is also planned for a portion of the ditch between Hughes and Beal on the north side. There is a portion of the roadway where a storm sewer doesn't work due to the existing elevations of the drainage channel running north.

- 4b. If storm sewer is considered, or not, could property owners have their fences installed within the easement guidelines? Provisions could be agreed to that by installing removable fence panels, the city would be provided access in the event of needed repairs to drainage area.

**Response:** Fences are typically not allowed within drainage easements. Please contact the City Engineer's Office at 367-8601 to discuss your particular situation.

- 4c. It has been stated that maintenance of the property included in the easement must be provided by adjacent property owners. Due to the fact that the city has strict guidelines controlling what can and cannot be used for weed control etc. why then should the city not be responsible for such maintenance??

**Response:** The responsibility of maintaining a drainage easement is documented in City Ordinance 157.117(6). Please contact the City Engineer's Office at 367-8601 to discuss your particular situation.

- 4d. There currently exists considerable elevation variation on 85<sup>th</sup> Street, which has contributed to poor drainage impacting property owners along the north side of the street. We assume that engineers are considering lowering street elevation during the design development which will have a positive impact on drainage.

**Response:** The future elevation of 85th St will be lowered along your property. The current design is also reducing the amount of runoff that travels to this drainage easement. The intent of the design is to improve the functionality of this ditch to allow for easier maintenance.

- 5a. We have a couple of comments and concerns. The first is the high noise area that we are in. I realize we do not qualify for a wall behind our house because it would go over the allowed budget. Since there is some money allotted to a wall for noise control, could some of these funds be used to place other noise reducing options, such as a berm with trees, bushes or

hedges. It seems as if we are being told that since we cannot have a wall, that we are just out of luck when there are other cost effective solutions to noise control that could be considered.

**Response:** The only funds allotted for noise control on this project is for the noise wall located north of 85th Street and west of Beal Avenue. That particular noise wall met the criteria in the South Dakota DOT Noise Analysis and Abatement Guidance policy. Only noise control that meets the criteria within the policy can be funded on this project. The use of vegetation does not meet the minimum reduction in traffic noise per the SDDOT guidance policy.

5b. Also, we would like to know for sure that our fence is placed appropriately according to our easement property and if so that it won't have to be moved. We have not had a straight answer regarding this and it is a big concern since we certainly don't want to lose any more of our backyard. This is something that should be made clear and shown in writing before construction begins. The last thing we want is surprises when our construction starts.

**Response:** The preliminary design for 85th Street fits within 100' of right of way and does not require any right of way acquisition from properties along 84th Street. Final design has not been completed for the entire project at this point. City Engineering/DGR/HDR team will coordinate with the property owners as the design progresses.

Fences are typically not allowed within a utility or drainage easement. Please contact the City Engineer's Office at 367-8601 to discuss your particular situation.

### Revised Responses to Written Comments

The above responses were provided in letters sent to the persons who provided comments on the EA document and/or the project via comment cards or emails. The response letters were sent out on January 23, 2018. Based on comments received from reviewing agencies a few of the responses to written comments have been revised to increase clarity. The revised responses are provided below:

**Response to Comment 4b:** Fences would not be allowed within the drainage easement as part of the project. Property owners would need to work with the City Engineer's Office (367-8601) to pursue a variance, though approval of a variance is not guaranteed.

**Response to Comment 5a:** Effective noise abatement has only been found to be accomplished with solid, hard scape features. Only noise control that meets the criteria within the South Dakota DOT Noise Analysis and Abatement Guidance policy can be funded on this project. The use of vegetation does not meet the minimum reduction in traffic noise per the SDDOT guidance policy.

**Response to Comment 5b:** If the existing fence is on private property and ROW is required as part of the project, then the fence or other features (e.g., berms) would be addressed through ROW negotiation, should additional ROW be required. If a private property fence was construction on public ROW, the fence would need to be removed and reconstructed at the property owner's expense.