FEDERAL HIGHWAY ADMINISTRATION
FINAL EA, SECTION 4(F) EVALUATION, AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FOR

South Rochford Road

From Rochford to
Deerfield Road

Pennington County
South Dakota

July 2016

Submitted Pursuant to 42 U.S.C. 4332(2) (c) and 49 U.S.C 303
By the
U.S. Department of Transportation
Federal Highway Administration
and
South Dakota Department of Transportation

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7/25/2016
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I. Project Background

National Environmental Policy Act (NEPA) compliance for the proposed re-construction of South Rochford Road was previously documented in the Environmental Assessment and Draft Section 4(f) Evaluation (EA-Draft 4(f)). This document was accepted by the Federal Highway Administration (FHWA) on March 29, 2016 and made available to federal, state, and local agencies (stakeholders), tribes, and the public for a 45-day review and comment period.

This Final Environmental Assessment and Section 4(f) Evaluation (FEA) provides additions or changes to the EA-Draft 4(f), where necessary based on comments received:

- Revised Environmental Consequences of the Preferred Alternative Section
- Revised Coordination and Public Involvement Summary
- Final Section 4(f) Evaluation
- Revised Mitigation and Commitments Summary
- FHWA FONSI Decision
- Summary of public questions and comments, agency letters, and formal responses

The comment process did not identify any significant changes to the environmental impacts presented. However, three sections of the EA-Draft 4(f) are modified due to public comments and questions received to more accurately reflect the environmental consequences of the preferred alternative.

Except for the revisions noted in this document, this FONSI adopts the EA-Draft 4(f). This document, in conjunction with the March 29, 2016 EA-Draft 4(f), constitutes the completed NEPA document. A copy of this document will be temporarily posted on the Project website at www.SouthRochfordRoad.com. After removed from the website, a request for a copy can be made to the South Dakota Department of Transportation (SDDOT).

II. Description of the Proposed Project

The FHWA, SDDOT and Pennington County prepared an EA-Draft 4(f) to propose roadway improvements to an approximately 10-mile long segment of South Rochford Road (see Figure 1). The proposed action will reconstruct South Rochford Road between Rochford and the intersection of Deerfield Road in order to improve drainage and to provide an all-weather surfaced roadway. The purpose of the Project is to correct the roadway deficiencies in order for the County to sustain year-round roadway transportation along South Rochford Road, and provide a local and regional transportation system.

a. Project Purpose and Need

The purpose and need for the Project, identified in Section 1.0 of the EA-Draft 4(f), is based on the following factors:

- The need to reduce the County's roadway maintenance costs;
- The need to replace the structurally deficient bridge crossing at Rapid Creek (Rapid Creek Bridge);
- The need to correct geometric deficiencies along the roadway; and
- The need to provide roadway system linkage.

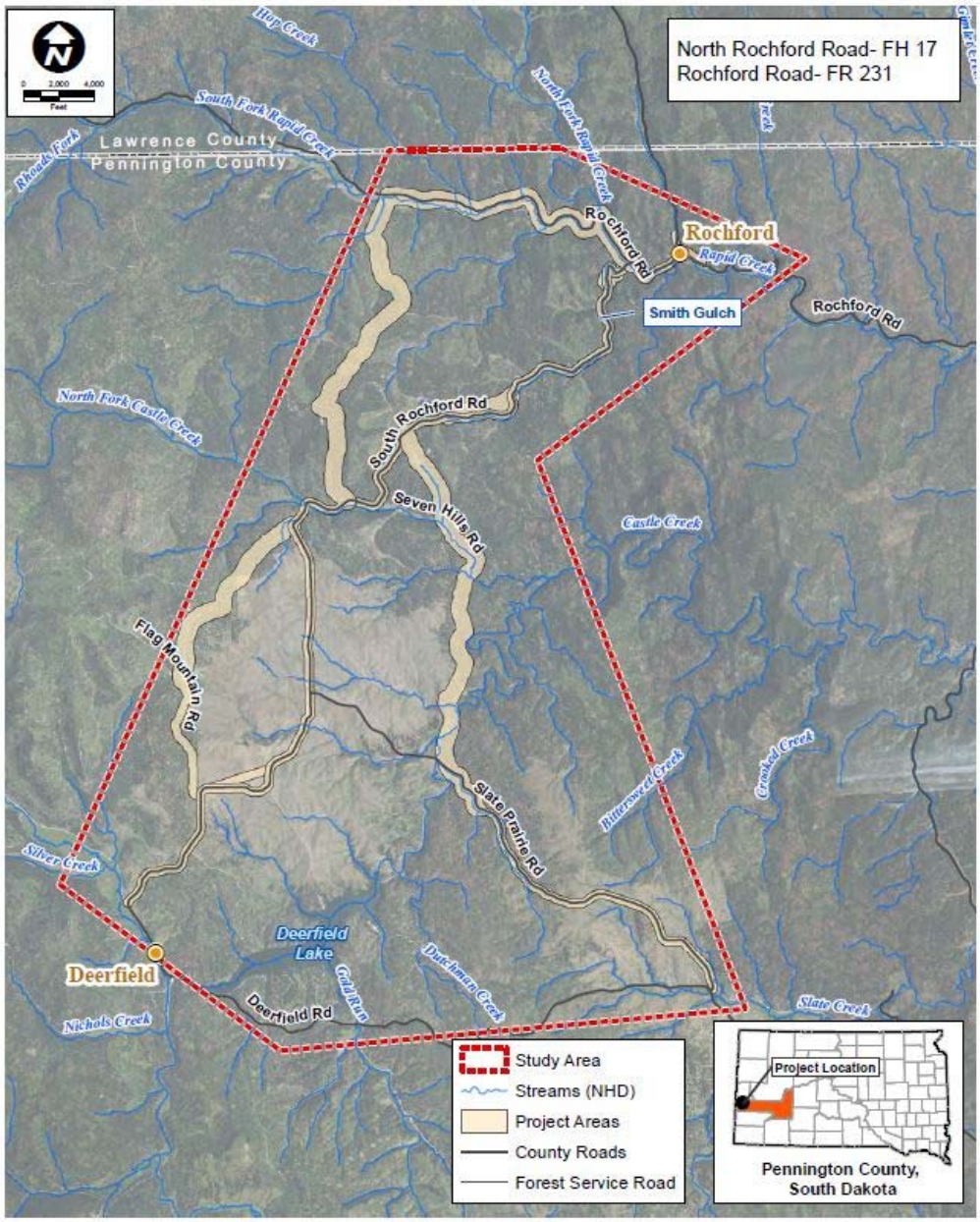

Figure 1. Study Area for South Rochford Road (Figure 2-1 in the EA-Draft 4(f))

b. Alternatives Considered

The alternatives that have been considered for the Project are described in Section 2.0 of the EA-Draft 4(f).

c. Preferred Alternative

The preferred alternative was identified and described in Section 4.0 of the EA-Draft 4(f). Based on the alternative selection process, including public comments received, Alternative 1 is the preferred alternative. Alternative 1, located on the existing South Rochford Road alignment, will

improve the current roadway deficiencies and will provide year-round regional and local transportation linkage. Correcting the roadway deficiencies will reduce the high maintenance costs for Pennington County currently associated with South Rochford Road.

III. Revised Environmental Consequences of the Preferred Alternative

The environmental consequences for the preferred alternative were considered in Section 3.0 of the EA-Draft 4(f). The comment process did not identify any significant changes to the environmental impacts presented. However, three sections of the EA-Draft 4(f) are modified due to public comments and questions received to more accurately reflect the environmental consequences of the preferred alternative. The three sections are discussed below: environmental consequences summary, community and character cohesion mitigation, and the community character and cohesion section to include additional data and analysis.

a. Revised Environmental Consequences Summary

The preferred alternative will have no effect on the following resources: Climate and Air Quality, Wild and Scenic Rivers, Coastal Barriers and Zones, Transportation Conformity, Noise, Farmland, and Environmental Justice. Table 1 below summarizes the effects on resources associated with the preferred alternative.

Table 1. Summary of environmental resource impacts associated with the preferred alternative.

Resource	Preferred Alternative: Alternative 1
Land Use	ROW is required. ROW compensation will follow the Uniform Act of 1970, as amended. Follows state, regional, and local plans with exception of not providing 4 foot shoulders as noted in the Pennington County Master Transportation Plan.
Parks and Recreational Facilities	Will impact approximately 7.41 acres of Forest Service Management Area 8.2. Will allow for better access to campgrounds and trails that are within Forest Service Management Area 8.2.
Farmlands and Timberlands	Will require tree clearing within acquired ROW and beyond within lands managed by the Forest Service to allow snow and ice to melt from roadway, as well as improve site distance. Fencing may be required in areas currently utilized for open-range grazing.
Community Character and Cohesion	Current roadway provides regional link for tourism which creates short durations of traffic increases during summer months and during isolated events. Affects of improved roadway could at times be adverse to the community's routine and daily life style. Improved roadway will be more reliable for community members. Dust may increase during construction, but will be reduced after the roadway is surfaced.
Relocation or Acquisition	Will not require relocations or acquisitions of residences. Acquisition of approximately 33 acres of private land will be required for roadway ROW.
Utilities and Emergency Services	Utility relocations will be required, including buried cable and overhead poles. A more reliable access for emergency services will be provided to the residences along this roadway.
Traffic	South Rochford Road intersections with Rochford Road and Deerfield Road remain the same. Replacing gravel with an all-weather surfaced roadway will have a direct effect of improving the route for motorists and bicyclists; without 4 foot paved shoulders, bicyclists will utilize the traffic lanes, signage will be provided on both ends of the Project noting the roadway is shared with bicycles. Providing this additional all-weather surfaced roadway will provide alternative highway system linkage, provide a more stable surface and eliminate existing dust concerns.
Visual Quality and Aesthetics	Potential for visual impacts through an increase in the number of vehicles. Will primarily use existing roadways and vehicle traffic already occurs in the area, the visual impact will not be substantial.
Historic or Archaeological Resources	2 archeological sites will be impacted (2.18 acres within the preliminary grading limits). 4 TCP sites may be impacted resulting in an adverse effect to cultural resources within Pe' Sla.
Section 4(f)	Will not have a use under Section 4(f) for Mickelson Trail. Will require a *de minimis* use of 4.3 acres of Forest Service Management Area designated for recreational use. Will have an adverse impact to cultural resources sites and a use under Section 4(f). Concurrence has been received for Section 4(f) properties and Section 4(f) coordination is described further in Section V. and in Appendix A.
Floodplains	The Rapid Creek Bridge will be replaced and a Floodplain Non-Development Permit will be coordinated with the local floodplain administrator. Flood flow conveyance will be increased through improved bridge structure and removal of existing floodplain fill.

Resource	Preferred Alternative: Alternative 1
Water Quality	Due to improved drainage, sediment from road washouts will be reduced or eliminated. Impacts to wells are not anticipated. The increase of impervious surface is not anticipated to change the amount of groundwater recharge in or near the Project Areas. An increase in hydrocarbons/petroleum products carried by stormwater are anticipated with increased traffic volumes and with an asphalt surface. Control and minimization of such pollutants will occur through design and BMP implementation. Alternative 1 will result in reduced erosion and dust along the corridor.
Geology, Paleontology, Soils, Seismicity, and Topography	Will result in fewer surface alterations due to minimized grading limits based on a narrower typical section and limited curvature realignments. No effect on seismic activity. Reduced dust and erosion will be a beneficial affect of the Project on soils.
Hazardous Waste and Materials	No waste or petroleum contamination was identified in Project Areas; however contamination could still be present. It is possible that disturbance of contaminated materials associated with unknown abandoned mines could occur.
Energy	Will likely have minimal change in gas consumption by improving gravel roadway to an all-weather surface. Vehicle maintenance will be reduced.
Natural Communities	Will result in direct, short-term disturbance to natural communities during construction, but the areas of indirect, short-term disturbance will be limited to a small area. Minor loss to ponderosa pine forest, replacement of the existing bed material in areas where the fen is abutting the roadway and is being influenced by groundwater flow. Replacement of the road bed material will improve the natural fen communities. An all-weather surfaced roadway and decreased road maintenance will reduce erosion of the roadbed surface material. With the impermeable road base surface, run-off velocities may increase and could result in increased localized siltation from the outer roadbed fill. However, road embankments and ditches will be vegetated, minimizing any localized erosion from run-off velocities.
Wetlands and Other Waters of the U.S.	Will avoid all fen areas except in areas where culverts will be replaced, which will require minor temporary impacts and will have an overall benefit effect to the fen system. Permeable base layer will reduce impacts to fens caused by the current roadway by improving groundwater movement under the roadway. Will impact a total of 0.345 acres of wetlands, including 0.152 acres of fens. Section 404 permit application will be coordinated with US Army Corps of Engineer's office.
Wildlife and Plant Species	Will minimize the total direct effects to species and potential habitat. Noise levels during construction will have temporary impacts to animal species utilizing areas adjacent to the roadway and temporarily displace those species. A determination of "may adversely impact individuals, but not likely to result in a loss of viability in the Planning Area, nor cause trend to federal listing" was determined in coordination with Forest Service.
Threatened and Endangered Species	For all listed species except northern long eared bat, the Project will have a *no effect* determination. For the northern long eared bat, the Project will have a *may affect, likely to adversely affect* effect determination. Avoidance and minimization measures in accordance with the programmatic biological opinion will be implemented.
Invasive Species	Will reduce maintenance and erosion, potentially reducing the spread or introduction of invasive species after the roadway is constructed and slopes are reestablished.

b. Amendment to Community Character and Cohesion

Community character and cohesion is discussed in Section 3.1.4 of the EA-Draft 4(f). This section describes the existing environment and evaluates the impacts that Alternative 1, Alternative 2, and the No-Build Alternative would have on community character and cohesion. During the NEPA process, the Joint Lead Agencies worked with the Public Steering Committee (Committee), represented by property owners along the South Rochford Road and from the community of Rochford, to better understand the potential for impacts on the community and to identify potential mitigation measures, when necessary. Information gathered from the Committee meetings and public meetings were used to develop the community character and cohesion section of the EA-Draft 4(f). The following information is amended to Section 3.1.4 of the EA-Draft 4(f).

The Project Areas, which includes Rochford, consist primarily of Forest Service property within the Black Hills National Forest and some privately owned lands. The Rochford community is surrounded by property the Forest Service manages which provides limited opportunity for new development. As discussed in Section 3.1.1 of the EA-Draft 4(f), rezoning within the Project Areas requires a specific process. The area also has limited septic system installation opportunities due to its location in a sensitive headwater area. Therefore, development that could occur due to this Project is limited.

The following was noted about the Black Hills National Forest in the Forest Service's 2008 Recreational Facility Analysis (Forest Service 2008).

> Specialized campgrounds, roaded recreational opportunities and a system of trails connecting communities showcase this forest that provides user friendly access to year-round family activites. Together, the attractive features of the Black Hills National Forest, Custer State Park, and area National Parks, memorials and monuments are the foundation for the local recreational economics.

Rochford is located within the Black Hills National Forest and attracts tourists and visitors from the surrounding Forest Service recreational facilities year-around. Rochford also receives and welcomes visitors during various community events throughout the year including the following:

- Rochford Day – Held annually on July 4th, this is a community event to raise money for the volunteer fire department. Approximately 400 people attended this event in 2014 (Feldman 2014a).
- Deadwood Mickelson Trail Marathon – Held in June, the annual marathon race extends from Rochford to Deadwood along the Mickelson Trail. More than 3,000 runners were entered into the marathon and associated races in 2016 (Gross 2016).
- Moonshine Gulch Sunday Music– During the summer months, Moonshine Gulch Saloon hosts live music and open microphone performances on Sunday afternoons. Approximately 40 people attend these events.
- Sturgis Events, Including the Rally Biker Breakfast – The Moonshine Gulch Saloon has been a popular spot for travelers through the area for the Rally. Bikers traveling to the annual Sturgis Motorcycle Rally in Sturgis, SD are known to stop in Rochford. During the day approximately 600 to 800 people pass through Rochford, with about 60 to 65 people a day for breakfast (Schwaneke 2016). Parking has been an issue in the past, and law enforcement has had to help move motorcycles that are parked in the intersection.

- Hunter's Soup Supper – This event takes place at the Rochford Community Hall and is held two nights a year in November. The event averages approximately 30 to 35 attendees each night (Schwaneke 2016).
- Mickelson Trail Trek – The Mickelson Trail Trek is a 3-day bicycle ride held annually in the 3rd week of September. The ride extends from Edgemont to Deadwood. The second day of the ride is from Custer to Rochford (South Dakota Game, Fish and Parks 2016a). The ride is limited to 600 participants each year (South Dakota Game, Fish and Parks 2016b)
- Weddings and reunions – It was noted that weddings and reunions occur throughout the year in Rochford at the Rochford Community Hall. These special events can include 100 people or more.
- Heritage Day – Heritage Day took place in August of 2014 and included historic information, photos, and artifacts on display at the Rochford Community Hall. A community spaghetti dinner was also available at the event (South Dakota Magazine 2014).

Events similar to these are expected to continue after the construction of the preferred alternative.

In order to examine how the community currently functions, the Committee was consulted with regarding these events and to better understand how the Project may affect Rochford. The Committee believes that the preferred alternative will increase traffic through Rochford and increase hazards to pedestrians. Safety is typically improved by separating pedestrians from automobiles with the use of urban features such as curb and gutter, sidewalks, crosswalks, and formalized parking. However, the Committee indicated the Rochford community may be opposed to these features. Several reasons cited included: 1) affects these features may have on the "ghost town" appeal, 2) impacts to private property, some of which may be considered historic, and 3) topography constraints imposed by the river, retaining wall, and homes.

South Rochford Road, being upgraded with an all-weather surface will provide a travel corridor similar to other paved scenic corridors in the Black Hills. This will likely result in more visitors to the area (i.e. increased traffic) which will be characterized as a moderate impact to Rochford. Therefore, the following mitigation measures are included to address potential traffic increases within the community.

1) Speed Message Boards: Devices that display the driver's speed will be installed on each of the three roadways (South Rochford Road, Rochford Road, and North Rochford Road) entering Rochford.
2) Gateway Signs: The County will be responsible for furnishing and installing up to three gateway signs for Rochford. Size and colors will conform to the Manual on Uniform Control Devices (MUTCD) (if applicable). The County will coordinate with at least one of the Committee members or another representative of the community to design of sign.
3) Pedestrian Warning Signs: MUTCD approved pedestrian signs (for example, 'Yield to Pedestrians' or 'Slow - Watch for Pedestrians') will be installed within Rochford. The County will work with the community to identify which warning signs are appropriate. Pedestrian warning signs will be installed after the speed message boards and gateway signs in locations that will best protect pedestrians.
4) Informal Parking: Prior to construction of the preferred alternative, Pennington County will construct approximately 80 feet of informal (unpaved) parking within the County ROW to be located on the east side of North Rochford Road between the Moonshine Gulch Saloon and Rochford Mall.

In the future, the County will utilize traffic counts and safety concerns identified by the Rochford community and the County to determine the effectiveness of the implemented mitigation measures. If it is determined that the proposed measures are not effective, additional measures such as the following may be considered: reduction of the posted speed within Rochford and provisions for stop signs at intersections. The County will include the Rochford community and public at large in this decision making process by discussing the topic at a Pennington County Board of Commissioners' meeting.

IV. Revised Coordination and Public Involvement Summary

Section 6.0 of the EA-Draft 4(f) describes the coordination and public involvement that occurred during development of the EA. The EA was approved by the Federal Highway Administration on March 29, 2016 and made available to stakeholders, tribes and the public. On April 20, 2016 a public meeting was held. Personnel from SDDOT, FHWA, and the NEPA consultant were present to answer questions and receive comments about the proposed Project. 42 citizens signed in on the attendance sheets. Appendix C provides a summary of the meeting along with a copy of the attendance sheets.

Stakeholders, tribes and the public were provided four methods to comment on the EA-Draft 4(f) including:

- Informal discussion with the Joint Lead Agencies during the open house portion of the public information meeting/open house, and verbal questions and comments received following the presentation.
- Comment forms received during and after the public information meeting/open house.
- Comments could be submitted through email to: EAComments@southrochfordroad.com
- Comments could be made on the website at www.southrochfordroad.com

Verbal and written comments received at the public meeting and during the public comment period resulting in a total of 60 comments. These comments are summarized in Appendix B.

A final Steering Committee meeting was held on June 15, 2016, following the public comment period to discuss the comments. Section III of this document discusses revisions to the EA-Draft 4(f) that were the result from this meeting and the comments received.

V. Final Section 4(f) Evaluation

The EA-Draft 4(f) provided an evaluation of impacts to Section 4(f) resources including Mickelson Trail, Forest Service Management Area 8.2, and Archaeological and Historical Sites under Section 3.2. This section provides an overview of the coordination that occurred and the conclusion of the Section 4(f) Evaluation.

a. *Coordination*

Section 4(f) requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs for all Section 4(f) impacts unless determined to be *de minimis*.

Since the Mickelson Trail was coordinated as part of the Categorical Exclusion for the Rapid Creek Bridge, the impacts that the preferred alternative will have on the trail were noted during the public meeting held on July 21, 2014, and no public comments were received. For the remainder of the proposed Section 4(f) uses, the public had the opportunity to review and comment on the EA-Draft 4(f). Comments from the public and responses are in Appendix B. No comments were received concerning Section 4(f) properties.

The following describes the agency coordination undertaken for each Section 4(f) property:

- *Mickelson Trail*- South Dakota Game Fish and Parks, the land managing agency, concurred with the determination on November 10, 2015 (see Appendix A, Section 1).
- *Forest Service Management Area 8.2*- Coordination has occurred with the Forest Service to inform the agency about FHWA's intent to make a *de minimis* impact determination. Forest Service noted in an email on August 12, 2014 that the Project will have no effect on the activities that contribute to Deerfield Developed Recreational Complex. The Forest Service concurred with the *de minimis* finding on June 24, 2016 (see Appendix A, Section 2).
- *Archeological and Historic Sites*- Coordination has occurred with the consulting tribes, SHPO, and ACHP to determine the impact to TCPs, archeological sites, and historic sites. A Memorandum of Agreement (MOA) to resolve adverse effects regarding the Project was completed in February, 2016 and circulated for agency and Tribal signatures (see Appendix A, Section 3).

Concurrence was received with regard to FHWA's 4(f) Determination from the United States Department of the Interior (DOI). The DOI concurred with FHWA's determination that there is no feasible or prudent alternative to the preferred alternative on July 19, 2016 (see Appendix A, Section 2)

b. *Conclusion*

Section 4(f) specifies the use of a Section 4(f) property can only be approved if it is determined there is no feasible or prudent avoidance alternative to that use and that the action includes measures to minimize harm to the resource. If no feasible or prudent avoidance alternatives exist, Section 4(f) requires agencies to choose the alternative with the least overall harm to Section 4(f) properties. While the proposed action impacts more acres of Forest Service Management Area 8.2 determined to be a *de minimis* impact, Alternative 1 minimizes impacts to archaeological sites and impacts fewer TCP sites which are sensitive to the Tribes (see Table 2). Therefore, Alternative 1 is the alternative of least overall harm.

Based upon the above considerations, FHWA has determined there is no feasible and prudent alternative to the use of land from the archeological and historic sites and the proposed action includes possible planning to minimize harm resulting from these properties. FHWA has also determined that Alternative 1 will have a *de minimis* impact on Forest Service Management Area 8.2.

VI. Revised Mitigation and Commitments Summary

The preferred alternative avoids or minimizes impacts to environmental resources to the extent practicable. For those unavoidable impacts, mitigation measures and commitments were proposed in the EA-Draft 4(f). Based on public comments, measures for minimizing and mitigating impacts to Community Character and Cohesion were modified and are presented in Section III.a. of this

document. The measures are summarized below in Table 2 and will be implemented as part of this Project. Appropriate permits will also be secured prior to construction activities, which are summarized in Table 3.

Table 2. Mitigation Measures and Commitments

Mitigation Measure or Commitment	Responsibility
Acquisitions and Relocations	
All ROW and relocation impacts will be mitigated in conformance with the Uniform Relocation Assistance and Real Property Act of 1970, as amended by the Surface Transportation Assistance Act of 1987.	SDDOT
Utilities	
SDDOT will coordinate utility relocations during final design with each utility company to minimize or avoid interruptions in utility services. Emergency services will have continued access during construction.	SDDOT
Community Character and Cohesion	
• Speed Message Boards: Devices that display the driver's speed will be installed on each of the three roadways (South Rochford Road, Rochford Road, and North Rochford Road) entering Rochford. • Gateway Signs: The County will be responsible for furnishing and installing up to three gateway signs for Rochford. Size and colors will conform to the Manual on Uniform Control Devices (MUTCD) (if applicable). The County will coordinate with at least one of the Committee members or another representative of the community to choose the sign. • Pedestrian Warning Signs: MUTCD approved pedestrian signs (for example, 'Yield to Pedestrians' or 'Slow - Watch for Pedestrians') will be installed within Rochford. The County will work with the community to identify which warning signs are appropriate. Pedestrian warning signs are intended to be installed after the speed message boards and gateway signs in locations that will best protect pedestrians. • Informal Parking: Prior to construction of the preferred alternative, Pennington County will construct approximately 80 feet of informal (unpaved) parking within the County ROW to be located on the east side of North Rochford Road between the Moonshine Gulch Saloon and Rochford Mall. In the future, the County will utilize traffic counts and safety concerns identified by the Rochford community to determine the effectiveness of the implemented mitigation measures. If it is determined that the proposed measures are not effective, and additional measures are required, the following are examples of what could be considered: reduction of the posted speed within Rochford, providing stop signs at intersections, and installing rumble strips. The County will solicit public input for revision of implemented measures or proposal of new measures from the community by discussing the topic at a Pennington County Board of Commissioners' meeting.	Pennington County

Mitigation Measure or Commitment	Responsibility
Cultural Resources	
• SDDOT will coordinate with consulting tribes regarding construction scheduling to limit disruption to ceremonial activities from construction noise and traffic control. • SDDOT has prepared and will implement a TCP Treatment Plan designed to avoid, minimize, or mitigate adverse effects on TCPs determined eligible for listing in the NRHP. • SDDOT has prepared a Monitoring for Discoveries Plan to be implemented during Project construction, including provisions for tribal monitors. Required actions for discovery of previously unrecorded historic properties include: cease work, notify agencies and consulting parties, assess discovery, its potential APE and its NRHP eligibility by a qualified archaeologist, and coordinate with consulting parties on proposed treatment actions to resolve any adverse effects on historic properties prior to resuming work in the area. • The Monitoring for Discoveries Plan includes procedures for treatment of discovered human remains, curating materials, and notifying landowners regarding archaeological discovery on their property.	SDDOT and Pennington County
Traffic and Transportation	
SDDOT will implement a traffic control plan that will identify an on site detour for Mickelson Trail users. The Mickelson Trail will stay open during construction through the use of detours and/or a flagger.	SDDOT
Floodplain	
During final design, impacts to the designated floodplain will be coordinated with the local floodplain administrator to obtain necessary approvals. The 100-year flood flow capacity of Rapid Creek will be evaluated to determine if flood levels will not change as a result of the Project. The local floodplain administrator could require a no-rise certificate as part of a Floodplain Non-Development Permit, or a Conditional Letter of Map Revision.	SDDOT
Water Quality	
During final design, a Stormwater Pollution Prevention Plan (SWPPP) will be developed and National Pollutant Discharge Elimination System (NPDES) permits will be obtained prior to construction to reduce impacts to water quality. Per the SWPPP and NPDES permits, SDDOT will implement best management practices (BMPs) to protect water quality including, but not limited to sediment and erosion controls, filtering construction runoff in vegetated swales before reaching surface water, re-vegetating disturbed areas as soon as possible after construction, and staging equipment and associated maintenance materials away from surface water. Coordination with the Forest Service will also occur to ensure all applicable Forest Service	SDDOT and Contractor

Mitigation Measure or Commitment	Responsibility
requirements are included in the stormwater plan.	
Hazardous Materials	
The following BMP will be incorporated to avoid or minimize impacts related to hazardous materials: the contractor should be alert for suspicious and/or abnormal areas of soil staining with respect to the surrounding area resulting from buried drums, underground storage tanks, or another hazardous material and coordinate with SDDOT and SDDENR if any obvious contamination is found prior to continuing work in those areas. Storage and usage of potentially hazardous materials such as oils, fuels, toxic chemicals, etc. will comply with the SWPPP.	SDDOT and Contractor
Wetlands and Other Waters of the U.S.	
A formal wetland field delineation of the entire Study Area will be completed to determine total impacts during final design. Impacts on wetlands and other waters of the U.S. will be avoided if feasible, and minimized to the extent possible. For wetlands and other waters of the U.S. that cannot be avoided, a USACE Section 404 Permit, with Section 401 Water Quality Certification from SDDENR, will be obtained for authorization of fill activities in jurisdictional wetlands or other waters of the U.S. Any fen impacts will only occur where permitted by the USACE and will be related to the replacement of existing culverts. Mitigation measures discussed in this FONSI and required by the USACE will be implemented to comply with Clean Water Act regulations. A mitigation plan will be developed to meet the requirements of Section 404. FHWA regulations (23 CFR 777.9) will apply for wetlands found not to be under USACE jurisdiction, and mitigation for impacts to those wetlands will be required.	SDDOT and Pennington County

Mitigation Measure or Commitment	Responsibility
Vegetation, Fish, and Wildlife	
Protect known raptor nests. Though no raptor nests were identified within the Project Areas, habitat for raptors exists within the Project Areas and may be present at the time of construction. If any raptor nests are found during construction, notify the Project Engineer immediately so that he/she can consult with the SDDOT Environmental Office for an appropriate course of action. *Minimize disturbance to riparian areas.* Work within riparian areas will be avoided where possible. In some cases, the roadway is directly adjacent to riparian areas and cannot be avoided. Disturbance to these areas will be minimized to the extent possible. Riparian areas which are directly adjacent to the road will be disturbed temporarily during construction. Construction Inspector will be present during construction to confirm that activities in these areas are minimized and that work is staying within designated work areas. Prohibit motorized vehicles from entering streams except at existing crossings or at approved points laid out in final plans. • Fen impacts will be minimized or mitigated by implementation of the following measures: o *Erosion Control Plan*- An erosion control plan will be in place to minimize sedimentation at all fen locations, including the Rochford Cemetery Fen crossing. o *Construction Monitoring*- Construction monitoring of the Rochford Cemetery Fen crossing will assist in ensuring that equipment is not driving within sensitive fen areas and that the proper erosion and sediment	Contractor
• *Minimize disturbance or removal of wildlife habitat.* Unless determined a safety hazard, tree and snag removal will be limited to those areas needed for the Project, including those areas designated for tree removal to allow sunlight and encourage snow and ice melt. • *Minimize disturbance to riparian and wetland areas.* The following measures will be implemented to minimize impacts to riparian and wetland areas: o Minimize filling or dredging activities within riparian and wetland areas. o Prevent storm runoff from washing silt into the stream or wetland. o Reseed and/or replant cut-and-fill slopes with native seed and/or native plants promptly to control erosion. Use appropriate measures to control erosion on disturbed areas that are steep, highly erosive, and/or adjacent to the riparian area. o Timing, placement, and installation of temporary stream diversions shall allow passage of aquatic life and protect sensitive species and species of local concern (SOLC).	SDDOT, Pennington County, and Contractor

Mitigation Measure or Commitment	Responsibility
o controls are in place for protecting fens.	
• *Biological Monitoring at Rochford Cemetery Fen*- This monitoring will determine if rapid dieback of acid intolerant species occurs and if remedial action needs to occur. Remedial actions will be determined by SDDOT, Pennington County and Forest Service. If dieback is occurring without establishment of new, acid-tolerant species, the manual re-vegetation of species such as *Betula glandulosa*, *Carex* spp. and *Sphagnum* spp. may be warranted.	SDDOT and Pennington County
• Minimize disturbance to native vegetation. Native vegetation shall be retained to the maximum extent possible during proposed activities. Where possible along the roads, remaining vegetation will vary in size and spacing to maintain a more natural appearance. Minimize opportunities for introduction of noxious weeds • Minimize disturbance to unique botanical sites. Ground disturbing activities within Reynold's Prairie will be limited to the working area which will be noted in the final plans. A Construction Inspector will be present during construction to confirm that activities within these areas are minimized. All construction activities, including equipment and vehicle movement and parking, shall not occur outside the plans designated work limits unless specifically addressed in the plans. The Contractor is responsible for obtaining USFS, USFWS, SHPO and/or USACE review for any borrow sites, staging areas, waste sites, additional easement, and other ground disturbing activities outside the project limits as shown in the plans. The Contractor shall provide the Project Engineer a copy of all required agency review prior to commencing any work outside the project limits as shown in the plans.	Contractor
• Use of herbicides and pesticides in maintenance will be limited to target areas, that is, individuals or groups of individuals.	Pennington County
• Protect unique botanical areas. Road construction activities will be minimized to the extent possible in unique botanical areas (see Map 3 of the BA/BE), including stockpiling of materials and placement of spoil materials. Unique botanical areas include fens and montane grassland areas (e.g. Reynold's Prairie).	SDDOT and Contractor
Any waste, borrow or staging sites outside the Study Area will be responsibility of the contractor, including all permits and approvals.	Contractor

Mitigation Measure or Commitment	Responsibility
Threatened and Endangered Species and Forest Service Sensitive Species	
A Biological Assessment and Biological Evaluation (BA/BE) was prepared to analyze the effects of the Project on federally listed species and U.S. Forest Service sensitive species. Though potential tree summer roosts for the northern long-eared bat exist within the Study Area for both build alternatives, incidental take is not prohibited based on the final 4(d) rule published on January 14, 2016. Should white nose syndrome be identified within the Project Areas, incidental take will be prohibited under the following circumstances. • If it occurs within a hibernacula, • If it results in tree removal activities and o The activity occurs within 0.25 miles of a known, occupied hibernacula; or o The activity removes or destroys a known, occupied maternity roost tree or other trees within a 150 ft. radius from the maternity roost tree during the pup season from June 1 – July 31.	SDDOT and Pennington County
The following avoidance, minimization, and mitigation measures were developed for impacts to U.S. Forest Service sensitive species, unique botanical sites, and riparian habitats including fens through the BA/BE and Forest Service Specialist Reports. • Protect unique botanical areas including fens and montane grasslands by minimizing ground disturbing activities, stockpiling of materials, and placement of spoil material within these areas. • Implement minimization and mitigation measures for fen impacts by preventing sedimentation with an erosion control plan, construction monitoring at Rochford Cemetery Fen, and post-construction biological monitoring at Rochford Cemetery Fen. • Minimize and improve roadway effects on the Rochford Cemetery Fen by incorporating a permeable road base into the final design. • Minimize and improve roadway effects on adjacent fen areas with groundwater seepage under the roadway by replacing the road bed with native, non-alkaline material such as granite or quartzite to improve fen pH. • Mitigate roadway effects on the Rochford Cemetery Fen through channel restoration developed to facilitate the natural hydrologic regime; implement special precautions to prevent erosion and sedimentation by removing spoil material from the vicinity of the fen and use seed mixes and re-vegetation methods developed for fen restoration.	SDDOT, Pennington County and Contractor

Mitigation Measure or Commitment	Responsibility
A Construction Inspector will be present during construction to confirm and document that construction activities do not occur outside designated work areas shown in the final plans.	SDDOT, Pennington County, and Contractor

Table 3. Anticipated Permits

Permit Name/Type	Permit Description	Issuing Agency	Permit Requirements
Clean Water Act-Section 404 (Wetlands and Other Waters)	Regulates discharge of dredged or fill material into Waters of the United States	USACE	A permit application will be submitted to USACE prior to commencement of construction activities for the Project. If required, a mitigation plan will be prepared through coordination with the appropriate resource agencies for the 404 permit and the 401 certification. All mitigation will occur through on-site, off-site, or a mitigation bank as approved by the USACE.
Clean Water Act-Section 401 (Water Quality Certification)	Water quality verification and compliance with state statutes	SDDENR	Submit plans and proposed impacts to SDDENR. Conditions in Individual water quality certification will need to be followed.
Floodplain Non-Development Permit or CLOMR	Regulates construction within floodplains	Pennington County	Submit permits for Project construction within the Rapid Creek floodplain.
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 will be implemented to minimize impacts to Rapid Creek and unnamed intermittent streams.

VII. FHWA Decision

The FHWA has determined that Alternative 1 will have no significant impact on the natural and human environment. This FONSI is based on the EA-Draft 4(f), the Final Section 4(f) Evaluation included as part of this FONSI, referenced documents, and all public, agency, and tribal comments received during development and distribution of the EA-Draft 4(f). This information has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed Project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an EIS is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the referenced EA-Draft 4(f) and contents of this FONSI document.

Regarding mitigation and commitments, FHWA will ensure all commitments outlined above will be fulfilled by SDDOT and Pennington County. The SDDOT and Pennington County are also required to ensure that any and all local, state, and federal permits associated with this Project are complied with.

VIII. References

Feldman, Scott. 2014a. "Rochford Day attracts crowd, helps volunteer fire department." Rapid City Journal. July 5. http://rapidcityjournal.com/news/local/rochford-day-attracts-crowd-helps-volunteer-fire-department/article_03a8a4a3-03ba-5632-8a2c-2a1778605b8b.html

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Gross, Jason, 2016. "Moral support at Mickelson Trail Marathon." Black Hills Pioneer. http://m.bhpioneer.com/local_news/moral-support-at-mickelson-trail-marathon/article_01535a68-2bf8-11e6-999e-bbf146cb8d30.html?mode=jqm

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South Dakota Game, Fish and Parks, 2016b. "Mickelson Trail Trek 2016." https://gfp.sd.gov/state-parks/directory/mickelson-trail/trail-trek.aspx

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APPENDIX A- Section 4(f) Documentation

Section 1. Mickelson Trail

Dockter, Daryn

From: Baker, Rebecca
Sent: Tuesday, November 17, 2015 8:06 AM
To: Dockter, Daryn
Subject: FW: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review
Attachments: CatExChecklist & Environmental Commitments [March 2015].docx

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Rebecca (Becky) Baker
Environmental Lead

HDR
6300 S. Old Village Place
Sioux Falls, SD 57108
D 605.977.7756 **M** 605.690.2190
rebecca.baker@hdrinc.com

hdrinc.com/follow-us

From: Whitebird, Alice [mailto:Alice.Whitebird@state.sd.us]
Sent: Thursday, November 12, 2015 7:42 AM
To: Marion.Barber@dot.gov; Baker, Rebecca
Cc: Whitebird, Alice
Subject: FW: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

Good Morning Marion & Becky,

Please see Shannon Percy's email below regarding impacts to the Mickelson Trail and note that GFP would like to see additional permanent signing to warn motorists of the pedestrian crossing. My rationale for 4(f) exemption is in my email below. I have attached the most recent version of the our CE checklist for filling out so we can get the CE approved.

Alice Whitebird
Environmental Scientist III
SDDOT Office of Project Development
605-773-3309

From: Percy, Shannon
Sent: Tuesday, November 10, 2015 10:30 AM
To: Whitebird, Alice
Cc: Garry-Reiprich, Dana; Snyder, Matt
Subject: RE: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

Alice,

As I see it there is no adverse effect to the Mickelson but I would like to add that Pennington County needs to add additional permanent signage to reflect a pedestrian crossing on the roadway. Right now there is no signs reflecting a crossing at all on the roadway.

Thanks, Shannon

From: Whitebird, Alice
Sent: Monday, November 09, 2015 2:29 PM
To: Percy, Shannon
Cc: Whitebird, Alice
Subject: FW: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

Hi Shannon,

I was wondering if you've had time to take a look at this & would concur with item #6 in my below email. If you need additional information, let me know & I'll send you whatever you need.

Thanks,
Alice Whitebird
SDDOT Environmental Scientist III
773-3309

From: Whitebird, Alice
Sent: Friday, October 23, 2015 11:01 AM
To: Percy, Shannon
Cc: Whitebird, Alice
Subject: FW: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

I just realized that in my previous email, I addressed you by your last name!

From: Whitebird, Alice
Sent: Friday, October 23, 2015 10:55 AM
To: Percy, Shannon
Cc: Whitebird, Alice
Subject: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

Hi Shannon,

The South Dakota Department of Transportation (SDDOT) and Pennington County Commission propose to replace Structure No. 52-162-272 and grade its approaches. The bridge is located 0.6 miles west and 0.1 mile south of Rochford; it carries S. Rochford Road over Rapid Creek (see attached aerial map and bridge layout plan sheet). The bridge was originally constructed in 1940; it is a 29' L x 23' W single-span timber stringer with timber a deck and abutments. The bridge's substructure is in poor condition due to decayed wooden members and weight restrictions have been placed on the bridge due to its deficiencies. The SDDOT and Commission has determined that the bridge needs to be replaced to maintain the safety and continuity of the Pennington County highway system.

As we discussed by phone a few days ago, the Mickelson Trail crosses S. Rochford Road approximately 180' south of the S. Rochford/Rochford Road intersection. The Mickelson Trail qualifies for protection under Section 4(f) regulations as a publically owned recreation trail and as an historic resource, therefore, the SDDOT is conducting a Section 4(f) review of the project's impact to the Mickelson Trail. Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 which provided for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development.

The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, applies only to the U.S. Department of Transportation (U.S. DOT) and is implemented by the Federal Highway Administration (FHWA) and the Federal Transit Administration through the regulation 23 Code of Federal Regulations (CFR) 774.

Under Section 4(f), a transportation project is exempt from Section 4(f) under 23 CFR § 773.13: Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f), when the following criteria are met:

1. Duration of work at the Mickelson Trail/Rochford Road intersection will be temporary. The Mickelson Trail crossing will remain open to trail traffic during the replacement of the bridge and grading of the bridge approaches. Temporary detours will be implemented to route trail traffic around construction work that occurs at the S. Rochford Road/Mickelson Trail intersection.

2. There will be no change in ownership of the trail.

3. The scope of work will be minor & the nature & magnitude of the changes to the 4(f) property will be minimal. There will be no change to the Mickelson Trail in the project area and the location of the trail crossing will not chanage.

4. There will be no permanent adverse physical impacts to the trail nor will there be interference with the protected activities, features & attributes that make the property eligible for Section 4(f) protection.

5. The land being used will be fully restored & returned to its original condition or better.

6. Officials with jurisdiction over the Section 4(f) property agree that the project impacts are temporary and there will be no impacts to the features of the Mickelson Trail that qualify it for protection under Section 4(f).

Based on the above, I am requesting your concurrence that this bridge replacement project meets the criteria set forth in 23 CFR § 773.13(2)(d), and is therefore exempt from Section 4(f) regulations.

If you need additional information on the project, please let me know.

Alice Whitebird
Environmental Scientist III
SDDOT Office of Project Development
605-773-3309

From: Bren, Ron
Sent: Tuesday, October 20, 2015 12:26 PM
To: Whitebird, Alice
Subject: FW: S. Rochford Road Bridge Replacement

From: Nick Hoffman [mailto:Nick.Hoffman@interstateeng.com]
Sent: Tuesday, October 20, 2015 12:25 PM
To: Bren, Ron
Subject: S. Rochford Road Bridge Replacement

Hello Ron,

The Mickelson Trail will not be closed at anytime during the construction of the new S. Rochford Road Bridge. Temporary detours will be implemented during times when area of the intersection of S. Rochford Road and the Mickelson Trail is being worked on.

Nick Hoffman, PE
Office Manager / Senior Project Engineer
Interstate Engineering
123 E. Jackson Blvd Suite 1
PO Box 226
Spearfish, SD 57783
Phone: 605.642.4772
Cell: 605.645.1984
Fax: 605.642.4773
nick.hoffman@interstateeng.com

Professionals you need, people you trust.

Section 2. Forest Service Management Area 8.2

Department of Transportation
Office of Project Development
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 23, 2016

Ruth Esperance, Mystic Ranger District
Black Hills National Forest
Mystic Ranger District
8221 S. Hwy 16
Rapid City, SD 57702

RE: Section 4 (f) *De Minimis* Finding for South Rochford Road Environmental Assessment, P-BRF 6403(6), PCN 00CL, Pennington County, SD

Dear Ms. Esperance:

Thank you for your continued coordination throughout the NEPA process for the South Rochford Road EA (the Project). The purpose of this letter is:

1) to provide the Forest Service with the public comments received during the period of public availability for the *Environmental Assessment and Draft Section 4(f) Evaluation for South Rochford Road*,
2) to inform the Forest Service of the intent to make a *de minimis* finding for the impacts to Section 4(f) property that is under your jurisdiction for the Project, and
3) to request your concurrence in writing that the Project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).

The *de minimis* impact finding is based on previous coordination with your office, and evaluations documented in the EA. The following describes the properties identified and the alternatives analysis completed for the Project.

Section 4(f) Properties Identified

Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303), declares that it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

The following Section 4(f) properties are owned by the Forest Service and were identified within the Project Area for Alternatives 1 and 2 (see Figures 1-1, 1-2, 2-1, and 2-2):

- **Developed Recreation Complex (Management Area 8.2)** is shown on Figure 3-1. The Project Area for Alternative 1 and 2 contains a portion of the Deerfield Lake Recreation Area. A number of campgrounds are located within the Deerfield Lake Recreation Area near Deerfield Lake: Dutchman Campground, Gold Run Campground, Custer Trail Campground, and White Tail Peak Campground (see Figure 3-2). These campgrounds offer mountain bicycle trails, fishing, hiking trails, nature viewing, and camping areas.

Custer Trail Campground is the only campground that is accessed via South Rochford Road; the other campgrounds are accessed via Deerfield Road.

There are a variety of trails in the recreation area. Deerfield Lake is circumscribed by the Deerfield Lake Loop Trail. The lake and trail are outside of the Project Areas. North Shore Trailhead is accessed by South Rochford Road, although the trailhead can be accessed by users of Deerfield Trail. The area surrounding Deerfield Lake is within USFS's Management Area 8.2 – Developed Recreation Complexes, which is managed for recreational opportunities and visual qualities.

Build Alternatives Analysis

After the identification of Section 4(f) properties adjacent to the Project, the SDDOT analyzed the build alternatives carried forward for further consideration for the Project. Section 4(f) specifies that the Secretary of Transportation may only approve the use of Section 4(f) property only if:

(a) The Administration, for this Project would be the Federal Highway Administration (FHWA) determines:

(1) There is no feasible and prudent avoidance alternative to the use of land from the property; and

(2) The action includes all possible planning to minimize harm to the property resulting from such use; or

(b) The FHWA determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), will have a *de minimis* impact on the property.

During the NEPA process, two build alternatives were carried forward for detailed evaluation. Please see Figures 1-1, 1-2, 2-1, and 2-2, attached. Avoidance of Section 4(f) properties was not possible due to the nature of the Project, since South Rochford Road currently lies within the designated recreation area. At this point in the EA process, Alternative 1 has been recommended as the preferred alternative, and will be finalized in the FONSI. The following discusses the impacts of Alternative 1 to Forest Service Section 4(f) property, as well as avoidance and minimization efforts:

- Both build alternatives would require right-of-way for the roadway improvements. Right-of-way in the recreation area would be adjacent to the existing roadway and acquisition is not anticipated to modify the aesthetic, educational, historical, recreational, and/or scientific qualities of the recreational sites. Based on an estimated 50 feet on either side of the proposed centerline, approximately 4.3 acres of Forest Service Management Area 8.2 would be converted into ROW for Alternative 1.
- Bicyclists would be accommodated on the roadway, allowing an opportunity to connect the existing Mickelson Trail to the Deerfield Recreation Area via a South Rochford Road and Deerfield Road.
- Measures to minimize harm incorporated into the project include:
    - Access to Custer Trail Campground within the Deerfield Lake Recreational Complex would be maintained with phased construction of either build alternative.
    - Construction of the Project would be phased to allow traffic continuous access to the area and campground.

The public comment period for the EA was completed on May 16, 2016, and your department is being provided the draft responses to comments and questions received (see attached), which includes all public comments that were received for the Project. Now that the public comment period has ended, we are requesting written concurrence that the Forest Service agrees the Project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

If there are any questions, please contact me at (605) 773-3309.

Sincerely,

Alice Whitebird
SDDOT Project Manager

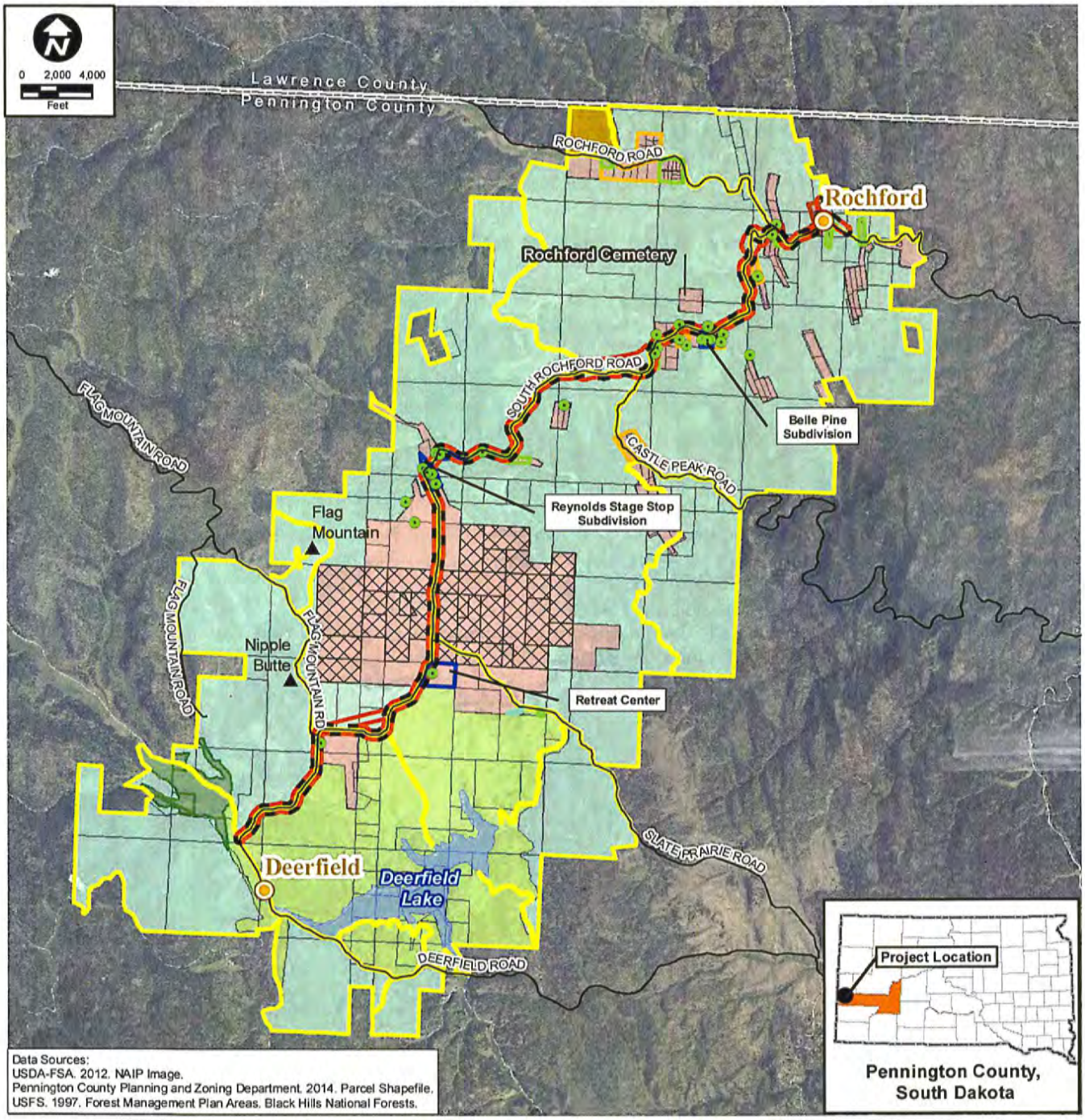
Attachments

Figure 3-1, Land Use
Figures 1-2 and 1-2, Alternative 1
Figures 2-1 and 2-2, Alternative 2
Figure 3-2, Deerfield Lake Recreation Area
Draft Responses to Comments and Questions Received
Department of the Interior - EA Review Comments

Cc: Marion Barber, FHWA
Becky Baker, HDR

Concurrence: _____ Date: 6/24/16

Ruth Esperance, Mystic District Ranger
US Forest Service



Legend

- Alternative 1 Project
- Alternative 2 Project
- Land Owned by Tribes
- Rural Residence

Pennington County Zoning

- General Agriculture
- Limited Agriculture
- General Commercial District
- Highway Service District
- Low Density Residential District
- Planned Unit Development District
- Suburban Residential District

USFS Management Areas

- Botanical Areas
- Limited Motorized Use and Forest Product Emphasis
- Resource Production Emphasis (Management Area
- Developed Recreation Complexes (Management Area
- Private
- Water

Pennington County, South Dakota

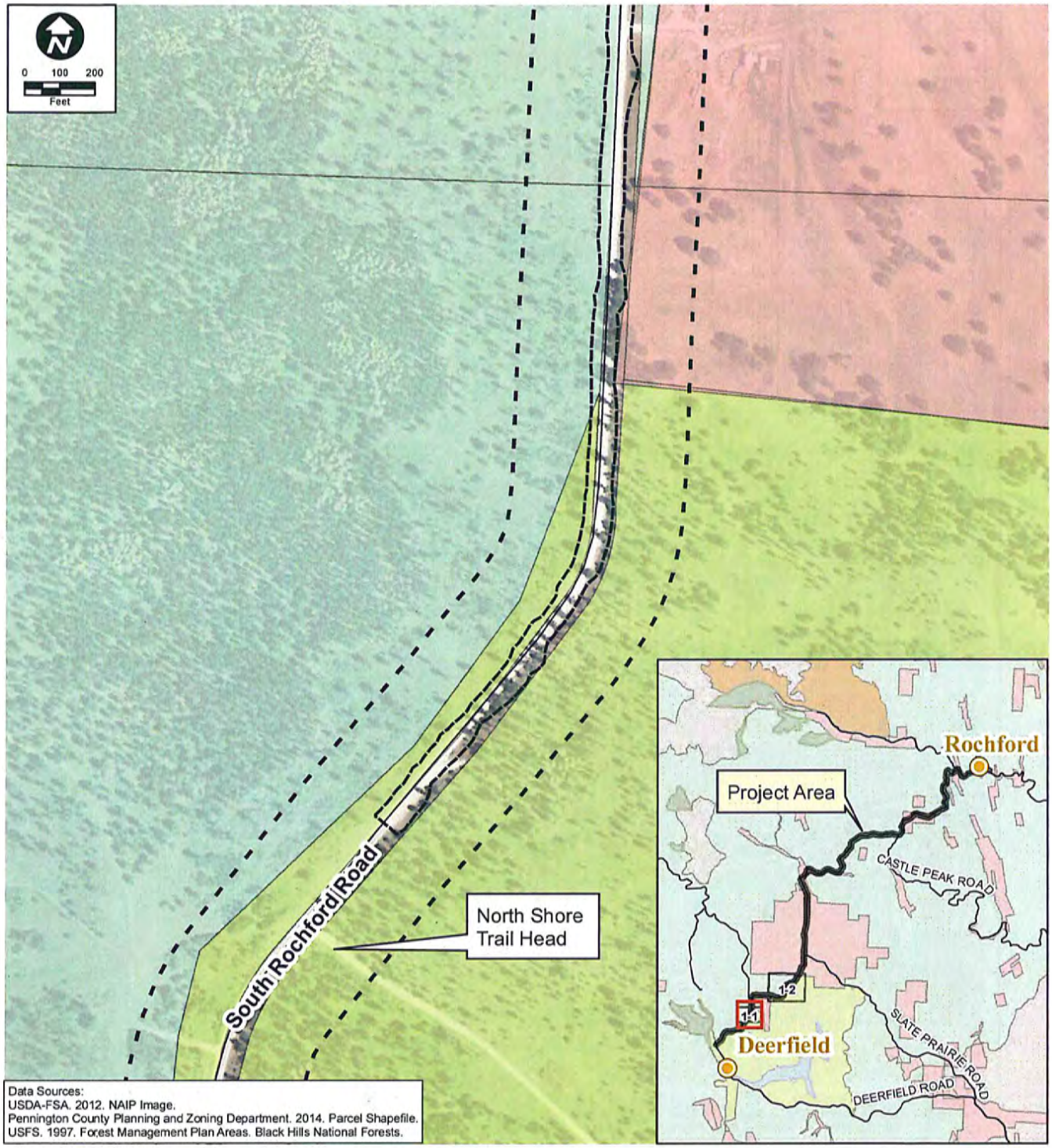
South Dakota DOT Department of Transportation

U.S. Department of Transportation Federal Highway Administration

Land Use

South Rochford Road EA
Pennington County, South Dakota

FIGURE 3-1



Legend

- Alternative 1 Grading Limits
- Alternative 1 Project Area

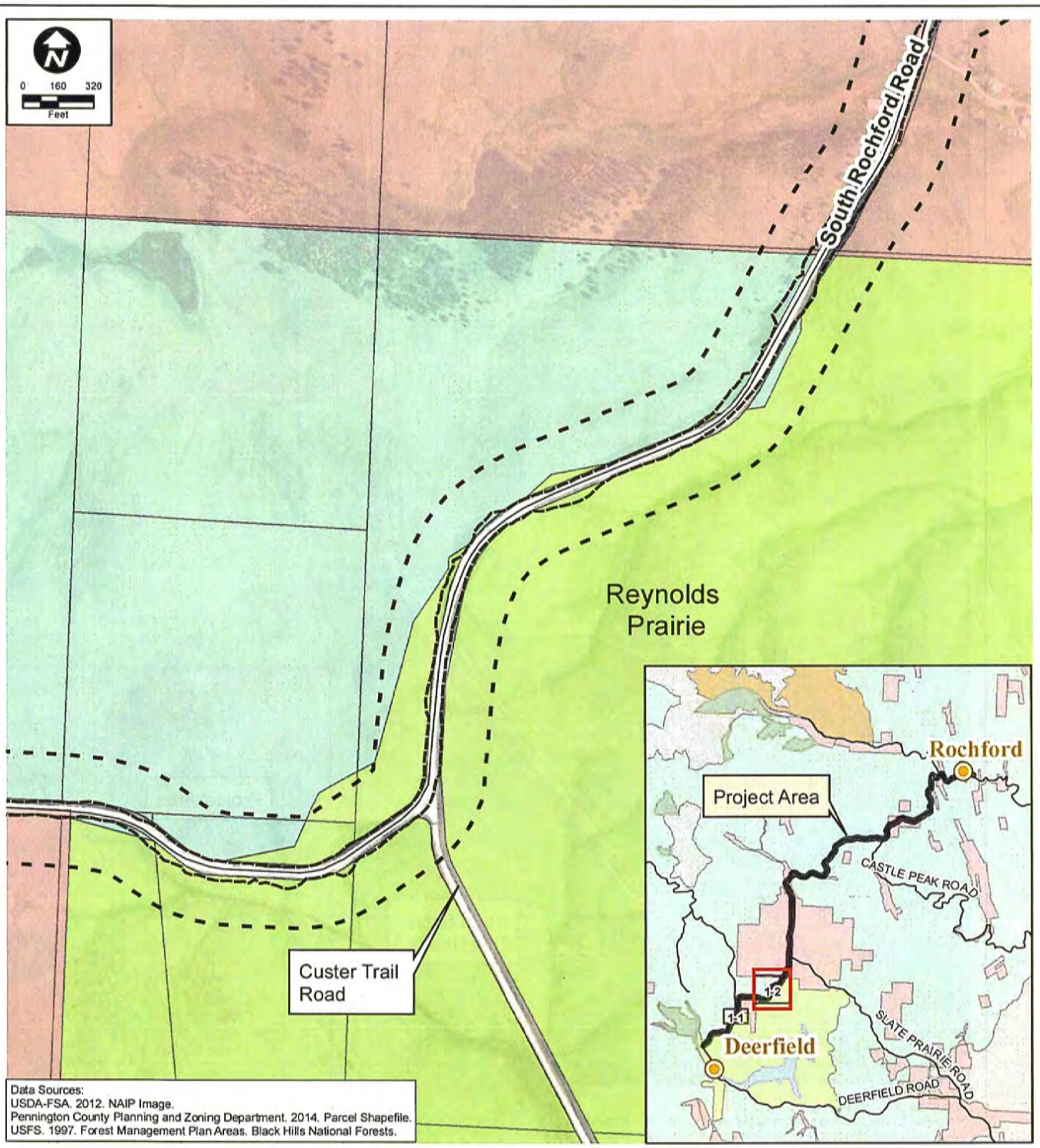
USFS Management Areas

- Resource Production Emphasis (Management Area 5.1)
- Developed Recreation Complexes (Management Area 8.2)
- Private

Section 4(f) Alternative 1

South Rochford Road EA
Pennington County, South Dakota

FIGURE 1-1



Legend

- Alternative 1 Grading Limits
- Alternative 1 Project Area

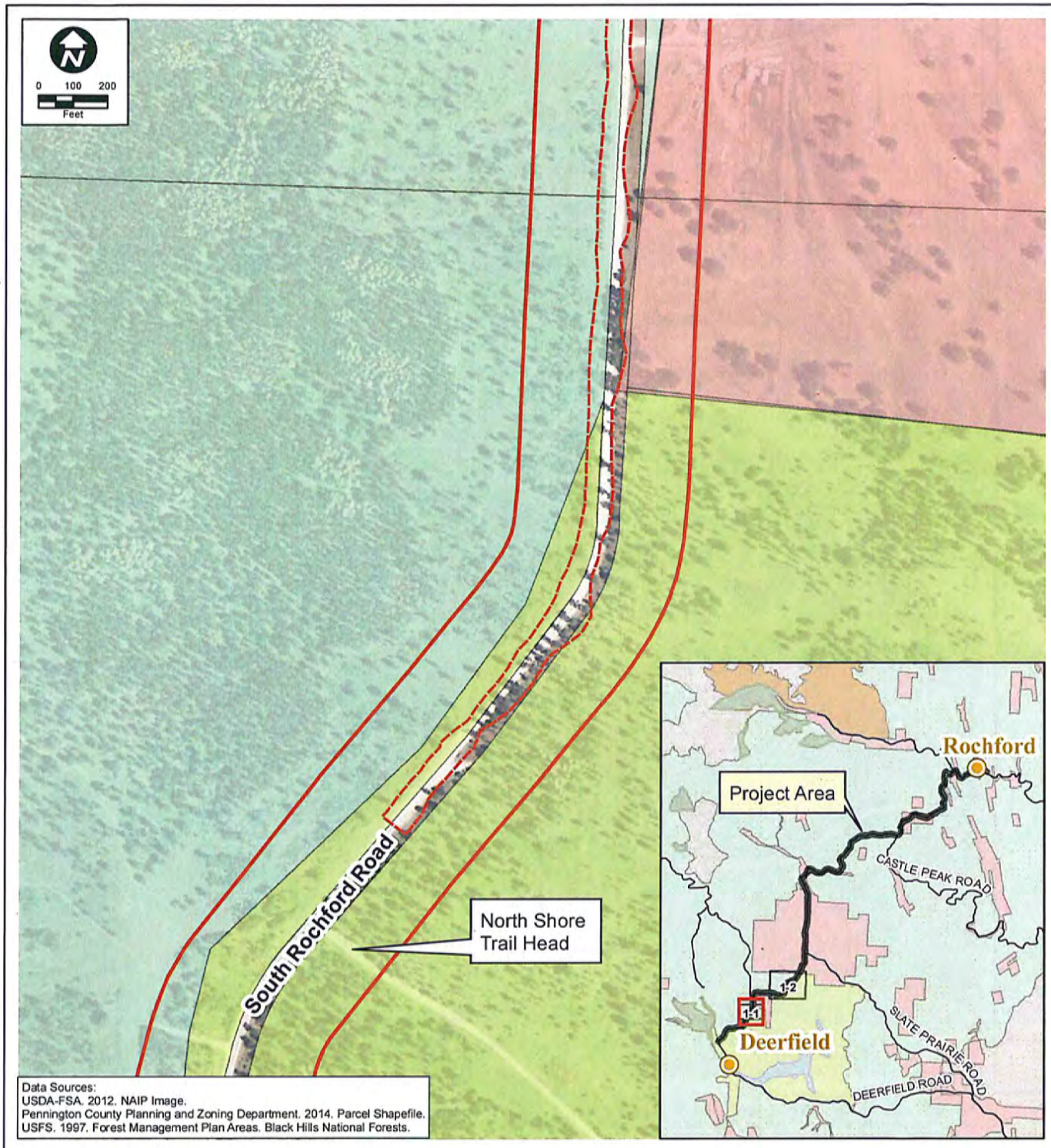
USFS Management Areas

- Resource Production Emphasis (Management Area 5.1)
- Developed Recreation Complexes (Management Area 8.2)
- Private

Section 4(f) Alternative 1

South Rochford Road EA
Pennington County, South Dakota

FIGURE 1-2



Legend

- Alternative 2 Grading Limits
- Alternative 2 Project Area

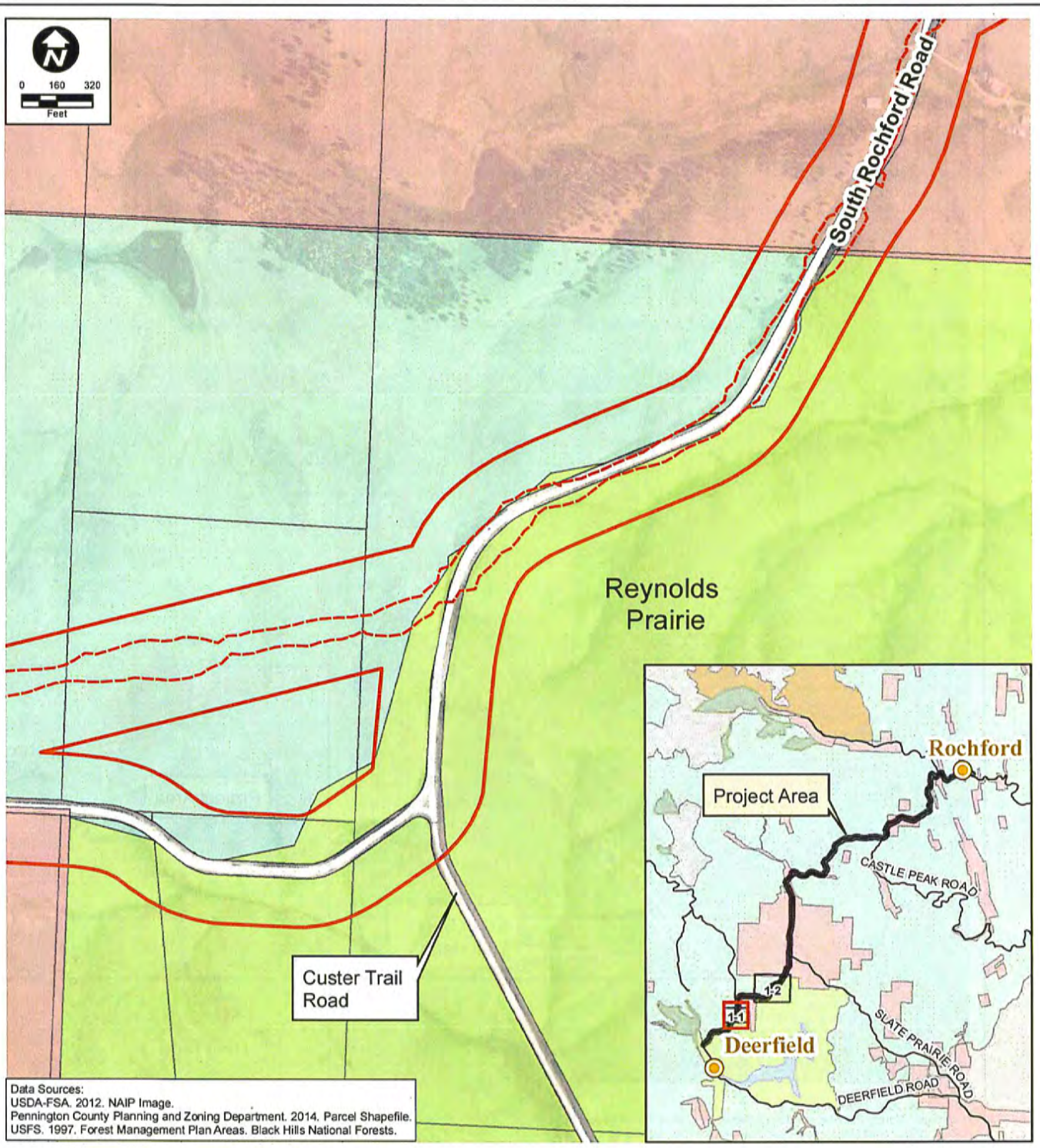
USFS Management Areas

- Resource Production Emphasis (Management Area 5.1)
- Developed Recreation Complexes (Management Area 8.2)
- Private

Section 4(f) Alternative 2

South Rochford Road EA
Pennington County, South Dakota

FIGURE 2-1



Legend

- Alternative 2 Grading Limits
- Alternative 2 Project Area

USFS Management Areas

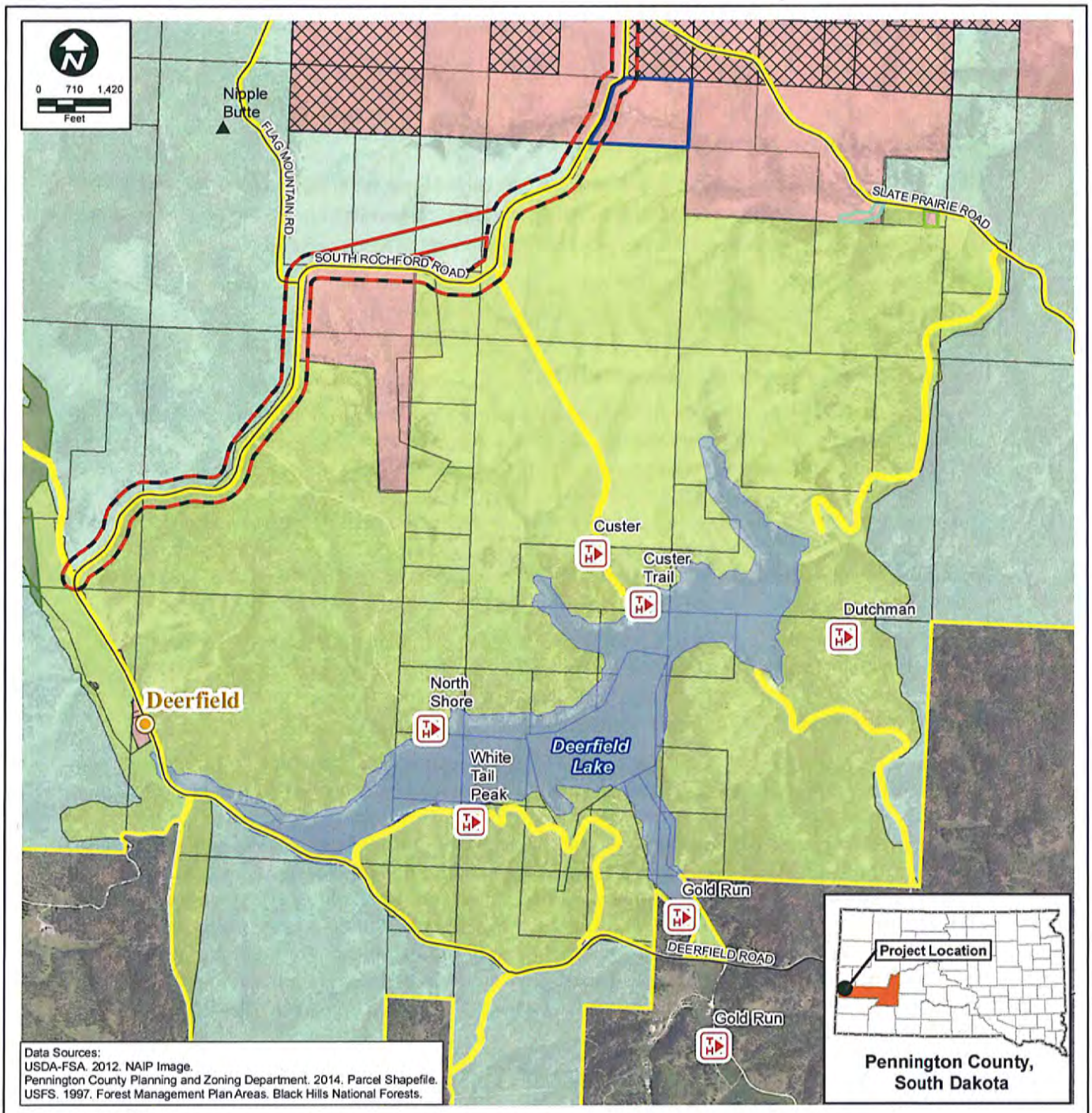
- Resource Production Emphasis (Management Area 5.1)
- Developed Recreation Complexes (Management Area 8.2)
- Private

Pennington County | DOT | U.S. Department of Transportation Federal Highway Administration

Section 4(f) Alternative 2

South Rochford Road EA
Pennington County, South Dakota

FIGURE 2-2



Legend

- Trail head
- Alternative 1 Project Area
- Alternative 2 Project Area
- Land Owned by Tribes

Pennington County Zoning

- General Agriculture District
- Highway Service District
- Low Density Residential District
- Planned Unit Development District

USFS Management Areas

- Botanical Areas
- Resource Production Emphasis (Management Area 5.1)
- Developed Recreation Complexes (Management Area 8.2)
- Private
- Water

Deerfield Lake Recreation Area

South Rochford Road EA
Pennington County, South Dakota

FIGURE 3-2

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007

May 9, 2016

9043.1
ER 16/0193

Ms. Virginia Tsu
Division Administrator
Federal Highway Administration
South Dakota Division
116 East Dakota Avenue, Suite A
Pierre, South Dakota 57501

Dear Ms. Tsu:

The Department of the Interior (Department) has reviewed the Environmental Assessment/Section 4(f) Evaluation for the South Rochford Road in the western half of Pennington County, South Dakota. The Department offers the following comments and recommendations for your consideration:

Section 4(f) Comments

This document considers effects to properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303§ 771.135) associated with the South Rochford Road project. The South Rochford Road project area is an existing gravel road that extends ten miles between the Town of Rochford and its intersection with Deerfield Road. The proposed project intends to reduce Pennington County's roadway maintenance costs; replace a structurally deficient bridge crossing at Rapid Creek; correct deficiencies in curves, slopes, drainage, and stormwater management along the roadway; and provide improved linkage to the rest of the county road system.

The Section 4(f) evaluation, prepared by the Federal Highway Administration (FHWA) and South Dakota Department of Transportation (SDDOT), considered the impacts to a recreational trail (Mickelson Trail), a recreational complex (U.S. Forest Service Management Area 8.2), and 55 archaeological and historic sites. A total of five build alternatives, as well as the no action alternative, were under consideration; two alternatives follow the existing alignment and three of the build alternatives would be outside the existing alignment but leave the existing alignment for local use. Those alternatives outside the alignment were characterized as avoidance alternatives, but FHWA dismissed them as not being responsive to the project's purpose and need.

The project would require the temporary occupancy of the Mickelson Trail during the period of construction. The Trail, which crosses the project area at the Rapid Creek Bridge that will be replaced as part of this project, would remain available for users. Such temporary occupancy would not constitute a Section 4(f) use. U.S. Forest Service Management Area 8.2 (Deerfield Lake Recreation Complex) is

directly adjacent to South Rochford Road. The proposed improvements would require a maximum of 4.3 acres for transportation use under the preferred alternative. The FHWA has determined that this impact is at the *de minimis* level. However, there is no evidence in this document that the U.S. Forest Service (USFS) has concurred with that determination. Should the USFS agree with the determination, the Department of the Interior would not comment further on the *de minimis* determination.

The FHWA determined that the project would have an adverse effect on properties eligible for the National Register of Historic Places. Properties include Traditional Cultural Properties, archaeological sites, and historic structures. Of the original 55 sites known for the project area, it appears that at least six sites will be adversely affected by the preferred alternative.

The Department would concur with the FHWA on a determination that there is no feasible or prudent alternative to the preferred alternative. We would not concur that all measures to minimize harm to the historic property have been included. The final evaluation would need to provide evidence that the USFS agrees with the *de minimis* determination, and include a fully executed memorandum of agreement for the historic properties affected. The Department would likely concur on the measures to minimize harm if those two elements are completed.

The Department has a continuing interest in working with the FHWA and the SDDOT to ensure impacts to resources of concern to the Department are adequately addressed. For issues concerning section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone (402) 661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,

Robert F. Stewart

Robert F. Stewart
Regional Environmental Officer

cc: Marion Barber

United States Department of the Interior
Office of the Secretary
Office of Environmental Policy and Compliance
1849 C Street, NW – MS 2462-MIB
Washington, D.C. 20240

JUL 18 2016

9043.1
PEP/NRM

ER16/0193

Ms. Virginia Tsu
Division Administrator
Federal Highway Administration
South Dakota Division
116 East Dakota Avenue, Suite A
Pierre, South Dakota 57501

Dear Ms. Tsu:

The Department of the Interior (Department) has reviewed the final submission from the Section 4(f) Evaluation on the South Rochford Road proposed project in the western half of Pennington County, South Dakota. The Department offers the following comments and recommendations for your consideration.

Section 4(f) Comments

This documentation considers effects to properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303) associated with the South Rochford Road proposed project. The South Rochford Road proposed project area is an existing gravel road that extends 10 miles between the Town of Rochford and its intersection with Deerfield Road. The proposed project intends to reduce Pennington County's roadway maintenance costs; replace a structurally deficient bridge crossing at Rapid Creek; correct deficiencies in curves, slopes, drainage, and stormwater management along the roadway; and provide improved linkage to the rest of the county road system.

The Section 4(f) Evaluation, prepared by the Federal Highway Administration (FHWA) and South Dakota Department of Transportation (SDDOT), considered the impacts to a recreational trail (Mickelson Trail), a recreational complex (U.S. Forest Service Management Area 8.2), and 55 archaeological and historic sites. A total of five build alternatives, as well as the no action alternative, were under consideration; two alternatives follow the existing alignment and three of the build alternatives would be outside the existing alignment but leave the existing alignment for local use. Those alternatives outside the alignment were characterized as avoidance alternatives, but FHWA eliminated them as not being responsive to the project's purpose and need.

U.S. Forest Service Management Area 8.2 (Deerfield Lake Recreation Complex) is directly adjacent to South Rochford Road. The proposed improvements would require a maximum of 4.3 acres for transportation use under the preferred alternative. The FHWA has determined that this impact is *de minimis*. The FHWA has provided supplemental information with evidence the U.S. Forest Service has concurred with that determination.

The FHWA determined that the project would have an adverse effect on properties eligible for the National Register of Historic Places. With this final supplemental information, the FHWA provided a

copy of a fully executed memorandum of agreement that indicates the State Historic Preservation Officer agrees with the mitigation provided for the impacts to eligible resources.

The Department would concur with the FHWA on a determination that there is no feasible or prudent alternative to the preferred alternative. We would also concur that all measures to minimize harm to the historic property have been included.

The Department has a continuing interest in working with the FHWA and the SDDOT to ensure impacts to resources of concern to the Department are adequately addressed. For issues concerning Section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,

Mary Josie Blanchard
Acting Director, Office of Environmental Policy
and Compliance

cc: Marion Barber, FHWA – email
Nick Chevance, NPS – email

TRANSMITTED ELECTRONICALLY – NO HARD COPY TO FOLLOW

Section 3. Archeological and Historic Resources

MEMORANDUM OF AGREEMENT
Among
THE FEDERAL HIGHWAY ADMINISTRATION,
THE SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
To
RESOLVE ADVERSE EFFECTS REGARDING
THE SOUTH ROCHFORD ROAD PROJECT IN PENNINGTON COUNTY
PROJECT NUMBER EM-BRF 6403(06), PCN 00CL

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA), as lead federal agency, plans to provide funding for the South Rochford Road Project in Pennington County, South Dakota, pursuant to the Federal-Aid Highway Program as described in Title 23 USC§101 et seq.; and

WHEREAS, the South Dakota Department of Transportation (SDDOT) and Pennington County, propose to carry out reconstruction of approximately 10 miles of the existing South Rochford Road in Pennington County to provide an all-weather surface with improved drainage structures (Project); and

WHEREAS, FHWA has determined that the Project is an undertaking, as defined in 36 CFR § 800.16(y), and is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 52 USC § 306108 and its implementing regulations, 36 CFR § 800, and

WHEREAS, FHWA, in coordination with the SDDOT and Pennington County, has consulted with the South Dakota State Historic Preservation Officer (SHPO), interested and affected Indian tribes (tribes), and other consulting parties with a demonstrated interest in the effects of the Project on historic properties pursuant to 36 CFR § 800.2; and

WHEREAS, FHWA, in coordination with the SDDOT and Pennington County, has consulted with the SHPO, the tribes, and other consulting parties, and defined the undertaking's area of potential effects (APE) for physical effects (Figure 1) as an area subject to physical effects that is generally 500 feet wide, or 250 feet on either side of the proposed centerline along with isolated areas of curve realignments extending beyond the 500 feet corridor to encompass the limits of disturbance; and

WHEREAS, FHWA, in coordination with the SDDOT and Pennington County, has consulted with the SHPO and the tribes, and defined the undertaking's APE for visual and audible effects (Figure 1) as the ‘Pe’Sla Cultural Landscape’ identified in the Traditional Cultural Properties Ethnographic Report dated March 31, 2014 (TCPE Report); and

WHEREAS, FHWA formally invited 33 federally recognized resident and non-resident tribes identified as having religious and cultural ties to the Black Hills of South Dakota to consult regarding the undertaking and its potential to affect historic properties of religious and cultural significance; and

WHEREAS, FHWA has consulted with the following 14 tribes that responded and actively participated in some or all of the consultation through meetings, correspondence, and contractual arrangements (consulting tribes):

Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Crow Nation, Fort Peck Assiniboine and Sioux Tribes, Northern Arapaho Tribe, Northern Cheyenne Tribe, Oglala Sioux Tribe, Omaha Tribe of Nebraska, Rosebud Sioux Tribe, Sac and Fox Nation of Missouri in Kansas and Nebraska, Sisseton Wahpeton Oyate, Standing Rock Sioux Tribe, Yankton Sioux Tribe and Chippewa Cree Tribe; and

WHEREAS, the consulting tribes designated Ben Rhodd with the Rosebud Sioux Tribe as the point of contact for conducting the traditional cultural properties survey and preparing the TCPE Report; and

WHEREAS, FHWA, in coordination with SDDOT and Pennington County has caused to be conducted an intensive archaeological site and historic structure survey of the APE (ASHS Report); and

WHEREAS, FHWA, in consultation with the SHPO, has determined that the undertaking will have an adverse effect on Pe'Sla (an eligible traditional cultural landscape) and 5 historic properties identified as contributing to Pe'Sla, all of which are eligible for listing in the National Register of Historic Places (National Register) and the 5 properties include 39PN3546, 39PN2538, 39PN0654/KSE-3, 39PN2852, DZ-13; and

WHEREAS, FHWA, in coordination with SDDOT and Pennington County completed a revision of the design by reducing the roadway width in order to avoid 11 historic properties, all of which are eligible for listing in the National Register of Historic Places (National Register) and the 11 properties include RC-10, RC-17, DV-1, JCE-12, 39PN1256/KSE-25, KSE-16 located within the site boundary of 39PN0645, BR-28/DV-4 located within 39PN3546, DL-15, KSE-14, DL-3, DL-2; and

WHEREAS, FHWA and SHPO also reached consensus on May 15, 2015 that site 39PN2000, the Burlington Northern Railroad/Mickelson Trail, a National Register eligible property will not be adversely affected by the undertaking; and

WHEREAS, FHWA has invited each of the consulting tribes to be invited signatories to the MOA with the understanding that a signature does not indicate that the party has a particular view regarding support for the Project, but rather indicates the desire of such parties to remain involved in implementation of the terms of this Agreement; and

WHEREAS, FHWA has consulted with and was designated as lead federal agency by the United States Department of Agriculture Black Hills National Forest (BHNF) on March 27, 2012. BHNF administers some lands within the APE and has been invited to sign this Agreement as invited signatory; and

WHEREAS, FHWA has consulted with and was designated as lead federal agency by the US Army Corp of Engineers (USACE) on August 20, 2015. USACE has permitting authority under Section 404 of the Clean Water Act regarding the effects of the undertaking on historic properties and has been invited to sign this Agreement as invited signatory; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen to participate in a letter dated May 7, 2015, and pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

NOW, THEREFORE, FHWA, SHPO, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA, in coordination with SDDOT, shall ensure that the following measures are carried out:

I. CONSTRUCTION SCHEDULING TO PREVENT CONFLICTS WITH CEREMONIAL ACTIVITIES

A. The SDDOT will consult with tribes that are parties to this Agreement to implement measures that limit construction noise and traffic control during ceremonies scheduled along the Project.

B. Ceremonial scheduling provisions:

1. The SDDOT will provide the consulting tribes a written or electronic notice of the scheduled pre-bid meeting date. The name and contact information of the SDDOT's point of contact will also be provided, in order for tribes to coordinate ceremonial events that could be disrupted by construction noise or traffic control.

2. In order to limit construction-related disturbances during ceremonial events, the tribes shall provide a written or electronic notification to the SDDOT's point of contact. The notification shall include the location, date(s), start and stop times, and contact information regarding the ceremony.

3. All tribes that are parties to this Agreement concur in good faith to:

a. Coordinate and schedule those ceremonies planned to be held on properties adjacent to the Project between Stations 10+00 and Station 230+00 (Figure 1);

b. Coordinate and schedule only those ceremonies that would be disrupted by construction noise or traffic control, taking into consideration the location and type of ceremony;

c. Limit ceremonial activities, dates and times to the extent possible as to not unduly impede the construction schedule.

4. The SDDOT's point of contact will coordinate with the person that notified the SDDOT of the ceremony to establish boundaries for restricting construction activities. These boundaries will not extend beyond Station 10+00 to Station 230+00 (Figure 1).

5. For those ceremonies scheduled prior to the pre-bid meeting date, the SDDOT will ensure that the construction contract includes provisions to temporarily cease construction activities within the established boundaries.

6. For ceremonies scheduled after the pre-bid meeting date and at least one week prior to the ceremony, the SDDOT will work with the contractor to minimize disruption from construction noise and traffic control activities to the extent possible. However, honoring such requests cannot be guaranteed due to contractual constraints.

7. Minimally, construction accommodations will be planned for three known Tribal ceremonies. These known ceremonies are held up to 4 days around the time of April 25, June 21, and September 21. Since these are seasonally based ceremonies, it will be necessary for the tribes to provide the specific dates and times of these events to the SDDOT's point of contact prior to the pre-bid meeting date for these ceremonies to be included in the construction contract provisions.

II. TRADITIONAL CULTURAL PROPERTY TREATMENT PLAN (TCP TREATMENT PLAN)

SDDOT is responsible for the preparation, implementation and monitoring of a TCP Treatment Plan designed to ensure the Project's adverse effects on traditional cultural properties determined eligible for listing in the National Register are avoided, minimized or mitigated. The TCP Treatment Plan shall:

A. Define and specify the sites and features associated with the TCP that are vulnerable to damage from the construction activities (i.e. those sites and features identified in the Preamble of this Agreement).

B. Identify mitigation measure(s) to be used at each of the sites. Where appropriate and feasible, one of the following measures will be selected.

1. Avoidance of pre-identified sites and features situated within the APE from physical effects, when such sites and features can be avoided. Sites and features targeted for avoidance will be designated as avoidance areas for construction equipment and personnel within the construction plans. Exclusion fencing will be used as needed to ensure equipment and personnel avoid these areas**.**

2. Avoidance of sites and features through Project's engineering design by constraining construction activities in the vicinity of the sites and features.

3. Burial of features under a protective soil cap sufficient to prevent damage. The decision to bury a feature will be determined by SDDOT in consultation with FHWA, and based on the results of the geotechnical studies and any comments received by the tribes. For a period of 5 years, the SDDOT will conduct a review every 2 years (years 1, 3, and 5) to assure site stability in accordance with measures specified in the TCP Treatment Plan.

4. If avoidance or protection of a Native American cultural feature within the limits of ground disturbing activities is not feasible, SDDOT and FHWA will consult with the consulting tribes to determine whether archaeological excavation and removal of features and cultural remains or destruction without archaeological removal is preferable.

    a. If the tribes recommend that destruction without removal is preferable to archaeological excavation and removal of sites and features that retain traditional religious and cultural importance, the features and cultural remains will be destroyed consistent with the wishes of the tribes.

    b. If archaeological removal is preferable, the excavation and removal of such remains will be conducted under the direct supervision of an archaeologist meeting the Secretary of Interior's professional qualification standards.

C. The TCP Treatment Plan will include but not be limited these four components:

1. Schedule in which mitigation activities will take place.

2. Parties responsible for carrying out the mitigation activities.

3. Provisions for a TCP Treatment Plan Annual Completion Report to be provided to the signatory or concurring parties to this Agreement by January 30 of each year until all mitigation is complete.

4. Include the ASHS Report dated April 1, 2014 and the TCPE Report dated March 31, 2014 by reference for a description of the Project, sites and sensitive areas, natural and cultural setting of sites and sensitive areas, geomorphology of the area, and previous archaeological investigations conducted.

D. The TCP Treatment Plan will be reviewed as follows:

1. FHWA and the SDDOT will circulate a draft of the TCP Treatment Plan to the consulting parties. The consulting parties will be provided 30 days to review and submit their comments.

2. FHWA and SDDOT will work with any consulting parties to resolve comments received.

3. Concerns and objections will be resolved in accordance with Stipulation VIII.

4. FHWA will ensure that the Traditional Cultural Property Treatment Plan is implemented after concerns and objections have been resolved.

III. TRIBAL MONITORING

A. As part of the monitoring effort under Stipulation IV, tribal monitors will be employed to monitor avoidance measures at identified TCPs to ensure avoidance. The Monitoring Plan of Stipulation IV will specify roles and responsibilities of the tribal monitors.

B. Monitors designated by THPOs will be used to monitor construction activities within designated site boundaries to ensure avoidance measures are met.

C. A SDDOT's point of contact will coordinate with the consulting tribes to select Tribal monitors and to coordinate all:

1. Tribal monitor activities; and

2. Discoveries and ceremonial activities that may be deemed appropriate by the Tribes prior to disturbance or removal of TCP features; and

3. Address tribal concerns.

IV. MONITORING FOR DISCOVERIES

FHWA, SDDOT and Pennington County, in consultation with the ACHP, SHPO, tribes and consulting parties will prepare a Monitoring for Discoveries Plan to be implemented during Project construction. This Monitoring for Discoveries Plan will be combined as a section of the TCP Treatment Plan to eliminate duplications.

A. The Monitoring for Discoveries Plan will include the following provisions:

1. In the event that the Contractor discovers, finds, locates, or becomes aware of any previously unrecorded historic properties which may be affected by the Project, including properties of religious and cultural significance, the contractor will immediately suspend operations at the site or sites and contact SDDOT Engineer immediately in accordance with Section 7.21A of the SDDOT's Road and Bridge Specifications. Work in all other areas of the Project may continue.

2. The SDDOT point of contact shall notify the FHWA, SHPO, ACHP, and the consulting parties to this Agreement within two (2) working days of the discovery.

3. Within two working days of notifying the consulting parties, the SDDOT's point of contact will ensure that an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (Stipulation VI), in coordination with the tribes, investigates the work site and the resource and provide an assessment of its NRHP eligibility (36 CFR 60.4). The SDDOT's point of contact shall forward via electronic mail to the consulting parties the assessment of its NRHP eligibility and proposed treatment actions to resolve any adverse effects on historic properties. The consulting parties to this Agreement shall respond within five (5) working days of receipt of the email notification to the SDDOT's assessment of NRHP eligibility and proposed action plan. The SDDOT, in consultation with the FHWA, shall take into account the recommendations from consulting parties regarding NRHP eligibility of the resource and the proposed treatment actions, and then carry out the appropriate actions. Any concerns and objections will be resolved in accordance with Stipulation VIII.

4. The SDDOT will ensure that construction work within the affected area does not proceed until the appropriate treatment actions are developed and implemented or the determination is made that the located resource is not eligible for inclusion on the NRHP.

B. The Monitoring for Discoveries Plan will:

1. Specify procedures for addressing all types of discovery situations; and

2. Specify the construction activities and site locations where tribal monitors will be required; and

3. Include provisions for resolving unanticipated design alterations or construction activities that would have an effect on eligible or unevaluated properties that FHWA and SHPO previously determined would not be affected by the Project. FHWA, in consultation with the SHPO, determined there are additional eligible and unevaluated historic properties located within the APE that will not be affected by the Project. These include 13 sites (RC-10, RC-17, DV-1, JCE-12, 39PN1256/KSE-25, KSE-16 located within the site boundary of 39PN0645, BR-28/DV-4 located within 39PN3546, DL-15, KSE-14, DL-3, DL-2, 39PN3547, and 39PN3554) identified as contributing to the Pe'Sla Cultural Landscape and 9 historic sites which are eligible or unevaluated properties (39PN0460, 39PN0461, 39PN2082, 39PN2843, 39PN2845, 39PN3561, 39PN3080, PN00000889, and PN038 Complex) not associated with Pe'Sla. The FHWA, ACHP, and SHPO agree to resolve any unforeseen affects to these properties, should they occur; and

4. Include procedures for Treatment of Human Remains (see Stipulation V); and

5. Include procedures for handling, curating, and returning artifacts and materials located on roadway Right-of-Way, Forest Service property, and private property; and

6. Include procedures for notifying landowners regarding archaeological discoveries on their property, and requesting they donate any artifacts that may be recovered from their property to an appropriate repository.

C. Monitoring for Discoveries Plan acceptance:

1. The consulting parties will be provided a final draft of the Monitoring for Discoveries Plan and 30 days to review and submit their comments.

2. FHWA and SDDOT will resolve any concerns or objections in accordance with Stipulation VIII.

3. FHWA will ensure the Monitoring for Discoveries Plan is implemented after concerns and objections have been resolved.

V. TREATMENT OF HUMAN REMAINS

A. Procedures for consideration of discovered human remains in accordance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001) (NAGPRA) or State burial law, as appropriate. These procedures will be specified in the Monitoring for Discoveries Plan.

B. In the event of an inadvertent discovery of human remains or funerary objects the following steps shall be taken pursuant to South Dakota Codified Law Chapter 34-27-25, 34-27-28, and 34-27-31. If found on Forest Service property, then NAGPRA regulations at 43 CFR Section 10 will be followed:

1. The Contractor shall immediately halt construction activities within a 150 foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. No digging, collecting or moving of human remains or other items shall occur after the initial discovery. Protection measures will include the following:

a. Flag the buffer zone around the find spot.

b. Keep workers, press, and curiosity seekers, away from the find spot.

c. Tarp the find spot.

d. Prohibit photography of the find unless requested by an agency official.

e. Have an individual stay at the location to prevent further disturbance until a law enforcement officer arrives.

2. SDDOT's point of contact will law enforcement, the State Archaeologist, and the Forest Service, if applicable to review the discovery to confirm they are human remains and to determine the likelihood of whether they are of Native American origin.

    a. If local law enforcement determines the human remains encountered are likely to be of Native American origin, and not associated with a crime, the SDDOT shall notify the consulting tribes during this same 48 hour period.

C. If the FHWA and SDDOT through coordination with the State Archaeologist determine that disturbance cannot be avoided,

1. The State Archaeologist will determine the acceptable procedures for removal, treatment and disposition of the burial or remains.

2. The SDDOT shall notify the tribes and make allowances for the participation of spiritual leaders to conduct appropriate ceremonies when Native American human remains or funerary objects (within the meaning of Section 2 of NAGPRA), and property of religious and cultural importance to tribes are encountered.

D. The SDDOT shall notify the contractor that they may resume construction activities in the area of the discovery upon completion of the plan authorized by the State Archaeologist.

E. The SDDOT shall make all reasonable efforts to ensure that the general public is excluded from viewing any Native American gravesites and associated funerary objects.

VI. PROFESSIONAL QUALIFICATIONS

All historical, archaeological, and architectural work carried out pursuant to this Agreement shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9, September 29, 1983) in the appropriate discipline. FHWA acknowledges that in accordance with 36 CFR Section 800.4(C)(1), the tribes possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance.

VII. PREPARATION AND REVIEW OF DOCUMENTS

A. The ACHP, SHPO, tribes and consulting parties to this Agreement agree to provide comments to the FHWA and SDDOT on all plans, technical materials, findings, and other documentation arising from this Agreement within thirty (30) calendar days of receipt, unless otherwise specified in this Agreement. If no comments are received the SDDOT may assume that the non-responding party has no comment. The FHWA and SDDOT shall take into consideration all comments received in writing within the thirty (30) calendar day review period.

B. By January 30 of each year following the execution of this Agreement until its expiration or termination, the SDDOT will provide all parties to this Agreement a summary email detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems, disputes, and objections received during the year along with actions taken by the FHWA and SDDOT in order to carry out the terms of this Agreement.

C. The SDDOT shall provide for the preparation of a Summary Report of all mitigation and protection activities conducted under the TCP Treatment Plan and Monitoring for Discoveries Plan. The Summary Report will be completed within 6 months of completion of the Project.

D. The SDDOT shall provide the Signatories and Invited Signatories a copy of the final Summary Report (in Adobe Acrobat format), and copies to the Concurring Parties upon request.

VIII. DISPUTE RESOLUTION

A. Should any signatory or concurring party to this Agreement object to FHWA at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

1. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute received from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the 30 day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute received from the signatories and concurring parties to the Agreement, and provide them and the ACHP with a copy of such written response.

3. FHWA is responsible for to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

B. Should any member of the public object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FHWA shall consult with such party to resolve the objection.

IX. AMENDMENTS

This Agreement shall be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

X. TERMINATION

A. If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within 30 days, agreement on an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

B. Once the Agreement is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an Agreement pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

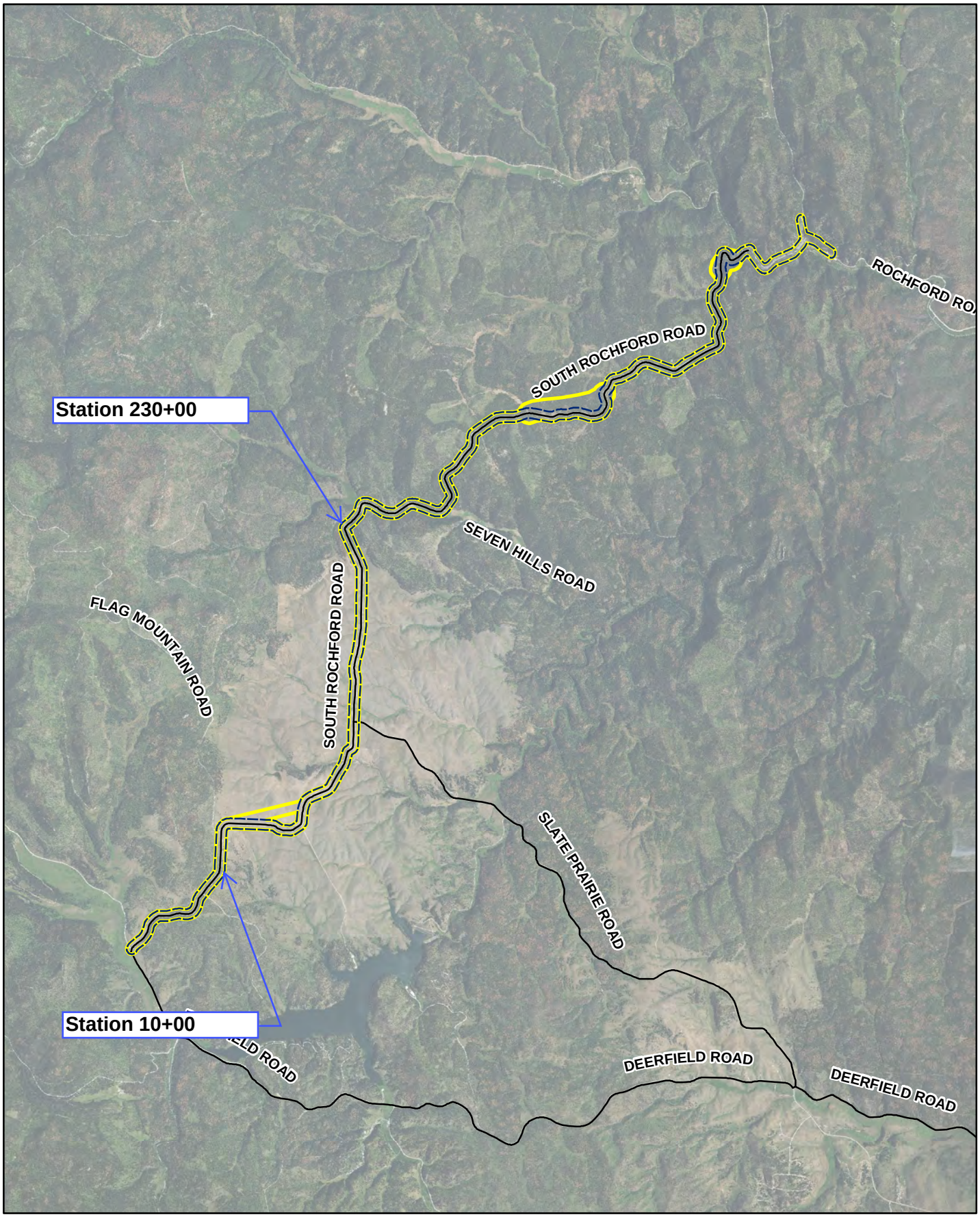
XI. DURATION

This Agreement shall continue in full force and effect until five (5) years after the date of the last signature of a Signatory. At any time in the six (6)-month period prior to such date, the FHWA may request that the Signatories and Invited Signatories consider an extension or modification of this agreement. No extension or modification shall be effective unless all Signatories and Invited Signatories to the Agreement have concurred with it in writing. If FHWA requests an extension or modification and does not receive unanimous agreement among the Signatories and Invited Signatories, FHWA must allow the Agreement to expire and may pursue a new agreement or seek the comments of the ACHP in accordance with Stipulation X.B.

XII. EXECUTION OF AGREEMENT

A. This Agreement may be executed in counterparts, with a separate page for each signatory. Separate pages may also be provided for each Concurring Party. The FHWA shall ensure that each Signatory, Invited Signatory, and Concurring Party is provided with a copy of the fully executed Agreement.

B. Execution of this Agreement by the FHWA, the ACHP, and SHPO, and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.



Area of Potential Effect (APE)

South Rochford Road EIS
Pennington County, South Dakota

FIGURE 1

MOA AGREEMENT REGARDING THE SOUTH ROCHFORD ROAD PROJECT,
PENNINGTON COUNTY, SOUTH DAKOTA

SIGNATORIES:

South Dakota State Historic Preservation Officer

Jay D. Vogt

Jay D. Vogt, State Historic Preservation Officer

02-03-2016

Date

Federal Highway Administration

Marion Barber

Marion Barber, Environmental Engineer

2/2/2016

Date

MOA AGREEMENT REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY, SOUTH DAKOTA

SIGNATORY:

Advisory Council on Historic Preservation

John Fowler, Executive Director

2/5/16

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY, SOUTH DAKOTA

INVITED SIGNATORIES

South Dakota Department of Transportation

Michael Behm, Project Development Engineer

3/02/16
Date

Pennington County

Thomas Wilsey, Pennington County Highway Department

2/26/16
Date

USDA Forest Service Black Hills National Forest

Craig Bobzien, Forest Supervisor

2-16-16
Date

U.S. Corps of Engineers

Steven E. Naylor, Regulatory Program Manager, South Dakota

3-3-2016
Date

INVITED SIGNATORY

Cheyenne River Sioux Tribe

_____
Harold Frazier

_____
Date

INVITED SIGNATORY

Crow Creek Sioux Tribe

_____
Roxanne Sazue

_____
Date

INVITED SIGNATORY

Crow Nation

_____
Darrin Old Coyote

_____
Date

INVITED SIGNATORY

Fort Peck Assiniboine and Sioux Tribes

_____
Floyd Azure

_____
Date

INVITED SIGNATORY

Northern Arapaho Tribe

Déan Goggles

4-5-16

Date

INVITED SIGNATORY

Northern Cheyenne Tribe

_____
Llevando Fisher

_____
Date

INVITED SIGNATORY

Oglala Sioux Tribe

_____
John Yellow Bird Steele

_____
Date

INVITED SIGNATORY

Omaha Tribe of Nebraska

_____
Vernon Miller

_____
Date

INVITED SIGNATORY

Rosebud Sioux Tribe

_____
William "Willie" Kindle

_____
Date

INVITED SIGNATORY

Sac and Fox Nation of Missouri in Kansas and Nebraska

_____
Edmore Green

_____
Date

INVITED SIGNATORY

Sisseton Wahpeton Oyate

_____
David Flute

_____
Date

INVITED SIGNATORY

Standing Rock Sioux Tribe

_____
Dave Archambault II

_____
Date

INVITED SIGNATORY

Yankton Sioux Tribe

_____
Robert Flying Hawk

_____
Date

INVITED SIGNATORY

Chippewa Cree Tribe

_____
Ken St. Marks

_____
Date

APPENDIX B- Summary of Public Comments and Responses

EA Questions and Comments

The following summarizes questions and comments received before, during and following the public meeting presentation held April 22, 2016 in Hill City. Formal responses to questions are included below. All questions and comments were taken into consideration in the NEPA decision.

VERBAL COMMENTS MADE DURING PRESENTATION AND RESPONSES
Comment 1A: Why was the EIS changed to an EA? **Response 1A:** Due to the potential for impacts to resources including wetlands, fens, and historical and archeological sites, the FHWA initiated the NEPA review process as an EIS in accordance with the Council of Environmental Qualities NEPA guidelines. This process identified all environmental resources associated with this project and the potential for impacts by alternative. The Joint Lead Agencies subsequently reduced the project's scope of work by reducing the overall roadway width to be more consistent with similar low volume surfaced roadways in Pennington County. This scope of work reduced the impacts to resources initially identified as necessitating an EIS; therefore, FHWA made the decision to prepare an EA for the assessment of project impacts. It was noted during the meeting that information included in the EA was the same information that would have been included in a Draft EIS (DEIS) and that and EA might reduce the overall NEPA process.
Comment 2A: What is the preferred alternative? **Response 2A:** Alternative #1 is described in the EA as the recommended preferred alternative. This alternative primarily utilizes the existing alignment, minimizing impacts to the natural environment.
Comment 3A: As a property owner with cabins in Rochford, this landowner disagreed with the use of rumble strips and signs as mitigation for increased traffic through the Rochford area. An increase in traffic through Rochford presents safety concerns that will not be resolved with rumble strips or signs. The rumble strips are noisy and signs may not work. People walk on the road as there are no sidewalks. Increased traffic will have unintended safety consequences. The community needs to work with the County to develop a good approach that keeps people safe (not rumble strips) such as posting a 15 mph speed limit and installing speed bumps. What counts is what the Rochford community wants. [Note: This citizen made additional verbal comments during the meeting. These comments were clearly captured in comment letters identified as 11c and 12c. Therefore; responses have not been repeated in 3A but may be found in 11c and 12c.] **Response 3A:** Community character and cohesion is discussed in Section 3.1.4 of the EA and Draft Section 4(f) Evaluation. This section describes the existing environment and evaluates the impacts that Alternative 1, Alternative 2, and the No-Build Alternative would have on community character and cohesion. During the NEPA process, the Joint Lead Agencies worked with the Public Steering Committee (Committee) represented by property owners along the South Rochford Road and from the community of Rochford, to better understand the potential for impacts on the community and to identify potential mitigation measures, when necessary. Information gathered from the Committee and public meetings were used to develop the community character and cohesion section of the EA and Draft Section 4(f) Evaluation.

In order to examine how the community currently functions, the Committee was consulted on these events and their opinions on the Project. The Committee believes that the preferred alternative will increase traffic through Rochford and increase hazards to pedestrians. Safety is typically improved by separating pedestrians from automobiles with the use of urban designs such as curb and gutter, sidewalks, crosswalks, and formalized parking. However, the Committee indicated the Rochford community may be opposed to these features. Several reasons cited include: 1) affects these features may have on the "ghost town" appeal, 2) impacts to private properties, and 3) topography constraints imposed by the river, retaining wall, and homes.

South Rochford Road, being upgraded with an all-weather surface will provide a travel corridor similar to other paved scenic corridors in the Black Hills. This will likely result in more visitors to the area (i.e. increased traffic) and characterized as a moderate impact to Rochford. Therefore, the following mitigation measures are included to address potential traffic increases within the community.

1) Speed Message Boards: Devices that display the driver's speed will be installed on each of the three roadways (South Rochford Road, Rochford Road, and North Rochford Road) entering Rochford.
2) Gateway Signs: The County will be responsible for furnishing and installing up to three gateway signs for Rochford. Size and colors will conform to the Manual on Uniform Control Devices (MUTCD) (if applicable). The County will coordinate with at least one of the Committee members or another representative of the community to design the sign.
3) Pedestrian Warning Signs: MUTCD approved pedestrian signs (for example, 'Yield to Pedestrians' or 'Slow - Watch for Pedestrians') will be installed within Rochford. The County will work with the community to identify which warning signs are appropriate. Pedestrian warning signs will be installed after the speed message boards and gateway signs in locations that will best protect pedestrians.
4) Informal Parking: Prior to construction of the preferred alternative, Pennington County will construct approximately 80 feet of informal (unpaved) parking within the County ROW to be located on the east side of North Rochford Road between the Moonshine Gulch Saloon and Rochford Mall.

In the future, the County will utilize traffic counts and safety concerns identified by the community or County to determine the effectiveness of the implemented mitigation measures. If it is determined that the proposed measures are not effective and additional measures are required, the following are examples of what could be considered: reduction of the posted speed within Rochford and provisions for stop signs at intersections. The County will include the Rochford community and public at large in this decision making process by discussing the topic at a Pennington County Board of Commissioners' meeting.

Comment 4A: This commenter stated that he has been around here longer than most people in attendance. He pays taxes. He stated this is one of the poorest run meetings he's been to as people can't hear what is being said (poor microphone and acoustics). He stated that he understands bureaucrats and how they spend money. He believes the whole culture pushing the road is based on money (Rochford to Hill City). They want to change the quiet to an urban area. Some of his family have lived and ranched in this area for over 100 years. Some of his Native American friends bought land that was theirs in the first place. It is about a cultural that makes a lot of noise for that purpose really; that's the excuse. The Aryan culture that disregards the rights of women. I'll be damned if I'll work one day with those folks; they are taking over the Hills. The Department of Transportation; departments of the State of South Dakota and corruptions. People don't need interference. Don't need to have their peace and quiet ruined by making a nice track for motorcycles (Hill City to Rochford). Rochford is a wonderful town. All we need is to have the bridge fixed; without tearing up the road. People need to fight bureaucrats to ensure their livelihood; paying the price themselves.

We're better than the smell of money. We don't want to "California-nize" the entire Black Hills. It is a treasure. We need to fight to keep it. This is a rich culture – we need to pay attention if we want to survive. He doesn't need any more noisy machines in his environment. Spring lifts his heart with the sounds of meadowlarks – this should be important to all of us. He thinks about culture. He doesn't care what people think about him; but this is for his kids, grandkids.

Response 4A: Sincere apologies given for the poor microphone and acoustics.

Comment 5A: Agreed with the previous comment. There are other people that are for a culture different than money and motorcycles. She wants to hear from the community and have a conversation about the project and the concern for nature of South Rochford Road and the resources there.

Response 5A: Comment noted.

Comment 6A: Commenter lives on South Rochford Road and stated the project impacts them more than a lot of others attending this meeting. Her biggest complaint is the dust. Pennington County doesn't provide dust control. This road project will improve health by eliminating the dust and improve driving conditions. She recognizes there will be more traffic, but that traffic continues to increase without a new roadway. Let's get rid of the dust.

Response 6A: While not part of the purpose and need for this project, dust control is identified as a project goal in the EA. An all-weather surfaced roadway will reduce dust from traffic on the roadway.

Comment 7A: If this project is approved, is there funding to build it?

Response 7A: During the meeting it was noted the County has approximately $11 million dollars in Federal and County funds reserved for the Rochford Road project. The County indicated they may need to shift funding from other projects depending on the bids received. The County is also researching alternatives other than standard asphalt concrete surfacing to reduce the cost of the project. One surfacing alternative being looked at is a stabilized base material that would include a chip seal on top.

Section 1.4.1 of the EA states Federal funds in the amount of $9.0 million was authorized by SAFETEA-LU for reconstruction of South Rochford Road. Use of these funds requires an 18.05% local match. Federal funds may only be used for the South Rochford Road project (i.e. not moved to other projects) including project development and NEPA, final design, and construction. In addition, an amount of $0.319 million Federal Bridge Program funds are shown in the SDDOT 2016-2019 STIP for the replacement of the Rapid Creek bridge on South Rochford Road. The Federal bridge program requires 20% local matching funds.

Comment 8A: Will the chip seal surface be a gravel surface?

Response 8A: No. The roadway surface would be composed of aggregate blended with some type of binder material. Standard asphalt concrete surfacing material is composed of aggregate blended with an asphalt binder material. The County is exploring other possible binder materials.

Comment 9A: Does a chip seal take more maintenance?

Response 9A: No. The type of chip seal being discussed here is one used to extend the service life of an all-weather surface (aggregate blended with binder material). This type of chip seal is a standard maintenance activity used on top of an all-weather surface.

Comment 10A: Will an alternative surface stand up to Logging Trucks?

Response 10A: Yes. The roadway will be designed to accommodate standard roadway design vehicles including logging trucks.

Comment 11A: Will Ice Box Canyon and frost heaves be fixed?

Response 11A: Ice Box Canyon is a challenge.

Section 2.2.2.2, states that Preferred Alternative 1 includes all-weather surfacing of the existing South Rochford Road, with horizontal and vertical curve changes mainly within the existing ROW along with improvements to drainage in select locations.

Due to topographic limitations, Ice Box Canyon will continue to be steep and curvy, though modifications will include flatter horizontal curvature where possible. Standard design practices will incorporate an improved drainage conveyance system (i.e. ditches and drainage pipes). The subgrade (material below the roadway surface) will be reconstructed to provide strength for the all-weather surfaced roadway and to address frost heaves and to improve existing roadway deficiencies and other maintenance concerns. Some tree clearing will take place, where and when possible, to allow sun light to melt snow and ice within Ice Box Canyon.

Comment 12A: Wheel tax is a big issue affecting other Pennington County Road projects like Baseline Road. Would you take funds from that project?

Response 12A: Question was deferred for discussion at a Pennington County Commissioners meeting. Pennington County is currently in the process of discussing the County's roadway budget. County Commission meetings and budget meetings are open to the public. Contact Pennington County for further details.

Comment 13A: Employee identified himself as an employee of West Dakota Water District. He indicated they were concerned with water quality and maintaining water quality in the wetlands and creeks during construction (bridge). Personally he rides motorcycles and believes if a motorcyclist can't ride on gravel roads they should put their kickstand down. He also expressed concern with the freeze, thaw, and frost heaves in Ice Box Canyon stating he was not sure this project will fix it.

Response 13A: Roadway and bridge designs will include monitoring and protection of wetlands and streams. Approved best management practices (Storm Water Pollution and Prevention Procedures) including silt fence and other erosion control devices will be included in the construction contracts.

With regard to freeze, thaws, and frost heaves, please refer to Response 11A.

Comment 14A: If the county had been using Mag Water for the last 20 years we wouldn't have this problem.

Response 14A: Mag water is a generally a method used to suppress dust and may result in some extending surface smoothness. Use of this substance or other similar products however would not address the 4 project needs identified in Section 1.2 of the EA.

Comment 15A: No other public officials are present at this meeting. This seems to indicate a lack of support for the project or that it is not important.

Response 15A: Pennington County continues to be actively involved as a Joint Lead Agency in the development of this project and the EA.

Comment 16A: Speaker reminded everyone to visit the displays and to provide comments tonight to any of the project team. May submit comments using the comment cards by leaving them tonight, sending them to HDR address in the hand out, or electronically through the project's website. Comments over the last two years have been considered in the development of the EA. It is extremely important to get your comments in by the deadline of May 16, 2016 to ensure they can be considered.

Comment 17A: What is the purpose of this meeting? I was hoping to hear from community members what their thoughts were on the project, not to talk one-on-one to team members.

Response 17A: The purpose of this meeting was to provide an update on the NEPA process (EA); make sure people understood the recommended preferred alternative (Alternative #1); and to receive public comments regarding information provided in the EA.

An opportunity to discuss with team members information presented in the EA was provided before and after the presentation. An opportunity for group discussions was provided with the presentation to discuss concerns related to the general public as a whole.

VERBAL COMMENTS RECEIVED AT STATION BOARDS AND RESPONSES
Comment 1B: Concerned with design details – particularly Ice Box Canyon (bridge to top of hill). If project goes through, careful consideration is needed in the design, construction, and maintenance of this section. **Response 1B:** Refer to Response 11A.
Comment 2B: Concerned with speed control and slowing traffic down in the Rochford Community. **Response 2B:** Options to address speed control and slowing down traffic within Rochford are included in Section 3.1.4 community character and cohesion. Additionally, refer to 3A response above.
Comment 3B: There are noise issues with use of rumble strips. **Response 3B:** Refer to Response 3A.
Comment 4B: Desire to have a call with Steering Committee (Paul Larson) to see what they are hearing from the community. **Response 4B:** The NEPA Project Team held a final Committee meeting on 6/15/2016 (following the public comment period) to discuss additional public input and mitigation alternatives for Rochford.
Comment 5B: Landowner who leases land had questions about fencing near roadway, safety issues and protection of livestock. Future mitigation may be needed for grazing safety concerns. **Response 5B:** Section 2.2.2.2 includes a statement that fencing in areas currently designated as open range may be required. Fencing will be considered by the County during final design and land owner meetings.
Comment 6B: Should have had more information about the alternatives including the pros and cons of each. Also, what is the estimated cost of each? **Response 6B:** Chapter 2 of the EA provides an overview of the alternatives analysis. Cost estimates by alternative are included in Section 2.3.2. Pros and cons are summarized by resource in Table 4-1. Impact Summary of Alternatives.
Comment 7B: Emphasized the need to get the bridge fixed as soon as possible. **Response 7B:** 2016-2019 Statewide Transportation Improvement Program shows reconstruction of the Structure with Approach Grading in 2017.
Comment 8B: The biggest concern is dust from the gravel surfacing and its impact on health and vegetation. **Response 8B:** Section 1.5 identifies dust control as a project goal. This was included based on previous public comment. Section 3.3.1.3.1 states that dust from the road coats adjacent vegetation and reduces habitat quality.

Comment 9B: Noted that there is significant ATV traffic on the roadway in the summer months. This has significantly increased traffic throughout the summer months in Rochford. Many ATV users are creating safety issues due to speed and under age drivers.

Response 9B: Section 3.1.4.2 discusses the increase in visitors to the area associated with ATV trail use. Speed and age of drivers is an enforcement issue that should be referred to law enforcement.

Comment 10B: Questions were received on what the project construction cost would be and where that money is coming from.

Response 10B: Refer to Response 7A.

Comment 11B: Concerned with the subgrade and heaving issues in ice box canyon that needs to be addressed before any surfacing is installed.

Response 11B: Refer to Response 11A.

Comment 12B: Recommended including more in areas of tree clearing to improve site distance and sunlight to melt ice and snow on the roadway

Response 12B: As noted in Section 3.1.3.3, the limits of tree clearing would extend to the edge of the proposed ROW (50 feet on either side of the proposed centerline of the build alternatives) and possibly beyond on Forest Service property for the purpose of improving site distance at some curves. Additional tree clearing may be necessary to allow sunlight to melt snow and ice on the roadway. The extent of tree clearing will be determined during final design and ROW negotiations.

Comment 13B: Concern regarding intersection safety at the intersection of South Rochford Road and Rochford Road. Vehicles heading into town on Rochford Road drive too fast.

Response 13B: The new intersection will be designed to meet current design standards. South Rochford Road will include a stop condition at Rochford Road. Driver speeds should be referred to law enforcement.

Comment 14B: Vehicles frequently drive down Mickelson Trail by mistake.

Response 14B: Design will coordinate with the SDGFP during final design to determine whether special design considerations are necessary at the trail crossing with South Rochford Road.

SDGFP has jurisdiction over Mickelson Trail and authorizes types of vehicles allowed.

Comment 15B: Traffic has significantly increased on South Rochford Road over the years and it needs to be safer.

Response 15B: The purpose and need for the project is outlined in Chapter 1 of the EA. Section 1.4.3 notes that improving the geometrics on South Rochford Road is a proactive effort to improve safety.

Comment 16B: **Concerned about right-of-way impacts and impacts to driveways.**

Response 16B: The EA evaluated a 50 ft. ROW corridor (typically) for the recommended preferred alternative and examined preliminary impacts. Should the project move forward, land owner meetings will be held with affected property owners during the design process to discuss design and ROW considerations affecting individual property owners.

Comment 17B: **When will the bridge be built?**

Response 17B: Refer to Response 7B.

Comment 18B: **The bridge is the only thing that needs to be fixed.**

Response 18B: Refer to Response 7B.

Comment 19B: **Frustrated with money being spent on process instead of project.**

Response 19B: Comment noted. The NEPA process as described under 40 CFR 1500-1508 is required prior to a Federal Agency taking an action.

Comment 20B: **Will the frost heave problems be fixed with the chip seal?**

Response 20B: Refer to Response 11A regarding accommodations of freeze, thaw, and frost heaves.

Comment 21B: **The County should have done a better job with maintenance of the existing road. It may be too late now.**

Response 21B: Comment noted.

Comment 22B: **Landowner's family owns area designated as fen on Figure 3-7 on Sheet 7 of 27.**

Stated area had been plowed by his family in the past and was surprised it was shown as a protected fen area. He had planned to construct a pond in this area and wondered if this was allowable.

Response 22B: Referred landowner to the US Army Corps of Engineers as they are the federal agency with jurisdiction over Section 404 regulations.

Comment 23B: **Suggested fencing should be considered for safety due to grazing.**

Response 23B: Section 2.2.2.2 of the EA includes a statement that fencing in areas currently designated as open range may be required. This will be considered further in final design and ROW negotiations.

Comment 24B: **Is there enough money to build the project?**

Response 24B: Refer to the Response 7A.

Comment 25B: **Stated that the existing subgrade frost/heave problems cannot be fixed with a surfacing project.**

Response 25B: Refer to Response 11A.

Comment 26B: Asked how river and wetlands would be kept clean during construction. **Response 26B:** Refer to Sections 3.4.1.3.2 and Section 3.4 of the EA for a discussion of construction impacts on Wetlands and Other Waters of the U.S.
Comment 27B: Stated motorcycles are no excuse to pave the road. **Response 27B:** The purpose and need of the Project is outlined in Chapter 1 of the EA.
Comment 28B: Stated ice conditions through Ice Box Canyon will not be solved by paving. **Response 28B:** Refer to Response 11A.
Comment 29B: Lives on South Rochford Road. Dust is health issue. Supports paving the roadway. **Response 28B:** Refer to Response 8B.
Comment 31B: Meeting facilities were not acceptable. Problems hearing. Did not like being encouraged to comment one-on-one but wanted to have public discussion. **Response 31B:** Sincere apology for the poor acoustics. The question and answer portion of the meeting was provided to allow for public comments on general topics. One-on-one questions and answers before and after the meeting are encouraged and valuable to ensure individual questions can be understood and addressed. The presentation and all exhibits are available on the project website www.SouthRochfordRoad.com.

SUMMARY OF WRITTEN COMMENTS AND RESPONSES

[Comment Cards, Letters and Emails]

Comment 1C:

The highway sup says the road will be designed for 55 mph. Could the speed limit be posted lower, like 45. I own property thru which the road passes.

Response 1C: The design speed is currently planned for 50 MPH. The posted speed is currently planned for 45 MPH (black and white signs). There will be a number of design exceptions necessary due to the steep horizontal and vertical curves. Advisory speeds plates lower than 45 MPH (black on yellow) would be place in areas where design exceptions are necessary.

Comment 2C:

We support the option chosen through the EA process as it will make the road safer and solve a major dust problem we experience constantly. We have a home along the right of way and wish to see the project move forward as soon as possible.

Response 2C: Comment noted.

Comment 3C:

As you can tell from my return address, I live on South Rochford Road and therefore, has some legitimacy to back my comments.

This road has been in existence for over 100 years and minor changes now must certainly have minimal impacts at this point.

Paving the existing road will only help in all aspects; dust reduction, maintenance costs reduction, improved surface providing a better ride and less vehicle destruction.

I am, therefore, backing Plan 1.

Response 3C: Comment noted.

Comment 4C:

If our tax money needs to be spent on South Rochford or be lost, why not put a finish on it that is less dusty? Or, put it on Mystic Rd. they have more traffic due to the Mystic trail head, and the dust is worse. Also, is this to benefit the rally motorcycles? The Rally closes Hill City Main Street – the native people can't get groceries or gas during the major part of the day for the duration of the rally. Why should we deal with them and listen to them in our own homes on So. Rochford Rd. too? Leave it as is, the Hills don't need more "impact" on wild life or environment. We natives don't want it up here.

Response 4C:

Regarding Federal funds:

Federal funds were authorized in the amount of $9.0 million. Federal funds may only be used for the South Rochford Road project (i.e. not moved to other projects). For additional information regarding use of authorized federal funds, please reference: http://www.fhwa.dot.gov/cfo/earmarkrepurposing/

Regarding limiting work to surface treatment:

Please refer to Chapter 1 of the EA describing purpose and need for the project. Limiting work to a surface treatment would not correct the drainage and frost heave deficiencies described in Sections 1.4.1 through 1.4.3. These deficiencies contribute to frost heaves, roadway failures during localized flooding events, and would not reduce future maintenance costs for the Pennington County.

Refer to Response 11A regarding accommodations of freeze, thaw, and frost heaves.

Regarding need for the project and resulting Sturgis Bike Rally impacts to the area:

Section 1.2 of the EA notes the needs for the project, which includes addressing the roadway maintenance costs, correcting the geometric deficiencies along the roadway, and roadway system linkage. This route is currently and will remain a public roadway open to both local and tourist traffic, including those associated with the Sturgis Bike Rally. Section 3.1.4 describes the community and character within the Project Areas and addresses how it would be affected by the alternatives. Please refer to Section 3.1.4.3.2 of the EA and Section III of the FONSI for a discussion on direct and indirect effects due to the preferred alternative to the community's character and cohesion. This section recognizes there will be both positive and negative effects to the community due to traffic volumes during the summer tourism months.

Comment 5C:

South Rochford Road Project

Since the 1st meeting in the Hill City Senior Citizens building 2008, over ½ of the attendees have moved away, seem uninterested as they think the project will never happen, or have died. We know this compounds the issue as many have not anticipated the results of tests and possible options based on those tests and now they speak up. We do appreciate the work done and await, with so much anticipation, the road work to start (especially the bridge as we were in on the initial plans and gave land so we hope to be included in the final plans for the road and ditch work. When the huge flood occurred, it was the road that left us in a mess, not Rapid Creek. We were told that about half of the existing road would belong to us (in exchange for the bridge land.) and we anxiously await the time we can complete our landscaping and live without the dust.

Rumble strips for Rochford....PLEASE NO..... everyone in the area chose the location to enjoy the peace and quiet that comes with Hills living.....No one would appreciate that racket and we know that signage is the answer without the noise.

We hope the slow progress will have the road and bridge projects completed while we can enjoy it.

We would like you to thank Cheryl Chapman for the professional way she handled the meeting.

Response 5C:

Regarding Rapid Creek Bridge

Refer to Response 7B regarding reconstruction of the Rapid Creek structure.

Regarding Rumble Strips

Refer to Response 3A regarding rumble strips

Comment 6C:

Issues from the people are not really discussed, comment cards do not allow the people involved to obtain face to face answers to their questions... Why if a chip seal is being considered wasn't this covered in the EA? I don't believe the need to reduce the maintenance cost for present roadway accurately is represented in the EA. The damage through Ice Box Canyon was due to a unpredictable high amount of rain in short time. This section of road will always have the frost heaves, curves ect. whether it is paved or not. Will county sand or use chemicals on new surface in the winter months on icy areas? How will this effect the environment (fens, wildlife, plants)? This is not covered in the EA. Could improvements for drainage be done without making the road an all weather surface?

Response 6C:

Meeting format

While verbal comments are responded during the meeting in the best manner possible, comment cards are preferred by agencies to ensure the Joint Lead Agencies are able to accurately respond to the questions and comments received.

Surface treatment:

Refer to Comment 8A and 9A. The surface treatment will be an all-weather surface roadway as discussed in the EA.

Maintenance Costs:

Section 1.4.1 addresses the methodology utilized to determine roadway maintenance costs and the cost of maintenance of South Rochford Road per mile. Figure 1-3 summarizes average annual maintenance cost per mile of other similar roadways.

Design:

Refer to Response 11A regarding design and frost heaves.

Winter maintenance:

Refer to Section 3.2.3.3 and 3.3.2 regarding winter maintenance and effects to the environment.

Federal Funding:

In order to fulfill the purpose and need for this project and to be able to use Federal funding, the roadway needs to be reconstructed with an all-weather surface.

Comment 7C:

My apologies for not being able to attend the meeting on 4/20 but I am still in Illinois completing the course to become an EMT for the Rochford Volunteer Department. I have spoken to some of the attendees and wanted to offer my comments. The S Rochford Rd project has been a long and arduous journey. However, I think the process has been very in depth and has evaluated all the alternatives and researched all the impacts. As someone who lives in Rochford and owns property on South Rochford Road, I fully support the paving of the road. The road is in terrible condition and no amount of "band-aiding" will provide a long term solution. Sue Schwaneke

PS I tried to submit the comment from the website, but it wouldn't go through.

Response 7C: Comment noted.

Comment 8C

I support the selection of alternative #1 as a landowner who will be directly impacted. I request adoption of that alternative with construction to begin as soon as possible.

Response 8C: Comment noted.

Comment 9C:

If the cost of maintenance of this ten miles is 80,000 a year and you're proposing a nine million cost to rebuild, then the 80 thousand a year cost would cover 112 years of maintenance and this does not include the fact that you will still have to maintain the road. Our Federal government is so deep in debt now why would this Conservative county spend this federal money for this little used road. It seems to be a great waste of taxpayers' money. The locals refuse to pay taxes on their roads and bridges, as indicated in their refusal on the wheel tax, but they certainly don't seem to mind the rest of the American taxpayer shelling out this 9 million on their behalf. Perhaps we need a referendum to stop this rebuild. Although I doubt that any county resident would vote to stop it as only 1 330 millionth of the cost would be assessed to them. This road should remain the same as it has provided service over the last century. Time to stop wasting taxpayer's money just because it comes from the Feds.

Also I have driven that road for the last 50 years and appriciate the fact the it is not a straightened paved road. The fact that it is not paved makes it a special drive that will be lost if you complete this project. Sometimes it is better to make a drive just a little more difficult and remote. What you plan to do here is to spend taxpayers money to turn this into just another motorcyle route for the rally tourists.

Please leave this road just as it is. This drive makes that portion of our Black Hills special.

Response 9C:

Maintenance costs

By examining a gravel roadway segment with similar terrain within the immediate vicinity of the Project (Slate Prairie Road), it was concluded that South Rochford Road was experiencing higher than average maintenance costs. See the next section for additional information on Maintenance costs, and references to relevant sections of the EA.

As noted in Chapter 1, Referencing Figure 1-3, annual maintenance costs of other paved roads were reviewed in the process of developing the EA. Three sections of Deerfield Road were considered to have similar types of use, traffic volumes, and terrain. Each of these sections of roadway, showed lower annual maintenance costs than South Rochford Road, therefore based on this comparison, the cost for maintaining South Rochford Road after completion of the project would be reduced.

Funding

Refer to Response 7A.

Comment 10C1:

I have reviewed the South Rochford Road Project Number EM-BRF 6403(06), PCH OOCL dated February 2016. In the report I find subjective data on roadway maintenance and limited specific data on actual costs in relation to miles and cars using the roadway in comparison to other gravel roads. Section 1.2 is limited in the reasons for:

Response 10C1:

Subjective Maintenance Costs

Based on the Council on Environmental Quality, *Considering Cumulative Effects under the National Environmental Policy Act* (1997), decisions must be based on the best data available or are able to collect. By examining gravel roadway segments having similar use, traffic volumes, terrain, and weather conditions in Pennington County, Slate Prairie Road was identified as the most comparable gravel roadway to South Rochford Road. A comparison of maintenance costs for these two roadways showed South Rochford Road was experiencing higher than average maintenance costs. Refer to Section 1.4.1 and response 11C2 for additional information on Maintenance costs.

Comment 10C2:

1. the "need to reduce the County's roadway maintenance costs". All counties must prioritize funding and be specific in why one road is chosen over other priorities. The recent experiments in mag water on gravel roads into Rochford have shown that it can be effective. There haven't been any specific fact sheets showing the cost of the proposed improvements and then the long term maintenance of that type of road. If an actual, current cost, specific cost fact sheet shows substantiated savings above quality maintenance of the current gravel road, then that is a good thing.

Response 10C2:

Maintenance Costs

Mag water is a generally a method used to suppress dust and may improve surface smoothness to some extent. Use of this substance or other similar products however would not address the 4 project needs identified in Section 1.2 of the EA.

Figure 1-3, annual maintenance costs based on cost per mile of other paved and graveled roads were independently reviewed in the process of developing the EA. Three sections of Deerfield Road were considered to have similar types of use, traffic volumes, terrain, and weather conditions. Pennington Counties historical records show each of these sections of roadway have lower annual maintenance costs than South Rochford Road, therefore based on this comparison, the cost for maintaining South Rochford Road after completion of the project would be reduced.

Comment 10C3:

2. the" need to correct geometric deficiencies along the roadway" has indicated the road is unsafe in certain spots. I am not sure this is totally substantiated but if it is, it should also include the approach to the Rochford Bridge which is noted during public meetings to be a dangerous hill during the winter. I didn't hear at the meetings that this area of the road would be directly impacted by the south Rochford road improvements. Again, if it is, then that is a good thing, too.

Response 10C3:

Geometric Deficiencies

Reference is made to Section 1.4.3 regarding the best information available regarding accidents. While the purpose and need for the project does not include safety, roadway reconstruction projects may improve safety. The design will make improvements to the roadway alignment to the extent possible [refer to Response 11A] while also considering and balancing environmental impacts. As noted in Figure 2-7 in the EA, reconstructing the hair-pin curve at the north end of the Project was considered as part of build Alternative 2 (see Figure 2-7, Inset A). After further review, elimination of the hair-pin curve was found to have substantial impacts to the Smith Gulch area, fens and wetlands. To avoid these impacts the design was modified to include minor alignment modifications in Alternative 1.

Comment 10C4:

3. the "need to provide roadway system linkage".....I have not seen any documented reasons by elected public officials in response to public outcry to have a paved road for South Rochford Road, with all the expenses, etc. therein, to provide for a linkage road.

Response 10C4:

System Linkage

Refer to Section 1.4.4 regarding the need for System Linkage. As noted in Section 1.4.1 of the EA, project funding was authorized under SAFETEA-LU, a continuation of the federal-aid highway program. Federal funds were authorized in the amount of $9.0 million to reconstruct South Rochford Road at the requested by Pennington County.

Comment 10C5:

A Side Bar on page 1-1 of the 1.1 Section indicates "provide full disclosure of impacts". I do believe the data presented has done much in providing environmental impacts that may occur next to the road construction BUT it has done absolutely nothing to disclose the impacts that happen past the Rapid Creek Bridge where the actual construction project ends. These impacts will be felt by the local property owners as a potential increase in cars (which is apparently the purpose of the project) flows into Rochford, a tiny unincorporated hamlet in Pennington Co. Rochford has no elected officials and is represented by the Pennington County Commission. It is important that all county commissioners become fully aware of all the ramifications for such a tiny, historical component of the Black Hills. The only item that has been offered as a 'help' to this tiny, hoping to be preserved, ghost town, is "rumble strips" to alert the children and adults of the community to oncoming lumber trucks, cars, other vehicles and to alert the vehicle driver of 'something' coming up. This is a ludicrous and unacceptable way to approach the safety for the Rochford community members of proposed increased traffic. And, actually, even currently, the speed limit should be decreased to protect those walking on the Rochford Road.....the Reason any and all of us walk on the Rochford road is that there is no other alternative. If there are more cars, there will be more walking on the road because people will stop to enjoy the pristine beauty of the area.....hence a public safety domino effect.....(a potential way to slow down traffic even now is to use one of the flashing lights that alerts a motorist to how fast they are going in relation to the speed limit. The speed limit should be 15 miles/hour as drivers round the curve from the bridge into Rochford due to the road also being the sidewalk).

Response 10C5:

Indirect Impacts to the Rochford Community

The process and document analysis includes consideration of direct effects (those that are within the construction limits of the project) and indirect effects (those that occur outside of the project limits but are caused by the project). To specifically address the indirect effects to Rochford, this area was included in the Study Area with representatives from the Rochford Community being included in the Public Steering Committee.

A traffic analysis was completed based on the best information available, refer to Section 3.1.8, *How would the alternatives accommodate traffic, including motor vehicles, bicyclists, and pedestrians?* The impacts of traffic on Rochford was further discussed in Section 3.1.4.3.2 stating:

> *Surfacing South Rochford Road would provide a regional link for tourism that would create traffic increases, especially during the Rally and summer tourism months (see Section 3.1.8). Though these increases exist today, the numbers would likely increase further and the durations may be longer, having an affect to the "ghost town" characteristic of the community. The affect would be adverse to those community members that enjoy the current atmosphere and desire to maintain the status quo.*
>
> *The affect would be beneficial for any community members that may desire increased tourism in the area though no community or steering committee members expressed this desire. Increased traffic would be similar to what is experienced during events the community currently hosts as discussed in Section 3.1.4, Existing Environment.*

As noted, the traffic could increase as part of this Project; therefore mitigation was proposed to address community concerns. Refer to Response 3A regarding rumble strips and other mitigation.

Comment 10C6:

There have been comments made by the county highway dept and some others noted in this process that paving of South Rochford Road is important to motorcyclists and this, when really listened to, is a VERY subjective statement. Motorcyclists that I have specifically visited with and also observed anytime during the summer and also during the Rally, have no problem with knowing that South Rochford Road is gravel. Motorcyclists that take it serious, know how to drive the roads. And, long term motorcyclists are adamant about maintaining the integrity of the Rochford area. The real issue is the remoteness of the Rochford area for any assistance with accidents and this won't change with paving a road. It is this exact remoteness that is so vital to those that visit and love the Rochford area. It brings people to the area who appreciate the beauty of the HIlls, which in itself is a very 'quiet' tourist area and wishes to remain in this realm. But, again, if the road is paved...It MUST include a Rochford community plan Made By Rochford Property Owners, Community Members and the County Commissioners, as our elected representatives.

Response 10C6:

Motorcyclists

Refer to Section 1.4 regarding the project purpose and need.

Reference is given to Sections 1.2 and 1.4.4 and 3.14 of the EA. This route is currently and will remain a public roadway open to both local and tourist traffic. Reference is given to Section 3.1.4.3.2 of the EA for a discussion on direct and indirect effects to the community's character and cohesion. Refer to response 10C5.

Comment 10C7:

Section 1.4.1.2.....I don't necessarily know a lot about frost heaves, although as a previous county commissioner myself, I do know that paved roads may also have issues and would encourage that to be very much considered if the road is paved. Any pot hole can be dangerous.

Response 10C7:

Refer to Response 11A.

Comment 10C8:

Section 1.4.4.....last paragraph appears to indicate that the current road is not an all weather road. It does appear to me that the gravel road coming into Rochford from Rapid City is gravel and is all winter/weather long.

Response 10C8:

An "all-weather surface roadway" is defined in Section 1.4 as roadway that "consists of a product such as cement or asphalt." A gravel roadway is not considered an all-weather surfaced roadway.

Comment 10C9:

Section 2.2.1....It is noted that an FHWA project requires "Be usable and be a reasonable expenditure of public funds even if no additional transportation improvements in the area are made". It could be a stretch to call this a reasonable use of federal funds given the dollar amount and that upkeep of the road may entail as much county funding as the gravel road?

Response 10C9:

The section referenced is a discussion of establishing the logical termini and independent utility for the project. For the project to have independent utility, the improvements are stand-alone, without forcing other improvements which may have impacts. Also noted in Section 2.2.1, the Project Area was extended to Rochford to consider whether the roadway improvements would affect the community and extended south to the main intersection with Deerfield Road.

Comment 10C10:

Again, if paving South Rochford road is proven as a good idea with documented cost facts (gravel maintenance vs. paved maintenance including cost of building the road) and documented not with just the currently noted narratives, then that may be a good thing.....BUT, lets be sure there is a plan for the unintended consequences that will Absolutely happen for the Rochford Community.

Thank you for your consideration of my comments. And, thank you to everyone who has worked on this Environmental Assessment and Evaluation over the past several years.

Property owner and year round cabin/home owner....
and speaking for my family of 4 children, 6 grandchildren 3 great grandchildren and my 6 siblings who have property ownership and ties to Rochford for over 70 years. As a family we became a part of the Rochford community in the 1940s when my grandfather bought our first Rochford cabin property. He and several other local Rochford citizens were instrumental in the 1970s in assisting Rochford to become a townsite and several locals to have deeded property.

P.S.....when will the South Rochford Road new bridge over Rapid Creek be accomplished? It had been pulled out of the South Rochford Road project so it could be completed by 2016. It now appears to not be on the radar for this year? Is there another Steering Committee meeting planned?.....

Response 10C10:

Rochford Road Bridge construction

Refer to Response 7B.

Plan for Steering Committee Meeting

Final Steering Committee meeting was held 6/15/2016.

As a long term member of the Rochford community via all season visits, a granddaughter of Roy Armstrong who bought our original Rochford family/hunting cabin in ~1945 and who later assisted in Rochford becoming a town site, and as a current property owner on 4 contiguous lots on the west edge of the Rochford that are highly impacted by drive by traffic, I respectively submit my comments about the South Rochford Road (SRR) project. Admittedly, I am not only a Rochford landowner but also a former Brookings County Commission, a school board member and a legislator from District 7 and, in trying to review all aspects of this project, I try to keep the importance of public policy and future improvements in my comments. It is not always easy to gather adequate data and questions/concerns from the public about public projects. I do sincerely appreciate the opportunity this project provides to send you my concerns and challenges with the Rochford Road Project.

Comment 11C:

Response 11C: Comment noted.

1. I have not seen or heard any input from city leaders in Hill City or Deadwood/ Lead at the 2 public meetings I have attended nor read their comments, as yet, in the project and meetings notes. In visiting with residents and visitors around and in Rochford, no one has indicated a desire for Rochford to be a thoroughfare for/from Hill City/Deerfield to Lead/Deadwood. It is inappropriate for Rochford, a long term and well respected ghost town, to be changed forever by using it as a thoroughfare for more traffic. There are already paved roads to these larger towns and Rochford businesses have not indicated any desire for economic outside of existing business already available in the unincorporated townsite. Once travelers reach Rochford from SRR, there is still another gravel road that goes to Rapid City. A 'loop' as such for the Sturgis Rally, if that is an acceptable reason for a multi million dollar road, still puts Rochford at a very major risk of losing its historic roots as the ghost town that it is. It is this quiet unincorporated, ghost town 'flavor of Rochford' that visitors from the Michelson Trail, families, tourists, bikers, etc. so enjoy.

Comment 11C1:

Response 11C1:

Reference Section 1.2 regarding the Project purpose and need.

Reference Section 1.4.4 System Linkage.

2. I have not seen current, substantiated costs of maintaining South Rochford Road as a well maintained gravel road. I have always found it important to have current, substantiated, costs and suggest the project obtain current and auditable costs from the county, with independent DOT assistance, that provide costs to maintain South Rochford road in the way that the county used to maintain it.
From comments at the public meetings, it appears SSR maintenance was downgraded at about the same time that this project came on the radar.
Rightfully so, it appears that the residents of the SRR area favor much improved dust control of this gravel road. This is a reaction that we all have. It has been noted at the public meetings that dust control was better in the past when the county maintained the road adequately for dust. It is unclear why this didn't continue.

Comment 11C2:

Response 11C2:

Refer to Response 10C2.

3. I have been at 2 public meetings. Sometimes it appears that building the paved road is the only thing being considered and not considering the no build option or comparing costs of the 2 build alternatives to how the road was maintained prior to the SRR project. The costs of patrolling, upkeep of the paved road, frost heaves of a paved road, impact on Rochford and other costs could be part of the discussion and graphed along side the costs of excellent maintenance of a gravel road.

Dust and the upgrading of the curves that are a winter problem near the Rochford bridge are the 2 problems that I have heard at the meetings and in talking with Rochford area residents.

Comment 11C3:

Response 11C3:

Reference Section 1.4.1 and Figure 1-3 for historical maintenance costs of gravel verses all-weather surfaced roadways in Pennington County.

4. The area of the SRR project that I have heard area landowners discuss at meetings and in person as a big problem is: wintertime and the curves just before the Rochford bridge. And, in listening at the meetings, I am not convinced that either build alternative adequately addresses this verbalized concern by landowners in the area. It appears an adequate solution to this winter time problem is largely in the hands of the county and outside of this project.

Comment 11C4:

Response 11C4:

Refer to response 11C3.

5. There hasn't been any discussion at public meetings and no qualitative or quantitative studies on what increased traffic, if this road increases traffic, will do to the unincorporated Rochford town site or the impact upon the safety of the residents therein.
The Rochford town site effect is listed as a component of the project and has not been adequately or measurably addressed. I would suggest much more research on the short and long term effects to Rochford and that it become an important, researchable topic.

Comment 11C5:

Response 11C5:

Refer to response 10C5.

6. I visited with a Rochford Road area rancher in mid August as he was driving by my cabin and stopped to visit. He very much noted to me that he is not in favor of the paving of the road, nor did he think many in Hill City were in favor either. But, he would like to see the road maintenance back to what it used to be.

Comment 11C6:

Response 11C6:

Comment noted.

7. The traffic/road safety of my family including 4 grown children, 6 grandchildren and 3 great grandchildren, as well as extended family and friends is a very big concern for me in the family cabins. There are no sidewalks, guard rails, etc. as cars drive around from the SRR bridge into Rochford. The landscape of the area has not allowed for this nor am I asking to have the landscape changed in any way. A fact is that all my family property is directly alongside the road and family members, friends and members of the Rochford community walk along the road on a daily basis and several times during the day. It is currently and can be an even bigger safety risk with traffic, much less with more traffic. And,

widening the road, adding sidewalks and all the 'usual' ways of improving safety are very limited given Rapid Creek on one side and my extended property lines on the other side of the existing roadway.

Comment 11C7:

Response 11C7:

Refer to Response 3A.

8. Historically, there is much to be lost in the rock wall along the Rochford creek side and along 2 of my cabins. These rock walls have been there for approximately 100 years to the best of my estimation. The result of the SRR project can only negatively impact these walls.

At this time, we have not had any information on how the county would re-do the road through Rochford. My suggestion would be to have that plan discussed fully as part of the SRR plan so that we know upfront how the road will change through Rochford. I haven't seen any information being presented from the bridge, which is where it is noted that the project 'ends', to the Rochford church and to the Lawrence Co. line. I do believe that this should be discussed as part of the studies of the SRR project.

Comment 11C8:

Response 11C8:

The project terminates at the Rapid Creek Bridge. No roadway work within the community of Rochford is considered as part of this action.

I do want to thank all those who are in the midst of studying the SRR project alternatives and thank them for the opportunity to submit my personal thoughts on the project. I do hope that the outcomes of the SRR studies serve the people of the SRR area well and take us into the future in the best way possible.

Comment 11C9:

Response 11C8:

Comment noted.

As to the work on the road, we believe that the less intrusive approach of simply upgrading the road along the existing right of way is the preferred approach over straightening, widening and fully paving the road. Under your plan, we understand that it is the less intrusive method that you are planning to follow. We are in the process of reintroducing buffalo to Pe Sla, so we recommend that the project include warning signs for buffalo and buffalo grates at the entrances and exits to the main areas of the property including the ranch house site.

Comment 12C1:

Response 12C1:

Preferred Alternative

Section 2.2.2.2, states that Preferred Alternative 1 includes all-weather surfacing of the existing South Rochford Road, with horizontal and vertical curve changes mainly within the existing ROW along with improvements to drainage in select locations.

The roadway will include some type of finished surface under this alternative. There will be minor amounts of ROW acquisition under the preferred alternative.

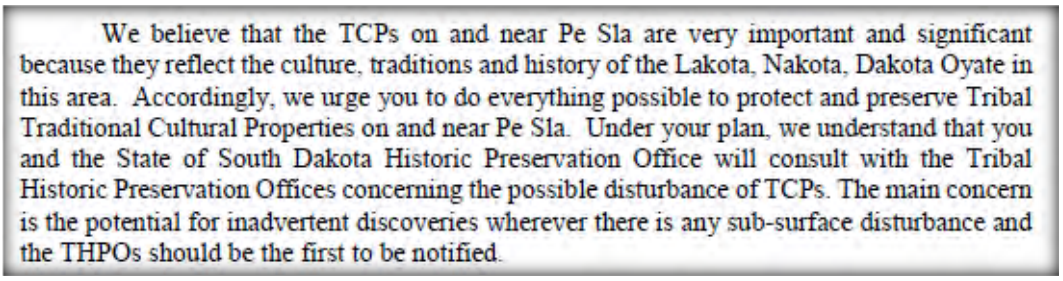
Buffalo Signs

The need for signing and fencing of ROW will be considered during final design.

Buffalo Grates

Inclusion of grates at private residences will be discussed as part of any ROW agreements.

Comment 12C2:



We believe that the TCPs on and near Pe Sla are very important and significant because they reflect the culture, traditions and history of the Lakota, Nakota, Dakota Oyate in this area. Accordingly, we urge you to do everything possible to protect and preserve Tribal Traditional Cultural Properties on and near Pe Sla. Under your plan, we understand that you and the State of South Dakota Historic Preservation Office will consult with the Tribal Historic Preservation Offices concerning the possible disturbance of TCPs. The main concern is the potential for inadvertent discoveries wherever there is any sub-surface disturbance and the THPOs should be the first to be notified.

Response 12C2:

We will continue to involve interested tribes in the preservation of Traditional Cultural Properties (TCPs) that may be associated with this project. Stipulations and mitigation included in the executed MOA to resolve adverse effects regarding South Rochford Road and the Historic Property Monitoring for Discoveries and Treatment Plan along with any revisions that may be necessary to address future changes to jurisdictional authorization will be followed to both preserve known TCPs and address treatment of inadvertent discoveries.

Comment 13C:

As Rochford road residents, we were unable to attend the April meeting. We were told the project is dead. Is that true?

Thank you, to bad. It was a good safe healthy project.

Response 13C:

FHWA, SDDOT, and Pennington County will consider all comments received on the project in a timely manner. The EA document is available on the web at http://www.southrochfordroad.com/resources/ (South Rochford Road EA | Resources).

APPENDIX C- Public Meeting Summary

Sign In Sheets

Environmental Assessment and Draft Section 4(f) Evaluation
South Rochford Road, Pennington County, South Dakota
Project # P-BRF 6403(6) PCN # 00CL

PUBLIC INFORMATION MEETING/OPEN HOUSE
Hill City High School, Commons Area
April 20, 2016 – 5:00 pm to 7:00 pm

SIGN IN SHEET

Name	Address	Phone Number	Email Address
Jessica Brisbois	6300 S. Old Village Pl. Suite 100 Sioux Falls, SD 57107	(605) 782-8118	Jessica.Brisbois@hdrinc.com
Sharon & Gary Fromme	22942 S Rochford Rd Hill City SD 57745	(605) 584 9044	sfromme@wildblue.net
Beverly Hovey	10940 W. Deerfield Hill City SD	574-2361	
Valerie Hovey	10940 W Deerfield Rd Hillcity S.D	5742361	
Don / Barb Brown	500 4th St Elliott, IA 51532	712-767-2426	
Rick Whitebird SDDOT	700 E Broadway Pierre		
Marla Sebade	~~21920 S.D. 79~~ 21989 N. Rochford Rd	605-390-6379	mksebade@vastbb.net
LARRY V. CHRISTIANSEN	1052C ASHWOOD CT RC 57702	6053904407	WADITIBH@CENTURYLINK.NET
Thomas Dolney	4002 Ridge Heights Ct Rapid City, SD 57701	605-651-2711	Tom.dolney@centurylink.net
Dallas Alexander	11748 Deerfield Rd Hesd 57745	605 381 7270	Dallas Alexander@westoffice.net

Pennington County Highway Department

DOT Connecting South Dakota and the Nation

U.S. Department of Transportation
Federal Highway Administration

Environmental Assessment and Draft Section 4(f) Evaluation
South Rochford Road, Pennington County, South Dakota
Project # P-BRF 6403(6) PCN # 00CL

PUBLIC INFORMATION MEETING/OPEN HOUSE
Hill City High School, Commons Area
April 20, 2016 – 5:00 pm to 7:00 pm

SIGN IN SHEET

Name	Address	Phone Number	Email Address
LINDA KRAMER	23120 S Rochford Rd	5744746	lindakramer.borderlands@gmail.com
Lisa Sabers	— S Rochford Rd	719-9192	lsabers@rushmore.com
DAN Richer	Twin Springs	574-2263	wdwdd2@OUTLOOK.COM
CAROL Pitts	Rochford 1018 5th St Blkpo	605 6955770	pitts@brookings.net
Lyle Venhuizen	Rochford Rapid City	605 484-7620	
JASON STEELE	22744 Hill City S. Rochford Rd	605 584-9073	js3dantkd@gmail.com
CHUCK Summers	22896 S ROCHFORD	605 575 2127	
MARK Schock	5301 Dealer Dr Rapid City 57703	605 394-2166	MARKS@pennco.org
PAUL VARSAW	22894 S. Rochford Rd Hill City, S.D.	605 574 3938	
Charles Piper	Hill City	574-2017	

Pennington County Highway Department

SD DOT Connecting South Dakota and the Nation

U.S. Department of Transportation
Federal Highway Administration

Environmental Assessment and Draft Section 4(f) Evaluation
South Rochford Road, Pennington County, South Dakota
Project # P-BRF 6403(6) PCN # 00CL

PUBLIC INFORMATION MEETING/OPEN HOUSE
Hill City High School, Commons Area
April 20, 2016 – 5:00 pm to 7:00 pm

SIGN IN SHEET

Name	Address	Phone Number	Email Address
Wayne & Sally Oltman	PO Box 157 Canistota SD 57012 (22602 S Rochford Rd)	605-359-8223	sallyo@unitel sd.com
Wade Dahl	700 E. Broadway Pierre, SD 57501	605-773-3576	wade.dahl@state.sd.us
Wes Tschetter	3604 Cambell Street Rapid City SD 57701	394-2166	west@penco.org
Carolyn Stanley	22762 So. Rochford Rd	584-4808	

Pennington County Highway Department

South Dakota DOT Connecting South Dakota and the Nation

U.S. Department of Transportation
Federal Highway Administration

Environmental Assessment and Draft Section 4(f) Evaluation
South Rochford Road, Pennington County, South Dakota
Project # P-BRF 6403(6) PCN # 00CL

PUBLIC INFORMATION MEETING/OPEN HOUSE
Hill City High School, Commons Area
April 20, 2016 – 5:00 pm to 7:00 pm

SIGN IN SHEET

Name	Address	Phone Number	Email Address
Marion Barber	Pierre, SD	605 774 1012	marion.barber@dot.gov
Charlie Vig	Deadwood	605-578-2267	

Pennington County Highway Department

SouthDakota DOT Connecting South Dakota and the Nation

U.S. Department of Transportation
Federal Highway Administration

Environmental Assessment and Draft Section 4(f) Evaluation
South Rochford Road, Pennington County, South Dakota
Project # P-BRF 6403(6) PCN # 00CL

PUBLIC INFORMATION MEETING/OPEN HOUSE
Hill City High School, Commons Area
April 20, 2016 – 5:00 pm to 7:00 pm

SIGN IN SHEET

Name	Address	Phone Number	Email Address
Aaron Fagerness	723 Main St, Rapid City	605.791.6100	aaron.fagerness@kdrinc.com
BRYAN HARVEY	22750 South Rochford Road PO BOX 17 CUSTER SD 57730	605-673-4571	wharvb@gwtc.net
JEFF WILLETT	22598 TELEGRAPH GULCH RD ROCHFORD 57745	209 858 8824	SDJEFFWILLETT@GMAIL.COM
Varel alexander	23180 S. Rochford Road Hill City 57745	574-2814	
Cheryl Chapman	14 St Joe RC, SD	484-0334	cchapman@louisburg.com
BRANDON MATTISON	3901 PARKRIDGE DRIVE RAPID CITY, SD	605-431-2173	

Pennington County Highway Department

South Dakota DOT Connecting South Dakota and the Nation

U.S. Department of Transportation
Federal Highway Administration

Environmental Assessment and Draft Section 4(f) Evaluation
South Rochford Road, Pennington County, South Dakota
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PUBLIC INFORMATION MEETING/OPEN HOUSE
Hill City High School, Commons Area
April 20, 2016 – 5:00 pm to 7:00 pm

SIGN IN SHEET

Name	Address	Phone Number	Email Address
Jody Page	703 Main Street Rapid City SD 57701	791-6100	jody.page@hdrinc.com
Mary Kenner	4903 Pierre St Rapid City SD	718-2276	mkenner@louisberger.com

Pennington County Highway Department

DOT Connecting South Dakota and the Nation

U.S. Department of Transportation
Federal Highway Administration

Environmental Assessment and Draft Section 4(f) Evaluation
South Rochford Road, Pennington County, South Dakota
Project # P-BRF 6403(6) PCN # 00CL

PUBLIC INFORMATION MEETING/OPEN HOUSE
Hill City High School, Commons Area
April 20, 2016 – 5:00 pm to 7:00 pm

SIGN IN SHEET

Name	Address	Phone Number	Email Address
Roe + Pat Eidsness	11630 Bangor Loop Rochford SD 57745	584-0028	eidsnessrp@gmail.com
RICH ZACHER	P.O. Box 431 CUSTER SD	673-4948	rich.zacher@state.sd.us
Mary Helen Alexander	23180 S Rochford Rd HCS D57745	574-2935	
	PO Box 846 Hill City, S.D. 57745	605-393-7324	drhodell@yahoo.com
Joe Colombe	23046 S. Rochford Rd, Hill City, S.D.	605-828-5763	

Pennington County Highway Department

South Dakota DOT Connecting South Dakota and the Nation

U.S. Department of Transportation
Federal Highway Administration

Public Meeting Presentation

WELCOME

Public Information Meeting

South Rochford Road
Environmental Assessment

Pennington County, South Dakota

April 20, 2016

Project Team

- South Dakota Department of Transportation
- Pennington County Highway Department
- Federal Highway Administration
- U.S. Forest Service
- Consultants
  - HDR
  - Louis Berger
  - Interstate
  - QSI

Presentation Overview

- Meeting Purpose
- Overview of the NEPA Process
- Alternatives
- Environmental Assessment
- Rapid Creek Bridge
- Next Steps

Project Schedule

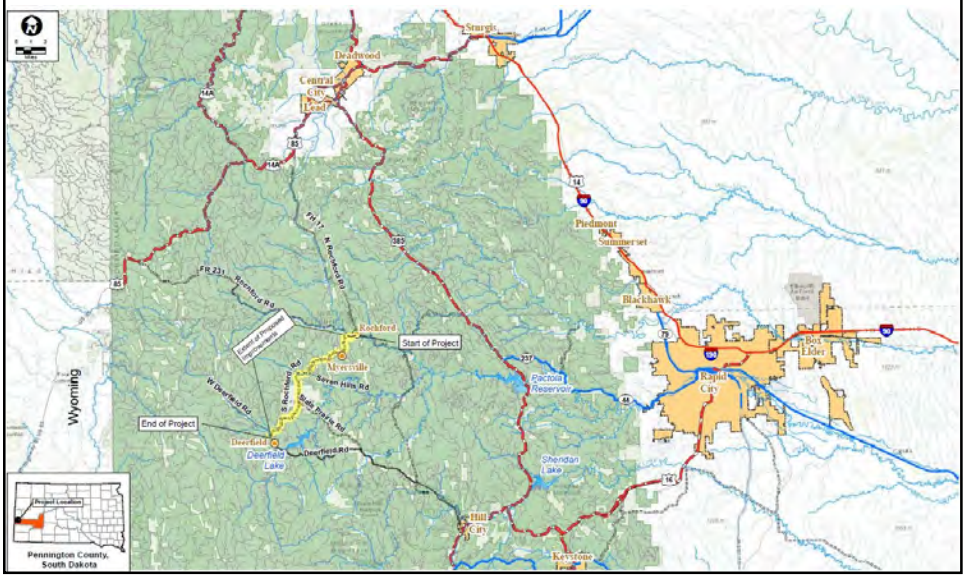
Notice of Intent Published---------- January 30, 2012
Public Input Meeting----------March 1, 2012
Tribal Perspectives Meeting---------- March 15, 2012
Agency Scoping Meeting----------April 19, 2012
Public Scoping Meeting----------April 19, 2012
Tribal Perspective Meeting---------- July 19, 2012
Draft Tribal Coordination Plan---------- March 2013
Landowner Meeting----------April 5, 2013
Agency Update---------- August 29, 2013
TCP Survey and Report---------- Fall 2013 to Spring 2014
Onsite Meeting with Forest Service---------- May 5, 2014
Public Information Meeting----------July 21, 2014
Public Steering Committee Meeting----------July 22, 2014
Rescission of NOI---------- December 17, 2015
EA for Public Availability---------- March 31, 2016
Public Meeting----------April 20, 2016

Meeting Purpose

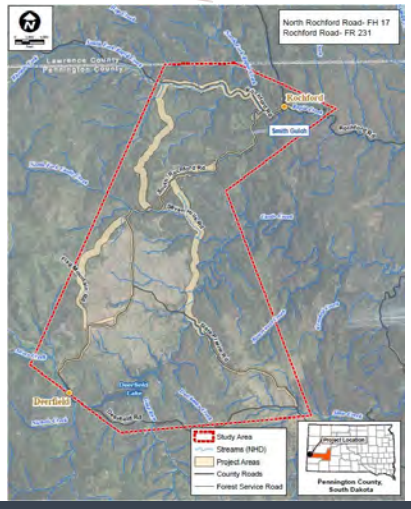
The purpose of this meeting is to update the public on the Project and to gain input on:

- The Environmental Assessment
- The project-related environmental impacts
- The recommended preferred alternative

Where is the Project?



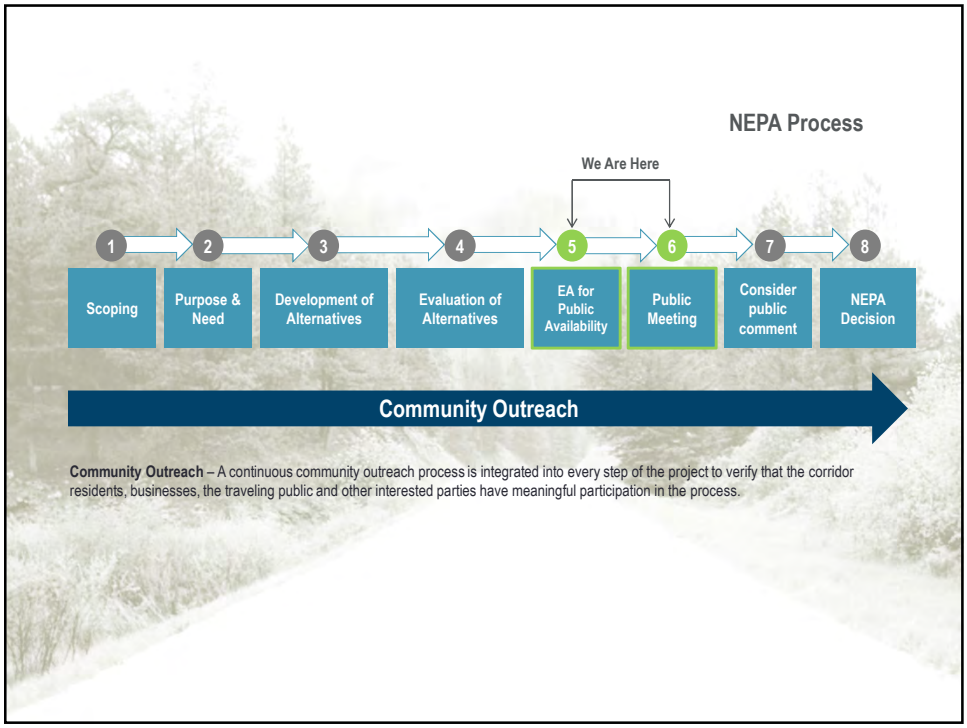
Study Area



Why an EA instead of an EIS?

Modifications to the roadway design standards led to the:

- Minimization of historic property impacts
- Minimization of wetland impacts
- Preservation of sensitive plant species



Public Involvement

- Public Input Meeting - March 1, 2012
- Public Scoping Meeting - April 19, 2012
- Landowner Meeting - April 5, 2013
- Public Information Meeting - July 21, 2014
- Public Steering Committee Meeting - July 22, 2014
- EA for Public Availability - March 31, 2016
- Public Meeting - April 20, 2016
- NEPA Decision - June 2016

Tribal Consultation

Tribes Invited to Participate	
Cheyenne River Sioux Tribe*^	Ponca Tribe of Indians of Oklahoma
Chippewa Cree Tribe (Rocky Boys)	Ponca Tribe of Nebraska
Confederated Salish and Kootenai Tribes	Prairie Island Indian Community
Crow Creek Sioux Tribe*^	Rosebud Sioux Tribe*^
Crow Nation*^	Sac and Fox Nation
Eastern Shoshone Tribe	Sac and Fox Nation of Missouri and Kansas*
Flandreau Santee Sioux Tribe	Sac and Fox Tribe of Mississippi
Fort Peck Assiniboine and Sioux Tribes*	Santee Sioux Tribe of Nebraska
Iowa Tribe of Kansas and Nebraska*	Sisseton-Wahpeton Oyate*^
Iowa Tribe of Oklahoma	Southern Ute Indian Tribe
Lower Brule Sioux Tribe	Spirit Lake Tribe
Lower Sioux Indian Community	Standing Rock Sioux Tribe*^
Northern Arapaho Tribe*^	Three Affiliated Tribes*
Northern Cheyenne Tribe*^	Upper Sioux Community
Oglala Sioux Tribe*^	Ute Mountain Ute Tribe
Omaha Tribe of Nebraska*	Yankton Sioux Tribe*^
Otoe-Missouria Tribe of Indians	
* Indicates consulting tribes by formal request and/or participation of some or all meetings, including the TCP Survey ^ Indicates consulting tribes that participated in TCP Survey	

Agency Coordination

- Cooperating Agencies
  - U.S. Army Corps of Engineers
  - U.S. Forest Service
  - Advisory Council on Historic Preservation
- Participating Agencies
  - U.S. Environmental Protection Agency
  - Bureau of Indian Affairs, Great Plans Regional Office
  - U.S. Fish and Wildlife Service
  - U.S. Department of Agriculture, Natural Resources Conservation Service
  - U.S. Department of Homeland Security, Federal Emergency Management Agency, Region VIII
  - U.S. Geological Survey
  - South Dakota Department of Environment and Natural Resources
  - South Dakota Department of Tourism
  - South Dakota Division of Emergency Management
  - South Dakota State Historical Preservation Office
  - City of Hill City
  - Pennington County Conservation District
  - Rochford and Hill City Fire Departments

What is the Project Purpose?

The purpose of this Project is to correct the roadway deficiencies in order for the County to sustain year-round roadway transportation along South Rochford Road and provide linkage of the local and regional transportation system.

Why is the Project Needed?

- High Maintenance Costs
- Structural Deficiency
- Clear Zones, Horizontal Curves, and Vertical Curves
- Roadway System Linkage
- Legislative Intent

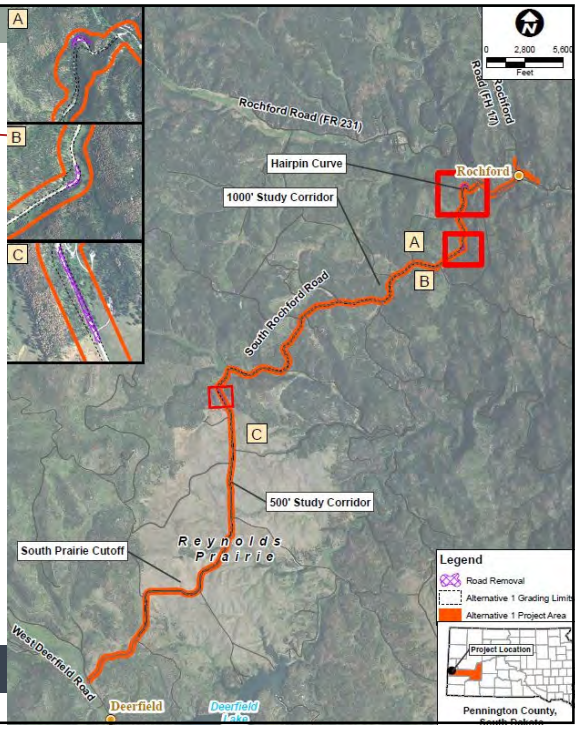
Alternatives Screening Process

Does the Alternative meet the Purpose and Need?

- Reduce maintenance costs?
- Correct structural deficiencies?
- Correct roadway deficiencies?
- Provide regional and local transportation link?
- Fulfill the legislative intent?

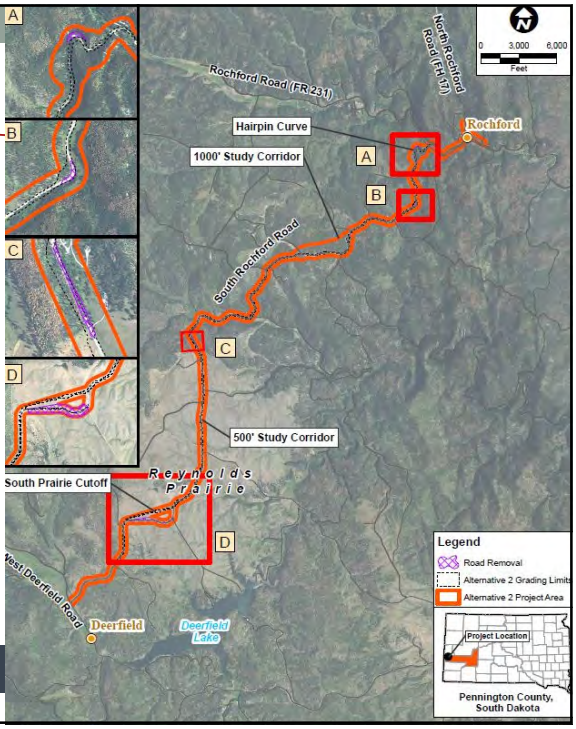
Alternative 1

- Existing Alignment
- Improvements
  - All-weather surface
  - Correct ditch slopes
  - Improved sight distance
  - Correct drainage issues



Alternative 2

- Existing Alignment with Modifications
- All-weather surface
- Improvements
  - Improved curves
  - All-weather surface
  - Correct ditch slopes
  - Improved sight distance
  - Correct drainage issues



Resource Considerations

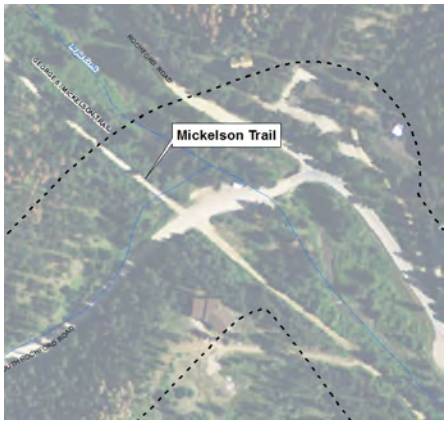
Existing and Future Land Uses	Relevant State, Regional and Local Plans	Parks and Recreational Facilities
Farmland and Timberlands	Community Character and Cohesion	Relocations
Environmental Justice	Utilities and Emergency Services	Traffic, Transportation, and Pedestrians and Bicycle Facilities
Facilities Visual/Aesthetics	Cultural Resources	Section 4(f)
Floodplain	Water Quality and Storm Water Runoff	Geology/Paleontology/ Soils/Topography
Hazardous Waste Materials	Air Quality	Noise
Energy	Natural Communities	Wetlands and Other Waters
Threatened and Endangered Species	Invasive Species	Wildlife and Plant Species

Section 4(f) Resources

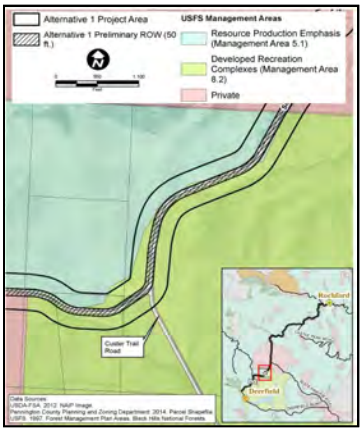
- Required by law to avoid unless no feasible and prudent avoidance alternative exists.
- Identified Section 4(f) in the Project Area
- Impacts Analyzed

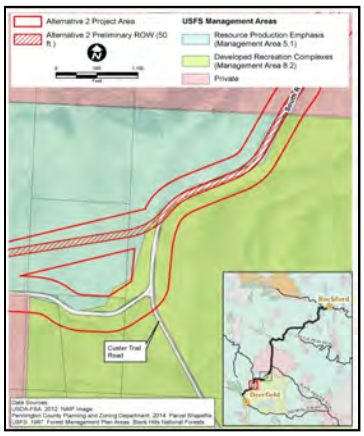
Section 4(f)- Mickelson Trail

- Avoided- No Use
  - A traffic control plan during construction to allow continuous use of Mickelson Trail would be prepared.
  - Coordination with SDGFP during final design to identify special events concerning Mickelson Trail.



Section 4(f)- Deerfield Reservoir Complex



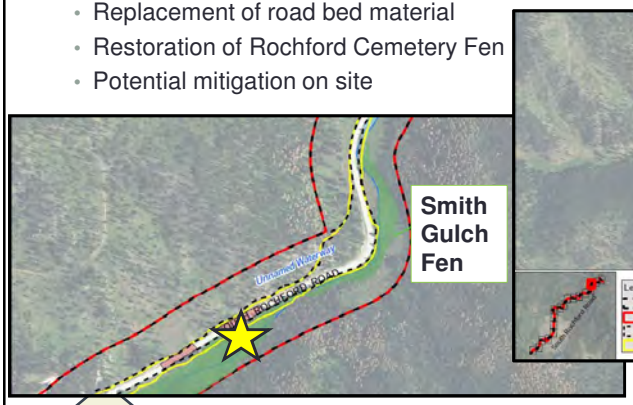


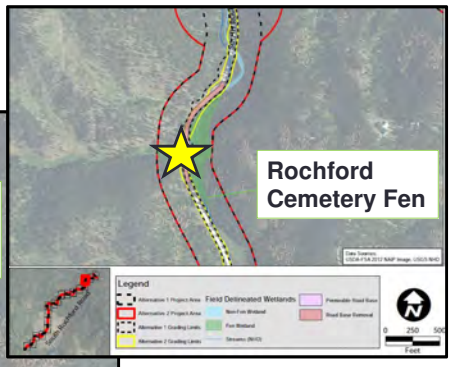
Section 4(f)- Archeological and Historic Sites

- Eligible for National Register of Historic Places
  - Traditional Cultural Properties
  - Archaeological and Historic Sites
  - Historic Structures
- Adverse Effect
- Memorandum of Agreement (MOA) prepared
- SHPO and ACHP jurisdiction

Wetlands- Avoidance, Minimization, and Mitigation

- Wetlands and Other Waters of the U.S.
  - Avoided where possible in design
  - Replacement of road bed material
  - Restoration of Rochford Cemetery Fen
  - Potential mitigation on site



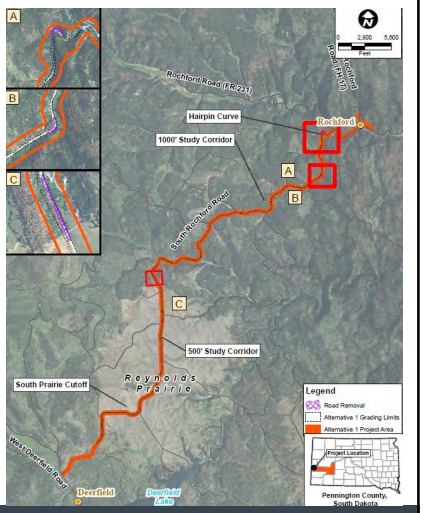


Other Mitigation

- Community Character and Cohesion
  - Rumble Strips Outside of Rochford
  - Gateways or Entry treatments

Recommended Preferred Alternative

- Alternative 1
- Existing Alignment
- Improvements
  - All-weather surface
  - Correct ditch slopes
  - Improve sight distance
  - Correct drainage issues



Rapid Creek Bridge NEPA Review

- CatEx approved on December 8, 2015
- Replace existing bridge with a concrete arch
- Construction planned for 2017

Next Steps in the EA Process

EA Available to Public……..March 31, 2016

Public Meeting……..April 20, 2016

Comment Period Complete…….....May 16, 2016

NEPA Decision……...June 2016

Ways to Provide Comments

- Return the comment card either at this meeting or through the mail
- Written letters mailed to:

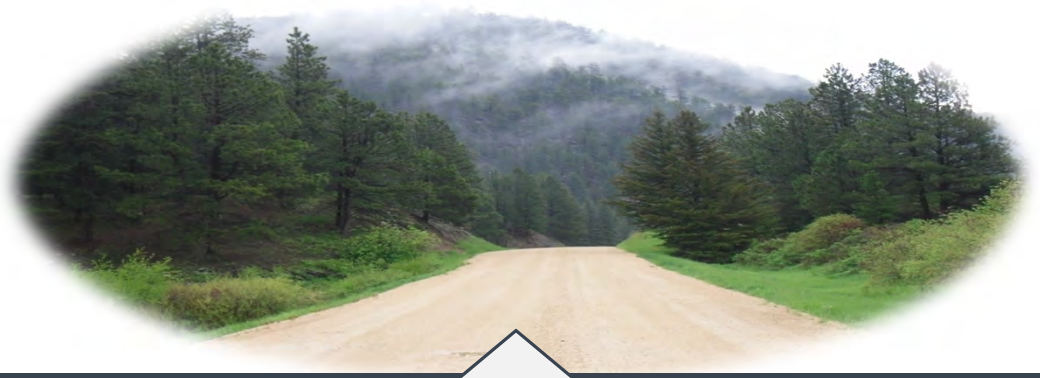
  HDR - South Rochford Road EA
  703 Main Street, Suite 200
  Rapid City, SD 57701
- Email comments to: EAComments@southrochfordroad.com
- Website: www.southrochfordroad.com
- Please provide comments by May 16, 2016

Public Meeting Boards

WELCOME

Public Meeting

Environmental Asssessment
South Rochford Road
April 20, 2016



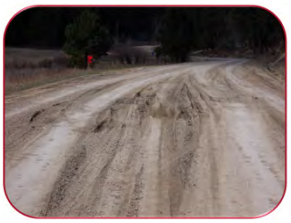
- ✓ *Provide an update on the Project*
- ✓ *Outline the steps forward*

U.S. Department of Transportation
Federal Highway Administration
Pennington County Highway Department
DOT

- ✓ *Share information with agency representatives*
- ✓ *EA available for public review and comment*

Why is the Proposed Project Needed?

Improper Conveyance of Drainage



Frost Heaves

Legislature Intent

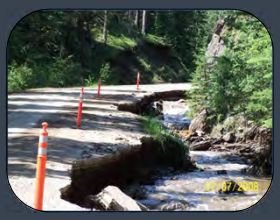
Clear Zones, Horizontal Curves, and Vertical Curves

Purpose of the Project

The purpose of this Project is to correct the roadway deficiencies in order for the County to sustain year-round roadway transportation along South Rochford Road and provide linkage of the local and regional transportation system.

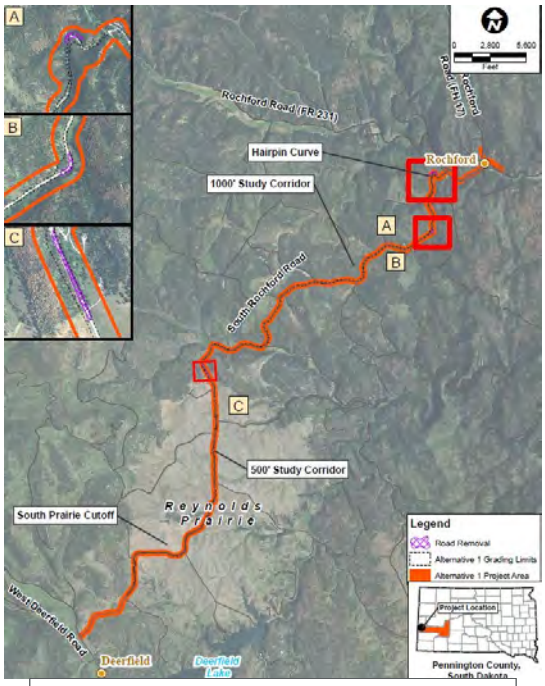
Does the Alternative meet the Purpose and Need?

PURPOSE and NEED
- Correct roadway deficiencies?
- Sustain year-round transportation?
- Provide regional transportation link?
- Reduce maintenance costs?
- Fulfill the legislative intent?

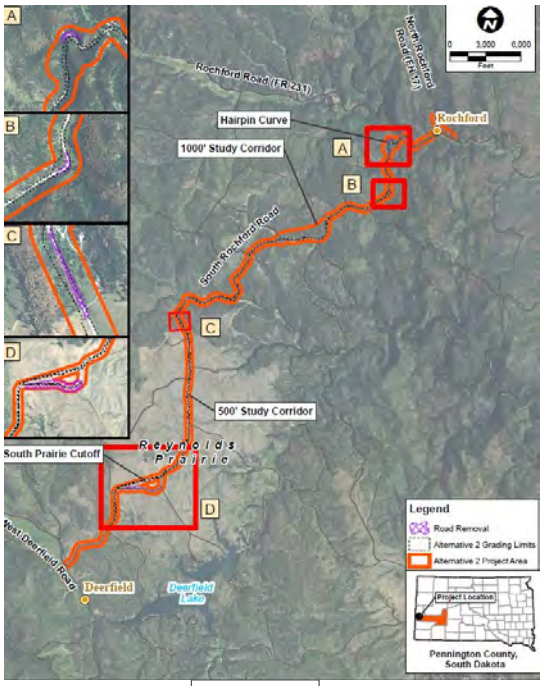


Criteria	Alt 1	Alt 2	Alt 3	Alt 4	Alt 5
Correct Roadway Deficiencies	Yes	Yes	Yes	Yes	No
Sustain Year-Round Transportation	Yes	Yes	No	No	No
Provide regional transportation link	Yes	Yes	Yes	Yes	No
Reduce maintenance costs	Yes	Yes	No	No	No
Fulfill the legislative intent	Yes	Yes	No	No	No

Alternatives Carried Forward for Further Analysis

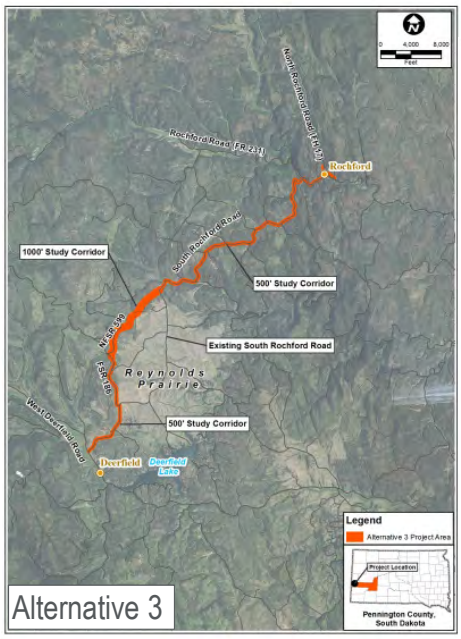


Alternative 1- Recommended Preferred Alternative



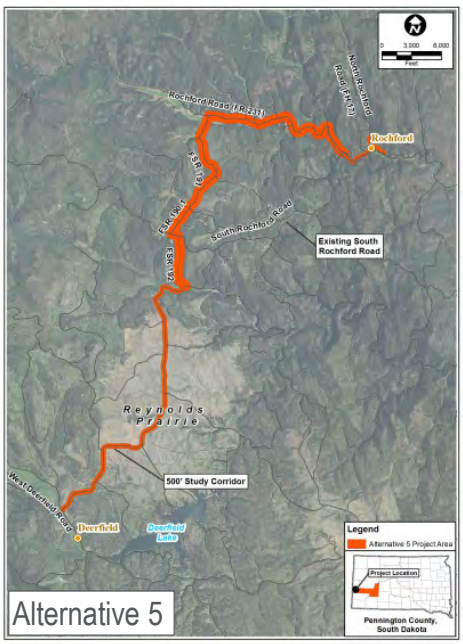
Alternative 2

Alternatives considered but discarded from further analysis



Alternative 3

Alternative 4



Alternative 5

Steps of the NEPA Process

Notice of Intent Published	January 30, 2012
Public Input Meeting	March 1, 2012
Tribal Perspectives Meeting	March 15, 2012
Agency Scoping Meeting	April 19, 2012
Public Scoping Meeting	April 19, 2012
Tribal Perspective Meeting	July 19, 2012
Draft Tribal Coordination Plan	March 2013
Landowner Meeting	April 5, 2013
Agency Update	August 29, 2013
TCP Survey and Report	Fall 2013 to Spring 2014
Onsite Meeting with Forest Service	May 5, 2014
Public Information Meeting	July 21, 2014
Public Steering Committee Meeting	July 22, 2014
Rescission of NOI	December 17, 2015
EA for Public Availability	March 31, 2016
Public Meeting	April 20, 2016
NEPA Decision	June 2016

Comments

Please complete a comment card, contact us through email, or submit a comment through the website at www.southrochfordroad.com

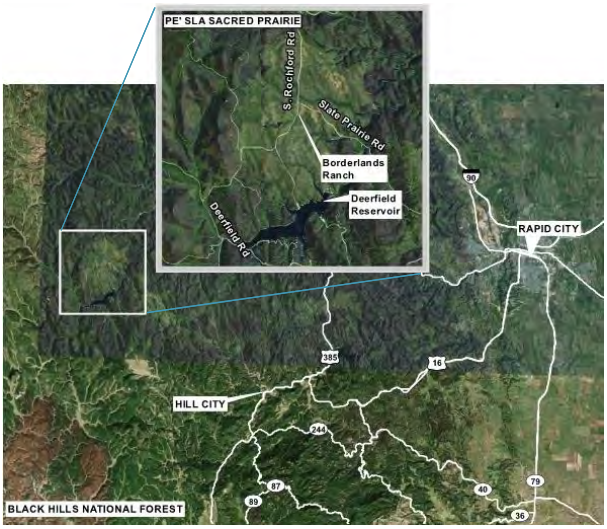
Cultural Resources Analysis in the NEPA Process

Why consider Cultural Resources?

Cultural resources include physical assets such as archeological resources and historic structures, as well as oral traditions and interpretations. For this Project, cultural resources were considered by the lead agencies to comply with all regulations, including Section 106. Section 106 requires agencies to take into account the effects of their Projects on cultural resources.

Which cultural resources were considered?

Traditional Cultural Properties are considered to be properties that are eligible for the National Register of Historic Places (NRHP) based on their association with the cultural practices or beliefs of a community, rather than the property type. A Traditional Cultural Properties Survey was conducted by the Tribes. The survey focused on sites important to the Tribes, as well as Pe' Sla, a site of Tribal significance. Pe' Sla is a sacred place to the Tribes as a part of their creation story.



Archaeology and Historic includes the discovery of artifacts, biofacts, and structures that are vital to understanding the past human activities in the area. Understanding the archeological resources are important to understanding the Project's effects on the area's culture.

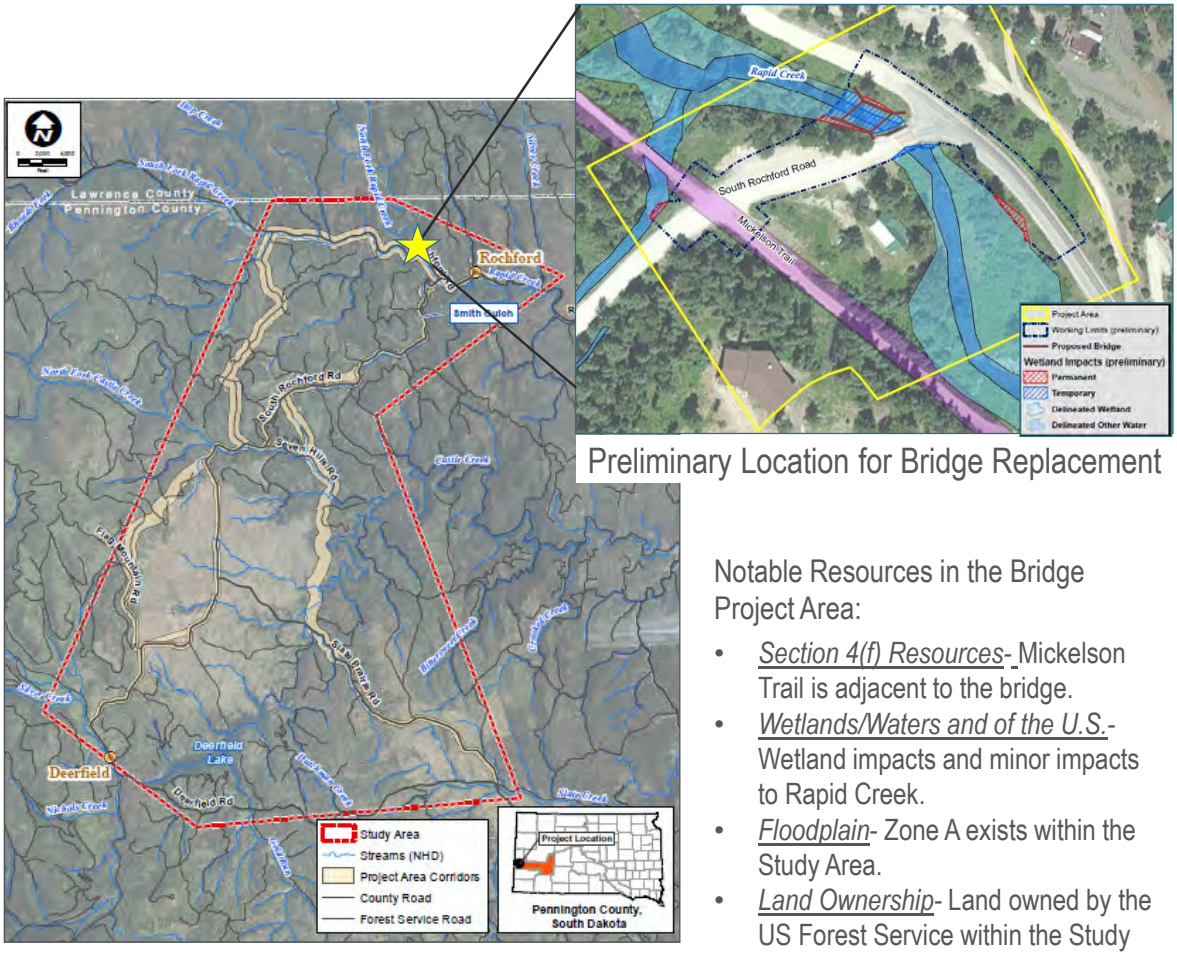
What mitigation and commitments were incorporated into the Project?

The preliminary design for Alternative 1 was updated by reducing the roadway width by four feet, from 32 feet to 28 feet wide, which resulted in the avoidance of 11 cultural sites, all of which are eligible for listing in the NRHP. Stipulations were developed as part of the Memorandum of Agreement (MOA) that includes the commitments to mitigation measures for this Project. All stipulations in the MOA will be carried out if Alternative 1 is selected as the preferred alternative.

Focusing on the Reconstruction of the Rapid Creek Bridge

Investigating the Need to Expedite Reconstruction of Rapid Creek Bridge

- A Categorical Exclusion (CatEx) was completed to allow the bridge to be replaced as soon as possible.
- The two build alternatives being evaluated in this EA cross Rapid Creek in the same location. Therefore construction of the bridge will not influence the final NEPA decision regarding South Rochford Road.
- The CatEx allows Pennington County to replace the bridge at an expedited schedule to ensure a safe roadway for drivers.



Preliminary Location for Bridge Replacement

Notable Resources in the Bridge Project Area:

- *Section 4(f) Resources*- Mickelson Trail is adjacent to the bridge.
- *Wetlands/Waters and of the U.S.*- Wetland impacts and minor impacts to Rapid Creek.
- *Floodplain*- Zone A exists within the Study Area.
- *Land Ownership*- Land owned by the US Forest Service within the Study Area.

Section 4(f) Resources

What is Section 4(f)?

Section 4(f) stipulates that FHWA and other DOT agencies cannot approve the use of land from Section 4(f) properties which are:

- publicly owned parks,
- recreational areas,
- wildlife and waterfowl refuges, or
- public and private historical sites

If impacted, FHWA and DOT agencies must show during the alternative analysis that:

- No other feasible alternative is available for the Project
- The Project includes all possible planning to minimize all harm to the Section 4(f) property.

Section 4(f) Properties in the Project Areas

- **Mickelson Trail**

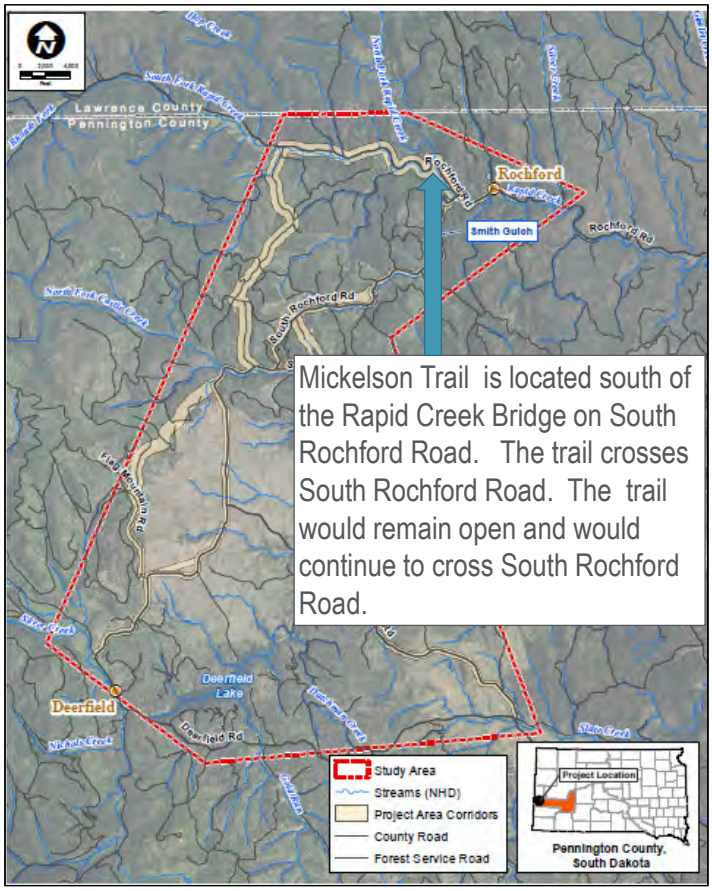
The George S. Mickelson Trail is a packed gravel trail that is 109 miles long, which starts northeast of Deadwood and extends south to Edgemont. The trail can be used by cyclists, pedestrians, cross country skiers, and horseback riders.

- **Forest Service Management Area 8.2**

Considered by the Forest Service to be developed recreational complex, and is utilized for recreational uses and open to the public.

- **Cultural Resources**

These sites will include significant historical properties that are on or eligible for the NRHP.



Mickelson Trail is located south of the Rapid Creek Bridge on South Rochford Road. The trail crosses South Rochford Road. The trail would remain open and would continue to cross South Rochford Road.

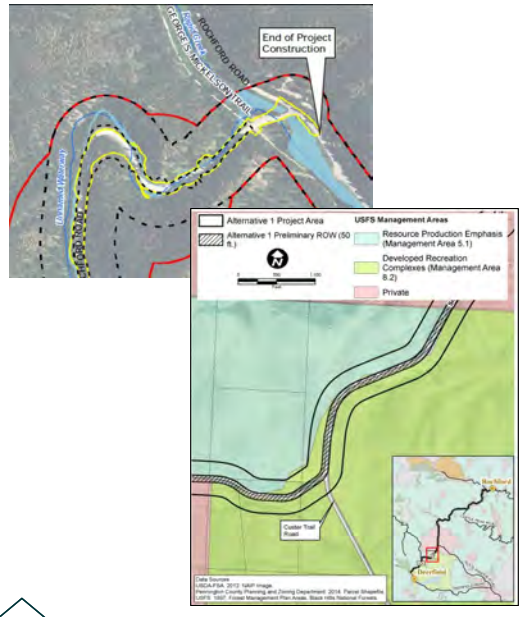
Avoidance, Minimization, and Mitigation Measures

Community Character and Cohesion

- Rumble Strips- The County would install rumble strips to provide advanced warning to vehicles prior to entering Rochford. These warning devices would be installed east and west of Rochford on Rochford Road and just north of town on North Rochford Road. To minimize the noise impacts as a result of the rumble strips, the rumble strips would be placed outside the Rochford community. The distance would be determined through coordination between Rochford and the County.
- Gateways or Entry Treatments- Gateways or entry treatments are proposed in conjunction with rumble strips. A sign noting that traffic was entering the limits of Rochford and/or painted pavement markings would alert drivers to reduce their speed. The entry treatment could be a sign or signage to alert drivers of the presence of pedestrians within the roadway.

Source: Minnesota Department of Transportation (MnDOT)

Sources: Signs by Benchmark (Right) and Black Hills and Badlands (Top)



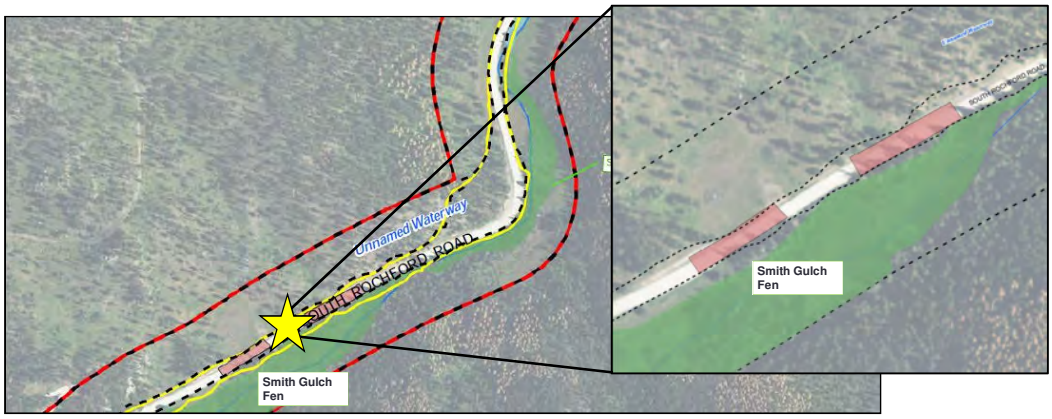
Section 4(f) Resources

- Mickelson Trail-
  - Vehicle access maintained by phasing construction.
  - A traffic control plan during construction
  - Coordination with SDGFP during final design
- Forest Service Management Area 8.2-
  - Construction of the Project would be phased.
  - Access to Custer Trail Campground maintained with phased construction.
- Archeological and Historic Sites-
  - Reduced roadway width from 32 feet wide to 28 feet wide
  - Stipulations and commitments identified in the Memorandum of Agreement (MOA)

Avoidance, Minimization, and Mitigation Measures

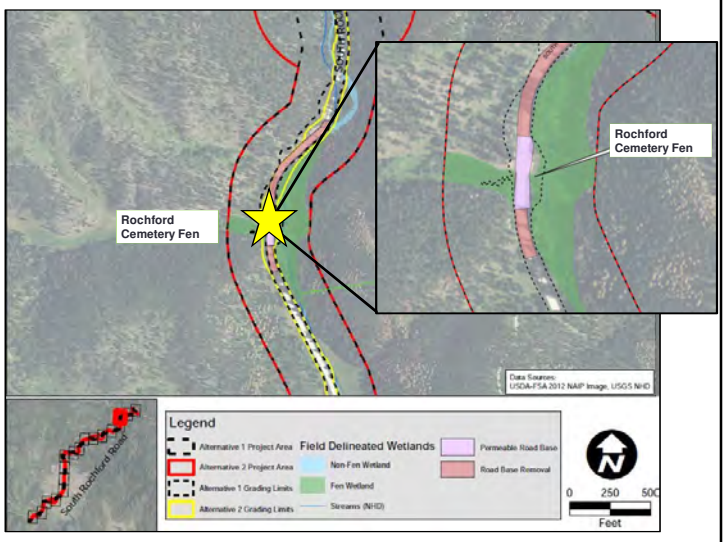
Wetlands and Other Waters of the U.S.

- Replacement of the Rochford Cemetery Fen culvert crossing with a permeable base roadway layer
- During final design, a mitigation plan would be completed and included in the Section 404 permit application that would be coordinated with USACE.



Permeable Road Base

- Both build alternatives would include the replacement of the Rochford Cemetery Fen culvert crossing with a permeable base roadway layer
- A design memo was completed that analyzes options for final design of the Rochford Cemetery Fen crossing and identified that a permeable base layer would reduce impacts to fens caused by the current roadway by improving groundwater movement under the roadway.



Written Comment Cards, Letters, and Emails

Alternative 1 includes design improvements starting approximately at the intersection of South Rochford Road and Rochford Road, to the southern terminus, approximately one mile north of the intersection of South Rochford Road and West Deerfield Road. This alternative includes all-weather surfacing of the existing South Rochford Road, with horizontal and vertical curve changes mainly within the existing ROW along with improvements to drainage in select locations. Where possible, the ditch slopes would be constructed to a 4 to 1 horizontal to vertical ratio to flatten the current slope. This is the Recommended Preferred Alternative, however, the Joint Lead Agencies will determine the Preferred Alternative after public comment on the EA.

Alternative 2 would provide minor alignment adjustments within the existing ROW similar to Alternative 1. However, more substantial alignment shifts requiring ROW were considered as described in the EA, including the shortening of South Rochford Road by improving a horizontal curve at the south end of Reynolds Prairie.

Name: BRYAN HARVEY

Street Address: P.O. BOX 17

City: CUSTER State: SD Zip Code: 57730

Email: wharvb@gwtc.net

Organization You Represent (If any): _____

WE WANT TO HEAR FROM YOU!

Provide us with any comments you have on:

- Alternatives selected for detailed study
- Mitigation and avoidance measures
- Recommended Preferred Alternative

COMMENTS:

The highway sup. says the road will be designed for 55 mph.

Could the speed limit be posted lower, like 45.

I own property Thru which the road passes

Please attach additional pages as needed.

Brisbois, Jessica

From: Margaret Hustad-Perrin <perrindavid1@icloud.com>
Sent: Sunday, May 01, 2016 7:46 AM
To: EAcomments@southrochfordroad.com
Subject: Support of the option chosen

We support the option chosen through the EA process as it will make the road safer and solve a major dust problem we experience constantly. We have a home along the right of way and wish to see the project move forward as soon as possible.
David Perrin and Margaret Hustad-Perrin
22904 South Rochford Road
Hill City, SD. 57745

Sent from my iPad

May 3, 2016
22732 S Rochford Rd
Hill City, SD 57745

Alice Whitebird

SD DOT

700 E Broadway

Pierre, SD 57501

Ms Whitebird,

As you can tell from my return address, I live on South Rochford Road and therefore, has some legitimacy to back my comments.

This road has been in existence for over 100 years and minor changes now must certainly have minimal impacts at this point.

Paving the existing road will only help in all aspects; dust reduction, maintenance costs reduction, improved surface providing a better ride and less vehicle destruction.

I am, therefore, backing Plan 1.

Thank you,

John L. Hopkins

Alternative 1 includes design improvements starting approximately at the intersection of South Rochford Road and Rochford Road, to the southern terminus, approximately one mile north of the intersection of South Rochford Road and West Deerfield Road. This alternative includes all-weather surfacing of the existing South Rochford Road, with horizontal and vertical curve changes mainly within the existing ROW along with improvements to drainage in select locations. Where possible, the ditch slopes would be constructed to a 4 to 1 horizontal to vertical ratio to flatten the current slope. This is the Recommended Preferred Alternative, however, the Joint Lead Agencies will determine the Preferred Alternative after public comment on the EA.

Alternative 2 would provide minor alignment adjustments within the existing ROW similar to Alternative 1. However, more substantial alignment shifts requiring ROW were considered as described in the EA, including the shortening of South Rochford Road by improving a horizontal curve at the south end of Reynolds Prairie.

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Email: _____

Organization You Represent (If any): _____

WE WANT TO HEAR FROM YOU!

Provide us with any comments you have on:

- Alternatives selected for detailed study
- Mitigation and avoidance measures
- Recommended Preferred Alternative

RECEIVED
BY: _____
DATE: 4/26/16

COMMENTS: If our tax Money needs to be spent on So. Rochford Rd. or be Used, why not put a finish mix that is less dusty? Or, put it on Mystic Rd. - They have more traffic due to the Mystic Trail Road, and the dust is worse. Also, is this to benefit the rally Mystic "Cycles"? The Rally closes Hill City Main Street = the Native people can't get groceries or Gas during the Major part of the day for the duration of the rally. They should be dealt with them and listen to them in our own homes or Rochford Rd. too? Leave it as is - the Hills don't need any more "impact" on wild life or environment. We natives don't want it up here either!

Please attach additional pages as needed.

Wayne & Sally Ortman

PO Box 157 Canistota SD 57012 sallyo@unitelsd.com

April 28, 2016

South Rochford Road Project

Since the 1st meeting in the Hill City Senior Citizens building 2008, over ½ of the attendees have moved away, seem uninterested as they think the project will never happen, or have died. We know this compounds the issue as many have not anticipated the results of tests and possible options based on those tests and now they speak up. We do appreciate the work done and await, with so much anticipation, the road work to start (especially the bridge as we were in on the initial plans and gave land so we hope to be included in the final plans for the road and ditch work. When the huge flood occurred, it was the road that left us in a mess, not Rapid Creek. We were told that about half of the existing road would belong to us (in exchange for the bridge land.) and we anxiously await the time we can complete our landscaping and live without the dust.

Rumble strips for Rochford....PLEASE NO..... everyone in the area chose the location to enjoy the peace and quiet that comes with Hills living.....No one would appreciate that racket and we know that signage is the answer without the noise.

We hope the slow progress will have the road and bridge projects completed while we can enjoy it.

We would like you to thank Cheryl Chapman for the professional way she handled the meeting.

Sincerely,

Wayne Ortman

Sally Ortman

Wayne & Sally Ortman

RECEIVED
BY:
DATE: 5/2/16

Brisbois, Jessica

From: BlueMail@bluehost.com
Sent: Tuesday, May 10, 2016 9:46 PM
To: EAComments@southrochfordroad.com
Subject: Message from BlueMail

Your BlueMail form has been completed, following are the results:

Field	Value
FirstName	Lisa
LastName	Sabers
Organization	
Address	5136 Pinedale Hts. Drive
AptSuite	
City	Rapid City
State	SD
Zip	57702
Email	lsabers@rushmore.com
Phone	605719912
Comment	Issues from the people are not really discussed, comment cards do not allow the people involved to obtain face to face answers to their questions... Why if a chip seal is being considered wasn't this covered in the EA? I don't believe the need to reduce the maintenance cost for present roadway accurately is represented in the EA. The damage through Ice Box Canyon was due to a unpredictable high amount of rain in short time. This section of road will always have the frost heaves, curves ect. whether it is paved or not. Will county sand or use chemicals on new surface in the winter months on icy areas? How will this effect the environment (fens, wildlife, plants)? This is not covered in the EA. Could improvements for drainage be done without making the road an all weather surface?
Submit	Submit

From: Sue
To: EAComments@southrochfordroad.com
Subject: Rochford Road Comment
Date: Tuesday, April 26, 2016 10:10:58 PM

My apologies for not being able to attend the meeting on 4/20 but I am still in Illinois completing the course to become an EMT for the Rochford Volunteer Department. I have spoken to some of the attendees and wanted to offer my comments. The S Rochford Rd project has been a long and arduous journey. However, I think the process has been very in depth and has evaluated all the alternatives and researched all the impacts. As someone who lives in Rochford and owns property on South Rochford Road, I fully support the paving of the road. The road is in terrible condition and no amount of "band-aiding" will provide a long term solution. Sue Schwaneke

PS I tried to submit the comment from the website, but it wouldn't go through.

Brisbois, Jessica

From: Margaret Hustad-Perrin <perrindavid1@icloud.com>
Sent: Saturday, May 14, 2016 7:51 AM
To: EAcomments@southrochfordroad.com
Subject: Support of alternative #1

I support the selection of alternative #1 as a landowner who will be directly impacted. I request adoption of that alternative with construction to begin as soon as possible.
Dave Perrin
22904 South Rochford Road
Hill City, SD 57745

Sent from my iPad

From: Brent Cox
To: EAComments@southrochfordroad.com
Subject: Road reconstruction
Date: Sunday, April 10, 2016 9:47:02 AM

If the cost of maintenance of this ten miles is 80,000 a year and you're proposing a nine million cost to rebuild, then the 80 thousand a year cost would cover 112 years of maintenance and this does not include the fact that you will still have to maintain the road. Our Federal government is so deep in debt now why would this Conservative county spend this federal money for this little used road. It seems to be a great waste of taxpayers' money. The locals refuse to pay taxes on their roads and bridges, as indicated in their refusal on the wheel tax, but they certainly don't seem to mind the rest of the American taxpayer shelling out this 9 million on their behalf. Perhaps we need a referendum to stop this rebuild. Although I doubt that any county resident would vote to stop it as only 1 330 millionth of the cost would be assessed to them. This road should remain the same as it has provided service over the last century. Time to stop wasting taxpayer's money just because it comes from the Feds.

Also I have driven that road for the last 50 years and appriciate the fact the it is not a straightened paved road. The fact that it is not paved makes it a special drive that will be lost if you complete this project. Sometimes it is better to make a drive just a little more difficult and remote. What you plan to do here is to spend taxpayers money to turn this into just another motorcyle route for the rally tourists.

Please leave this road just as it is. This drive makes that portion of our Black Hills special.

Brent Cox

Sturgis.

From:	Carol A. Pitts
To:	EAComments@southrochfordroad.com; Barber, Marion (FHWA); Alice.Whitebird@sd.state.us; Rebecca.Baker@hdrinc.com; Jessica.Brisbois@hdrinc.com; Jody.Page@hdrinc.com; mkenner@louisberger.com
Cc:	pitts@brookings.net
Subject:	South Rochfor Road Comments Concerning Environmental Assessment/Proposed roadway imrovements.
Date:	Sunday, May 15, 2016 12:16:08 PM
Attachments:	South Rochford Road Project August 2014 letter resubmitted May 15.2016.docx

DATE: 15 May 2016

TO: SDDOT and FHWA: South Rochford Road

FROM: Carol A. Pitts, 11660, 11668, 11664 and 11666 Rochford Road, Rochford SD.
And, mailing address: 1018 5th St., Brookings SD 57006 . Phone number 605 695 5770 and email at pitts@brookings.net.

RE: Comments, by this writer, on Proposed roadway improvements on South Rochford Road due by May 16, 2016 per HDR postcard notification received by this writer for the 20 April 2016 Public meeting.
I also attended the Public meeting on 20 April and provided verbal comments about the project for public record.

ATTACHMENT: This writer's written comments submitted August 2014 also in response to request for comments. I would like this letter re-submitted as it is still current for my comments.

I respectfully submit these following comments as well as the verbal comments from the 20 April 2016 meeting, verbal comments from the previous 2 Public meetings attended and the above attached letter from August 2014:

I have reviewed the South Rochford Road Project Number EM-BRF 6403(06), PCH OOCL dated February 2016. In the report I find subjective data on roadway maintenance and limited specific data on actual costs in relation to miles and cars using the roadway in comparison to other gravel roads. Section 1.2 is limited in the reasons for:

1. the "need to reduce the County's roadway maintenance costs". All counties must prioritize funding and be specific in why one road is chosen over other priorities. The recent experiments in mag water on gravel roads into Rochford have shown that it can be effective. There haven't been any specific fact sheets showing the cost of the proposed improvements and then the long term maintenance of that type of road. If an actual, current cost, specific cost fact sheet shows substantiated savings above quality maintenance of the current gravel road, then that is a good thing.

2. the" need to correct geometric deficiencies along the roadway" has indicated the road is unsafe in certain spots. I am not sure this is totally substantiated but if it is, it should also include the approach to the Rochford Bridge which is noted during public meetings to be a dangerous hill during the winter. I didn't hear at the meetings that this area of the road would be directly impacted by the south Rochford road improvements. Again, if it is, then that is a good thing, too.

3. the "need to provide roadway system linkage".....I have not seen any documented reasons by elected public officials in response to public outcry to have a paved road for South Rochford Road, with all the expenses, etc. therein, to provide for a linkage road.

A Side Bar on page 1-1 of the 1.1 Section indicates "provide full disclosure of impacts". I do believe the data presented has done much in providing environmental impacts that may occur next to the road construction BUT it has done absolutely nothing to disclose the impacts that happen past the Rapid Creek Bridge where the actual construction project ends. These impacts will be felt by the local property owners as a potential increase in cars (which is apparently the purpose of the project) flows into Rochford, a tiny unincorporated hamlet in Pennington Co. Rochford has no elected officials and is represented by the Pennington County Commission. It is important that all county commissioners become fully aware of all the ramifications for such a tiny, historical component of the Black Hills. The only item that has been offered as a 'help' to this tiny, hoping to be preserved, ghost town, is "rumble strips" to alert the children and adults of the community to oncoming lumber trucks, cars, other vehicles and to alert the vehicle driver of 'something' coming up. This is a ludicrous and unacceptable way to approach the safety for the Rochford community members of proposed increased traffic. And, actually, even currently, the speed limit should be decreased to protect those walking on the Rochford Road.....the Reason any and all of us walk on the Rochford road is that there is no other alternative. If there are more cars, there will be more walking on the road because people will stop to enjoy the pristine beauty of the area.....hence a public safety domino effect.....(a potential way to slow down traffic even now is to use one of the flashing lights that alerts a motorist to how fast they are going in relation to the speed limit. The speed limit should be 15 miles/hour as drivers round the curve from the bridge into Rochford due to the road also being the sidewalk).

There have been comments made by the county highway dept and some others noted in this process that paving of South Rochford Road is important to motorcyclists and this, when really listened to, is a VERY subjective statement. Motorcyclists that I have specifically visited with and also observed anytime during the summer and also during the Rally, have no problem with knowing that South Rochford Road is gravel. Motorcyclists that take it serious, know how to drive the roads. And, long term motorcyclists are adamant about maintaining the integrity of the Rochford area. The real issue is the remoteness of the Rochford area for any assistance with accidents and this won't change with paving a road. It is this exact remoteness that is so vital to those that visit and love the Rochford area. It brings people to the area who appreciate the beauty of the HIlls, which in itself is a very 'quiet' tourist area and wishes to remain in this realm. But, again, if the road is paved...It MUST include a Rochford community plan Made By Rochford Property Owners, Community Members and the County Commissioners, as our elected representatives.

On other notes:

Section 1.4.1.2.....I don't necessarily know a lot about frost heaves, although as a previous county commissioner myself, I do know that paved roads may also have issues and would encourage that to be very much considered if the road is paved. Any pot hole can be dangerous.
Section 1.4.4.....last paragraph appears to indicate that the current road is not an all weather road. It does appear to me that the gravel road coming into Rochford from Rapid City is gravel and is all

winter/weather long.
Section 2.2.1....It is noted that an FHWA project requires "Be usable and be a reasonable expenditure of public funds even if no additional transportation improvements in the area are made". It could be a stretch to call this a reasonable use of federal funds given the dollar amount and that upkeep of the road may entail as much county funding as the gravel road?

Again, if paving South Rochford road is proven as a good idea with documented cost facts (gravel maintenance vs. paved maintenance including cost of building the road) and documented not with just the currently noted narratives, then that may be a good thing.....BUT, lets be sure there is a plan for the unintended consequences that will Absolutely happen for the Rochford Community.

Thank you for your consideration of my comments. And, thank you to everyone who has worked on this Environmental Assessment and Evaluation over the past several years.

Best regards,

Carol

Carol A. Pitts,
Property owner and year round cabin/home owner....
and speaking for my family of 4 children, 6 grandchildren 3 great grandchildren and my 6 siblings who have property ownership and ties to Rochford for over 70 years. As a family we became a part of the Rochford community in the 1940s when my grandfather bought our first Rochford cabin property. He and several other local Rochford citizens were instrumental in the 1970s in assisting Rochford to become a townsite and several locals to have deeded property.

P.S.....when will the South Rochford Road new bridge over Rapid Creek be accomplished? It had been pulled out of the South Rochford Road project so it could be completed by 2016. It now appears to not be on the radar for this year? Is there another Steering Committee meeting planned?.....Thank you, Carol

South Rochford Road:

Comments from Carol A. Pitts

As a long term member of the Rochford community via all season visits, a granddaughter of Roy Armstrong who bought our original Rochford family/hunting cabin in ~1945 and who later assisted in Rochford becoming a town site, and as a current property owner on 4 contiguous lots on the west edge of the Rochford that are highly impacted by drive by traffic, I respectively submit my comments about the South Rochford Road (SRR) project. Admittedly, I am not only a Rochford landowner but also a former Brookings County Commission, a school board member and a legislator from District 7 and, in trying to review all aspects of this project, I try to keep the importance of public policy and future improvements in my comments. It is not always easy to gather adequate data and questions/concerns from the public about public projects. I do sincerely appreciate the opportunity this project provides to send you my concerns and challenges with the Rochford Road Project.

General comments:

1. I have not seen or heard any input from city leaders in Hill City or Deadwood/ Lead at the 2 public meetings I have attended nor read their comments, as yet, in the project and meetings notes. In visiting with residents and visitors around and in Rochford, no one has indicated a desire for Rochford to be a thoroughfare for/from Hill City/Deerfield to Lead/Deadwood. It is inappropriate for Rochford, a long term and well respected ghost town, to be changed forever by using it as a thoroughfare for more traffic. There are already paved roads to these larger towns and Rochford businesses have not indicated any desire for economic outside of existing business already available in the unincorporated townsite. Once travelers reach Rochford from SRR, there is still another gravel road that goes to Rapid City. A ‘loop’ as such for the Sturgis Rally, if that is an acceptable reason for a multi million dollar road, still puts Rochford at a very major risk of losing its historic roots as the ghost town that it is. It is this quiet unincorporated, ghost town ‘flavor of Rochford’ that visitors from the Michelson Trail, families, tourists, bikers, etc. so enjoy.

2. I have not seen current, substantiated costs of maintaining South Rochford Road as a well maintained gravel road. I have always found it important to have current, substantiated, costs and suggest the project obtain current and auditable costs from the county, with independent DOT assistance, that provide costs to maintain South Rochford road in the way that the county used to maintain it.
   From comments at the public meetings, it appears SSR maintenance was downgraded at about the same time that this project came on the radar. Rightfully so, it appears that the residents of the SRR area favor much improved dust control of this gravel road. This is a reaction that we all have. It has been

noted at the public meetings that dust control was better in the past when the county maintained the road adequately for dust. It is unclear why this didn't continue.

3. I have been at 2 public meetings. Sometimes it appears that building the paved road is the only thing being considered and not considering the no build option or comparing costs of the 2 build alternatives to how the road was maintained prior to the SRR project. The costs of patrolling, upkeep of the paved road, frost heaves of a paved road, impact on Rochford and other costs could be part of the discussion and graphed along side the costs of excellent maintenance of a gravel road.

Dust and the upgrading of the curves that are a winter problem near the Rochford bridge are the 2 problems that I have heard at the meetings and in talking with Rochford area residents.

4. The area of the SRR project that I have heard area landowners discuss at meetings and in person as a big problem is: wintertime and the curves just before the Rochford bridge. And, in listening at the meetings, I am not convinced that either build alternative adequately addresses this verbalized concern by landowners in the area. It appears an adequate solution to this winter time problem is largely in the hands of the county and outside of this project.

5. There hasn't been any discussion at public meetings and no qualitative or quantitative studies on what increased traffic, if this road increases traffic, will do to the unincorporated Rochford town site or the impact upon the safety of the residents therein.
The Rochford town site effect is listed as a component of the project and has not been adequately or measurably addressed. I would suggest much more research on the short and long term effects to Rochford and that it become an important, researchable topic.

6. I visited with a Rochford Road area rancher in mid August as he was driving by my cabin and stopped to visit. He very much noted to me that he is not in favor of the paving of the road, nor did he think many in Hill City were in favor either. But, he would like to see the road maintenance back to what it used to be.

7. The traffic/road safety of my family including 4 grown children, 6 grandchildren and 3 great grandchildren, as well as extended family and friends is a very big concern for me in the family cabins. There are no sidewalks, guard rails, etc. as cars drive around from the SRR bridge into Rochford. The landscape of the area has not allowed for this nor am I asking to have the landscape changed in any way. A fact is that all my family property is directly alongside the road and family members, friends and members of the Rochford community walk along the road on a daily basis and several times during the day. It is currently and can be an even bigger safety risk with traffic, much less with more traffic. And,

widening the road, adding sidewalks and all the ‘usual’ ways of improving safety are very limited given Rapid Creek on one side and my extended property lines on the other side of the existing roadway.

8. Historically, there is much to be lost in the rock wall along the Rochford creek side and along 2 of my cabins. These rock walls have been there for approximately 100 years to the best of my estimation. The result of the SRR project can only negatively impact these walls.

At this time, we have not had any information on how the county would re-do the road through Rochford. My suggestion would be to have that plan discussed fully as part of the SRR plan so that we know upfront how the road will change through Rochford. I haven’t seen any information being presented from the bridge, which is where it is noted that the project ‘ends’, to the Rochford church and to the Lawrence Co. line. I do believe that this should be discussed as part of the studies of the SRR project.

I do want to thank all those who are in the midst of studying the SRR project alternatives and thank them for the opportunity to submit my personal thoughts on the project. I do hope that the outcomes of the SRR studies serve the people of the SRR area well and take us into the future in the best way possible.

May 16, 2016

Marion Barber
Environmental Engineer
Federal Highway Administration
South Dakota Division
116 East Dakota Ave, Suite A
Pierre, SD 57501

VIA EMAIL

Re: Tribal Commentary on the Draft Historic Property Monitoring for Discoveries and Treatment Plan for South Rochford Road

Dear Ms. Barber:

On behalf of the Rosebud Sioux Tribe, Shakopee Mdewakanton Sioux Community, Crow Creek Sioux Tribe, and the Standing Rock Sioux Tribe that co-own and jointly manage Pe Sla as a sacred site, we submit these comments in response to the correspondence dated March 29, 2016, which requested commentary on the Draft Monitoring for Discovery and Treatment Plan for South Rochford Road ("Draft Plan").

Background Information

The Rosebud Sioux Tribe, the Shakopee Mdewakanton Sioux Community, the Crow Creek Sioux Tribe, and the Standing Rock Sioux Tribe ("the Tribes") co-own and jointly manage approximately 2,022 acres of land known as Pe Sla as a traditional sacred site of the Lakota, Nakota, Dakota Oyate. The 2,022-acre property is legally described as follows:

T. 1 N., R. 2 E., Black Hills Meridian, Pennington County, South Dakota,
Section 12, E½
Section 13, N½NE¼; and
T. 1 N., R. 3 E., Black Hills Meridian, Pennington County, South Dakota,
Section 4, SW¼SW¼
Section 5, SW¼, W½SE¼, and the S½SE¼SE¼
Section 7, Government Lots 1, 2, 3, E½W½, NE¼, N½SE¼, including Lot A in the SE¼NW¼ and also in the SW¼NE¼ as shown on the plat filed in Plat Book 3,

Page 40; that portion of the SE¼SE¼ lying east of the county road (commonly referred to as S. Rochford Road)
Section 8, N½, N½S½, SE¼SW¼, and S½SE¼; SW¼SW¼
Section 9, W½NW¼ and NW¼SW¼, containing 2,022.66 acres, more or less.

The Tribes, along with the Cheyenne River Sioux Tribe, jointly own and co-manage an additional 437 acres of land of Pe Sla land legally described as follows:

T.1N., R.3E., Black Hills Meridian, Pennington County, South Dakota,
Section 6, Lots 6 and 7; NE1/4SW1/4; SE1/4SW1/4; SE1/4, LESS ROW consisting of approximately 321.99 acres.
HES #236 LESS Lot A and ROW consisting of approximately 111.90 acres,
Lot A of HES #236 consisting of approximately 3.68 acres, Township 1 North,
Range 3 East of the Black Hills Meridian, Pennington County, South Dakota.
Also known as the Reynolds Ranch & Home site consisting of approximately 437.57 acres, house, and improvements.

With this background in mind, we submit the following comments related to the Draft Plan on behalf of the Tribes.

Much of the South Rochford Road project runs directly through the above described properties. For this reason, the Rosebud Sioux Tribe has provided extensive input related to the construction corridor and experts affiliated with the Rosebud Tribal Historic Preservation Office helped identify archeological sites and TCPs within the project area.

We believe that the TCPs on and near Pe Sla are very important and significant because they reflect the culture, traditions and history of the Lakota, Nakota, Dakota Oyate in this area. Accordingly, we urge you to do everything possible to protect and preserve Tribal Traditional Cultural Properties on and near Pe Sla. Under your plan, we understand that you and the State of South Dakota Historic Preservation Office will consult with the Tribal Historic Preservation Offices concerning the possible disturbance of TCPs. The main concern is the potential for inadvertent discoveries wherever there is any sub-surface disturbance and the THPOs should be the first to be notified.

On March 10, 2016, the Department of the Interior issued its decision to take the first referenced 2,022 acres of land at Pe Sla into Indian trust status. The State of South Dakota has appealed that decision, yet based on the state's initial comment, we believe that there is a strong possibility that the United States will take the land into trust prior to completion of construction on the road. If so, we believe that the Rosebud Sioux Tribe Historic Preservation Office should have the lead on the protection of TCPs at Pe Sla, and that your Environmental Plan should be modified to reflect the lead role of the Rosebud THPO in the area. The Rosebud THPO can then be counted upon to coordinate with the SHPO and the other THPOs regarding the Tribal Cultural Properties in the area.

As to the work on the road, we believe that the less intrusive approach of simply upgrading the road along the existing right of way is the preferred approach over straightening, widening and fully paving the road. Under your plan, we understand that it is the less intrusive method that you are planning to follow. We are in the process of reintroducing buffalo to Pe Sla, so we recommend that the project include warning signs for buffalo and buffalo grates at the entrances and exits to the main areas of the property including the ranch house site.

As part of the BIA Land Into Trust process, we consulted extensively with Pennington County and entered into a Right-of-Way agreement with the County concerning cooperative use of South Rochford Road through Pe Sla. We intend to honor our agreement and so we will be consulting with Pennington County if the project goes forward.

Thank you for your assistance in this matter. Please do not hesitate to call upon us if we can be of assistance.

Sincerely,

Charlie Vig, Chairman
Shakopee Mdewakanton Sioux Community

William Kindle, President
Rosebud Sioux Tribe

Brandon Sazue, Chairman
Crow Creek Sioux Tribe

Dave Archambault II, Chairman
Standing Rock Sioux Tribe

From: Barber, Marion (FHWA)
To: Barber, Marion (FHWA)
Subject: FW: Rochford Road Proposed Roadway Improvements - Environmental Assessment
Date: Tuesday, June 28, 2016 10:38:00 AM

From: Fischer/Sivage [mailto:bcbbi@gwtc.net]
Sent: Tuesday, May 17, 2016 8:58 AM
To: Kenner, Mary A. <mkenner@louisberger.com>
Subject: Rochford Road Proposed Roadway Improvements - Environmental Assessment

As Rochford road residents, we were unable to attend the April meeting. We were told the project is dead. Is that true?

Thank you, to bad. It was a good safe healthy project.

Charlotte Fischer/Bonnie Sivage