



Appendix L: Section A – Environmental Commitments of Engineering Plan Sets

Available online at www.southveteransparkway.com

PCN 01V6

ENVIRONMENTAL COMMITMENTS

The SDDOT is committed to protecting the environment and uses Environmental Commitments as a communication tool for the Engineer and Contractor to ensure that attention is given to avoid, minimize, and/or mitigate an environmental impact. Environmental commitments to various agencies and the public have been made to secure approval of this project. An agency with permitting authority can delay a project if identified environmental impacts have not been adequately addressed. Unless otherwise designated, the Contractor's primary contact regarding matters associated with these commitments will be the Project Engineer. During construction, the Project Engineer will verify that the Contractor has met Environmental Commitment requirements. These environmental commitments are not subject to change without prior written approval from the SDDOT Environmental Office.

Additional guidance on SDDOT's Environmental Commitments can be accessed through the Environmental Procedures Manual found at: <https://dot.sd.gov/media/documents/EnvironmentalProceduresManual.pdf> >

For questions regarding change orders in the field that may have an effect on an Environmental Commitment, the Project Engineer will contact the Environmental Engineer at 605-773-3180 or 605-773-4336 to determine whether an environmental analysis and/or resource agency coordination is necessary.

Once construction is complete, the Project Engineer will review all environmental commitments for the project and document their completion.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 7.14 acres of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands.

Table of Impacted Wetlands (Veterans Parkway)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
7	221+00 (L/R)	0.06		
8a-d	234+00–242+50 (L/R)	1.34		
9	249+00–252+00 (L/R)	1.60		
10	256+00–260+00 (R)	0.40		
15a	271+00–273+00 (L/R)	0.18		
19b	292+00–295+50 (L/R)	0.68		
18c	299+00–300+00 (L)	0.02		
18g	306+00 (R)	0.01		
21	311+00–315+00	1.10		
22	315+50–323+00	0.86		
18g	321+00–323+00 (R)	0.14		
Totals		6.39		

Table of Impacted Wetlands (Western Avenue)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
3-1	693+00–703+00 (L/R)	0.66		
3-2	710+00–712+00 (R)	0.04		
Totals		0.70		

Table of Impacted Wetlands (Cliff Avenue)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
5-1	22+00–24+00 (R)	0.02		
5-2	30+00–32+00 (R)	0.03		
Totals		0.05		

No wetland impacts occur adjacent to Minnesota Avenue.

Action Taken/Required:

SDDOT will acquire credits equivalent to 7.14 acres from a wetland mitigation bank site or In-Lieu Fee program within the lower Big Sioux River Geographic Service Area to mitigate permanent impacts.

Temporary impacts identified in the Table of Impacted Wetlands will not be mitigated as original contours and elevations will be re-established as designated in Section B – Grading Plans. Prior to initiating temporary work in wetlands, the Contractor will submit a plan to the Project Engineer in accordance with Section 7.21 D of the Specifications.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B5: NORTHERN LONG-EARED BAT

This project is within the range of suitable habitat for the Northern Long-Eared Bat (NLEB) and project work will avoid conflicts with NLEB roosting habitat.

Action Taken/Required:

Project activities that include tree removal, structure work, and/or work within one-quarter mile of a known hibernacula or 150 feet of a known maternity roost tree, or suitable habitat should not occur within the location(s) listed below during the NLEB seasonal work restriction timeframe without approval from the SDDOT Environmental Office.

Station	NLEB Seasonal Work Restriction
267+43 (L)	April 1 to October 31
268+05 (L)	April 1 to October 31
301+25 (R)	April 1 to October 31
303+00 to 307+00 (R)	April 1 to October 31
305+00 to 309+00 (L)	April 1 to October 31
310+25 to 310+55 (R)	April 1 to October 31
323+16 (R)	April 1 to October 31

Tree removal will occur between November 1st and March 31st and avoid the summer maternity season.

The following avoidance, minimization, and mitigation measures are required:

General AMM 1. All operators, employees, and contractors working in areas of known or presumed bat habitat will be made aware of all environmental commitments as they relate to the northern long-eared bat.

Lighting AMM 1. Temporary lighting will be directed away from suitable habitat during the active season.

Lighting AMM 2. When installing new or replacing existing permanent lights, downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) will be used

Tree Removal AMM 2. Tree removal will occur between November 1st and March 31st, outside the species summer roosting season.

COMMITMENT B6: MIGRATORY BIRDS WORK RESTRICTION

Migratory birds are known to use the project area for nesting, which primarily occurs from April 1st to July 15th.

Action Taken/Required:

The Contractor is responsible for contracting the services of a qualified biologist for conducting preconstruction migratory bird surveys in suitable areas that have not been mowed or cleared prior to April 1st to determine if there are current nests and to determine offsetting measures to compensate for impacts to migratory birds. A survey will be conducted annually for each year of construction. Contractor will coordinate the survey findings with the Project Engineer. If any nests are found, appropriate minimization measures will need to be developed in cooperation with the Environmental Office.

Construction activities should not occur in the locations listed in the table below during the migratory bird work restriction without prior approval from the SDDOT Environmental Office to avoid conflicts with nesting migratory birds.

Station	Migratory Bird Restriction
280+00 to 326+00 (L/R)	April 1 to July 15

COMMITMENT C: WATER SOURCE

The Contractor will not withdraw water with equipment previously used outside the State of South Dakota or previously used in aquatic invasive species (AIS) positive waters within South Dakota without prior approval from the SDDOT Environmental Office. To prevent and control the introduction and spread of invasive species into the project vicinity, all equipment will be power washed with hot water (≥140 °F) and completely dried for a minimum of 7 days prior to subsequent use. South Dakota administrative rule 41:10:04:02 forbids the possession and transport of AIS; therefore, all attached dirt, mud, debris and vegetation must be removed and all compartments and tanks capable of holding standing water must be drained. This includes, but is not limited to, all equipment, pumps, lines, hoses and holding tanks.

The Contractor will not withdraw water directly from streams of the James, Big Sioux, and Vermillion watersheds without prior approval from the SDDOT Environmental Office.

Action Taken/Required:

The Contractor will obtain the necessary permits from the regulatory agencies such as the South Dakota Department of Agriculture and Natural Resources (DANR) and the United States Army Corps of Engineers (USACE) prior to water extraction activities.

Additional information and mapping of water sources impacted by Aquatic Invasive Species in South Dakota can be accessed at:
< <http://sdleastwanted.com/maps/default.aspx> >

< [South Dakota Administrative Rule 41:10:04 Aquatic Invasive Species](http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04):
<https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04> >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

All wetlands are classified as fish and wildlife propagation, recreation, irrigation, and stock watering waters. Because of these beneficial uses, special construction measures may have to be taken to ensure that wetlands are not impacted.

This project may be in the vicinity of multiple streams and wetlands. These waters are considered waters of the state and are protected under Administrative Rules of South Dakota (ARSD) Chapter 74:51. Special construction measures may have to be taken to ensure that this water body is not impacted.

Action Taken/Required:

The Contractor is advised that the South Dakota Surface Water Quality Standards, administered by the South Dakota Department of Agriculture and Natural Resources (DANR), apply to this project. Special construction measures will be taken to ensure the above standard(s) of the surface waters are maintained and protected.

COMMITMENT D2: SURFACE WATER DISCHARGE

The DANR General Permit for Temporary Discharge is required for temporary dewatering and discharges to waters of the state. The effluent limit for total suspended solids will be 90 mg/L 30-day average. The effluent limit applies to discharges to all waters of the state except discharges to waters classified as cold water permanent fish life propagation waters according to the ARSD 74:51:01:45. For discharges to waters of the state classified as cold water permanent fish life propagation waters, the effluent limit for total suspended solids will be 53 mg/L daily maximum.

The permittee has the option of completing effluent testing or implementing a pollution prevention plan for compliance with this permit. If the permittee develops a pollution prevention plan instead of total suspended solids sampling, the plan must be developed and implemented prior to discontinuing total suspended solids sampling. Refer to Section 4.0 of the permit. If any pollutants are suspected of being discharged, a sample must be taken for those parameters listed in Section 3.4 of the permit.

Action Taken/Required:

If construction dewatering is required and this project is currently covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the contractor will need to submit the dewatering information to the SDDANR using the following form:
<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf>

The Contractor will provide a copy of the approved permit or the submitted dewatering information to the Project Engineer prior to proceeding with any dewatering activities. The approved permit or submitted dewatering information must be kept on-site and as part of the project records.

Effluent monitoring, as a result of dewatering activities, will be summarized for each month and recorded on a separate Discharge Monitoring Report (DMR) and submitted to DANR monthly. Additional information can be found at:
< <http://denr.sd.gov/des/sw/WhatisaDMR.aspx> >

COMMITMENT E: STORM WATER

Construction activities constitute 1 acre or more of earth disturbance.

Action Taken/Required:

At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site.

Action Taken/Required:

The DANR General Permit for Stormwater Discharges Associated with Construction Activities is required for construction activity disturbing one or more acres of earth and work in a waterway. The SDDOT is the owner of this permit and will submit the NOI to DANR 15 days prior to project start in order to obtain coverage under the General Permit. Work can begin once the DANR letter of approval is received.

The Contractor must adhere to the “Special Provision Regarding Storm Water Discharges to Waters of the State.”

The Contractor will complete the DANR Contractor Certification Form prior to the pre-construction meeting. The form certifies under penalty of law that the Contractor understands and will comply with the terms and conditions of the permit for this project. Work may not begin on this project until this form is signed and submitted to DANR.

The form can be found at:
https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_CGPAppeNdxCCA2018Fillable.pdf

The Contractor is advised that permit coverage may also be required for off-site activities, such as borrow and staging areas, which are the responsibility of the Contractor.

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	NH 0100(108)407 & P 1353(00) P 2115(00) & P 1261(00)	A3	A8

Plotting Date: 11/16/2022

COMMITMENT E: STORM WATER (CONTINUED)

Storm Water Pollution Prevention Plan

The Storm Water Pollution Prevention Plan (SWPPP) will be developed prior to the submittal of the NOI and will be implemented for all construction activities for compliance with the permit. The SWPPP must be kept on-site and updated as site conditions change. Erosion control measures and best management practices will be implemented in accordance with the SWPPP.

The DOT 298 Form will be used for site inspections and to document changes to the SWPPP. A copy of the completed inspection form will be filed with the SWPPP documents and retained for a minimum of three years.

The inspection will include disturbed areas of the construction site that have not been finally stabilized, areas used for storage materials, structural control measures, and locations where vehicles enter or exit the site. These areas will be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP will be observed to ensure that they are operating correctly, and sediment is not tracked off the site.

Information on storm water permits and SWPPPs are available on the following websites:

SDDOT: < <https://dot.sd.gov/doing-business/environmental/stormwater> >

DANR: < <https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/stormwater/default.aspx> >

EPA: < <https://www.epa.gov/npdes> >

COMMITMENT G: DEWATERING AND SEDIMENT COLLECTION

The purpose of a dewatering and sediment collection system is to collect turbid stormwater on the project, treat it with flocculants as needed, and capture the sediment that falls out of suspension before the water is discharged into "Waters of the US" or "Waters of the State". Refer to Commitment D1: Surface Water Quality for stream classification.

Action Taken/Required:

The Contractor will meet the terms of the Temporary Discharge Permit and the Storm Water Permit for Construction Activities.

The Contractor will create a Pollution Prevention Plan (PPP) for dewatering and sediment collection if the Contractor chooses to discharge the water into "Waters of the US" or "Waters of the State". The PPP must be kept on-site and updated as site conditions change.

COMMITMENT H: WASTE DISPOSAL SITE

The Contractor shall furnish a site(s) for the disposal of construction and/or demolition debris generated by this project.

Action Taken/Required:

Construction and/or demolition debris may not be disposed of within the ROW.

The waste disposal site(s) will be managed and reclaimed in accordance with the following from the General Permit for Construction/Demolition Debris Disposal Under the South Dakota Waste Management Program issued by the Department of Agriculture and Natural Resources.

The waste disposal site(s) will not be located in a wetland, within 200 feet of surface water, or in an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species, as approved by the Environmental Office and the Project Engineer.

If the waste disposal site(s) is located such that it is within view of any ROW, the following additional requirements will apply:

1. Construction and/or demolition debris consisting of concrete, asphalt concrete, or other similar materials will be buried in a trench separate from wood debris. The final cover over the construction and/or demolition debris will consist of a minimum of 1 foot of soil capable of supporting vegetation. Waste disposal sites provided outside of the Public ROW will be seeded in accordance with Natural Resources Conservation Service recommendations. The seeding recommendations may be obtained through the appropriate County NRCS Office. The Contractor will control the access to waste disposal sites not within the Public ROW with fences, gates, and placement of a sign or signs at the entrance to the site stating, "No Dumping Allowed".

2. Concrete and asphalt concrete debris may be stockpiled within view of the ROW for a period not to exceed the duration of the project. Prior to project completion, the waste will be removed from view of the ROW or buried, and the waste disposal site reclaimed as noted above.

The above requirements will not apply to waste disposal sites that are covered by an individual solid waste permit as specified in SDCL 34A-6-58, SDCL 34A-6-1.13, and ARSD 74:27:10:06.

Failure to comply with the requirements stated above may result in civil penalties in accordance with South Dakota Solid Waste Law, SDCL 34A-6-1.31.

All costs associated with furnishing waste disposal site(s), disposing of waste, maintaining control of access (fence, gates, and signs), and reclamation of the waste disposal site(s) will be incidental to the various contract items.

COMMITMENT I: HISTORICAL PRESERVATION OFFICE CLEARANCES

The SDDOT has obtained concurrence with the State Historic Preservation Office (SHPO or THPO) for all work included within the project limits and all department designated sources and designated option material sources, stockpile sites, storage areas, and waste sites provided within the plans.

Action Taken/Required:

All earth disturbing activities not designated within the plans require a cultural resource review prior to scheduling the pre-construction meeting. This work includes but is not limited to: Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas.

The Contractor will arrange and pay for a record search and when necessary, a cultural resource survey. The Contractor has the option to contact the state Archaeological Research Center (ARC) at 605-394-1936 or another qualified archaeologist, to obtain either a records search or a cultural resources survey. A record search might be sufficient for review if the site was previously surveyed; however, a cultural resources survey may need to be conducted by a qualified archaeologist.

The Contractor will provide ARC with the following: a topographical map or aerial view in which the site is clearly outlined, site dimensions, project number, and PCN. If applicable, provide evidence that the site has been previously disturbed by farming, mining, or construction activities with a landowner statement that artifacts have not been found on the site.

The Contractor will submit the cultural resources survey report to SDDOT Environmental Office, 700 East Broadway Avenue, Pierre, SD 57501-2586. SDDOT will submit the information to the appropriate SHPO/THPO. Allow **30 Days** from the date this information is submitted to the Environmental Engineer for SHPO/THPO review.

In the event of an inadvertent discovery of human remains, funerary objects, or if evidence of cultural resources is identified during project construction activities, then such activities within 100 feet of the inadvertent discovery will immediately cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office, who will contact the appropriate SHPO/THPO within 48 hours of the discovery to determine an appropriate course of action.

SHPO/THPO review does not relieve the Contractor of the responsibility for obtaining any additional permits and clearances for Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas that affect wetlands, threatened and endangered species, or waterways. The Contractor will not utilize a site known or suspected of having contaminated soil or water. The Contractor will provide the required permits and clearances to the Project Engineer at the preconstruction meeting.

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	NH 0100(108)407 & P 1353(00) P 2115(00) & P 1261(00)	A4	A8

Plotting Date: 11/16/2022

COMMITMENT N: SECTION 404 PERMIT

The SDDOT has obtained a Section 404 Permit from the USACE for the permanent actions associated with this project.

Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 404 Permit.

The Contractor will also be responsible for obtaining a Section 404 Permit for any dredge, excavation, or fill activities associated with material sources, storage areas, waste sites, and Contractor work sites outside the plan work limits that affect wetlands, floodplains, or waters of the United States.

COMMITMENT O: SECTION 401 WATER QUALITY CERTIFICATION

The SDDOT has obtained a Clean Water Act Section 401 Water Quality Certification from the Environmental Protection Agency (EPA) regarding an US Army Corp of Engineers CWA Section 404 Permit for the actions associated with this project.

Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 401 certification. A copy of the EPA CWA 401 Certification must be retained on-site.

COMMITMENT T2: CITY OF SIOUX FALLS SOUND PERMIT

A City sound permit would be obtained in accordance with City ordinance § 93.006 should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m.

COMMITMENT T3: EMERALD ASH BORER MANAGEMENT

The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Removal of ash trees by the project undertaking will need to coordinate an action plan in accordance with the City's approved quarantine data and restrictions.

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ENVIRONMENTAL COMMITMENTS

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Additional guidance on SDDOT's Environmental Commitments can be accessed through the Environmental Procedures Manual found at: <https://dot.sd.gov/media/documents/EnvironmentalProceduresManual.pdf> >

For questions regarding change orders in the field that may have an effect on an Environmental Commitment, the Project Engineer will contact the Environmental Engineer at 605-773-3180 or 605-773-4336 to determine whether an environmental analysis and/or resource agency coordination is necessary.

Once construction is complete, the Project Engineer will review all environmental commitments for the project and document their completion.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 17.5 acres of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands.

Table of Impacted Wetlands (Veterans Parkway)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
23a-c	324+00 to 341+00 (L/R)	4.08	0.77	4.85
24a-c	343+00 to 354+00 (L/R)	2.88	0.45	3.33
25	355+50 to 358+00 (L/R)	0.20	0.05	0.25
26a-c	378+00 to 393+00 (R)	5.36	1.09	6.45
28a-b	408+00 to 417+00 (L/R)	1.37	0.22	1.59
29	419+00 to 427+00 (L/R)	0.93	0.36	1.29
Totals		14.82	2.94	17.76

Action Taken/Required:

SDDOT will acquire credits equivalent to 14.82 acres from a wetland mitigation bank site or In-Lieu Fee program within the lower Big Sioux River Geographic Service Area to mitigate permanent impacts.

Temporary impacts identified in the Table of Impacted Wetlands will not be mitigated as original contours and elevations will be re-established as designated in Section B – Grading Plans. Prior to initiating temporary work in wetlands, the Contractor will submit a plan to the Project Engineer in accordance with Section 7.21 D of the Specifications.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B5: NORTHERN LONG-EARED BAT

This project is within the range of suitable habitat for the Northern Long-Eared Bat (NLEB) and project work will avoid conflicts with NLEB roosting habitat.

Action Taken/Required:

Project activities that include tree removal, structure work, and/or work within one-quarter mile of a known hibernacula or 150 feet of a known maternity roost tree, or suitable habitat should not occur within the location(s) listed below during the NLEB seasonal work restriction timeframe without approval from the SDDOT Environmental Office.

Station	NLEB Seasonal Work Restriction
350+00 to 353+00 (L/R)	April 1 to October 31
402+00 to 407+00 (L/R)	April 1 to October 31
414+00 to 419+00 (L/R)	April 1 to October 31
425+00 to 429+00 (L/R)	April 1 to October 31

Tree removal will occur between November 1st and March 31st and avoid the summer maternity season.

The following avoidance, minimization, and mitigation measures are required:

General AMM 1. All operators, employees, and contractors working in areas of known or presumed bat habitat will be made aware of all environmental commitments as they relate to the northern long-eared bat.

Lighting AMM 1. Temporary lighting will be directed away from suitable habitat during the active season.

Lighting AMM 2. When installing new or replacing existing permanent lights, downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) will be used

Tree Removal AMM 2. Tree removal will occur between November 1st and March 31st, outside the species summer roosting season.

COMMITMENT B6: MIGRATORY BIRDS WORK RESTRICTION

Migratory birds are known to use the project area for nesting, which primarily occurs from April 1st to July 15th.

Action Taken/Required:

The Contractor is responsible for contracting the services of a qualified biologist for conducting preconstruction migratory bird surveys in suitable areas that have not been mowed or cleared prior to April 1st to determine if there are current nests and to determine offsetting measures to compensate for impacts to migratory birds. A survey will be conducted annually for each year of construction. Contractor will coordinate the survey findings with the Project Engineer. If any nests are found, appropriate minimization measures will need to be developed in cooperation with the Environmental Office.

Construction activities should not occur in the locations listed in the table below during the migratory bird work restriction without prior approval from the SDDOT Environmental Office to avoid conflicts with nesting migratory birds.

Station	Migratory Bird Restriction
325+00 to 352+00 (L/R)	April 1 to July 15
375+00 to 392+00 (L/R)	April 1 to July 15
392+00 to 413+00 (L)	April 1 to July 15
413+00 to 430+00 (L/R)	April 1 to July 15

COMMITMENT C: WATER SOURCE

The Contractor will not withdraw water with equipment previously used outside the State of South Dakota or previously used in aquatic invasive species (AIS) positive waters within South Dakota without prior approval from the SDDOT Environmental Office. To prevent and control the introduction and spread of invasive species into the project vicinity, all equipment will be power washed with hot water (≥140 °F) and completely dried for a minimum of 7 days prior to subsequent use. South Dakota administrative rule 41:10:04:02 forbids the possession and transport of AIS; therefore, all attached dirt, mud, debris and vegetation must be removed and all compartments and tanks capable of holding standing water must be drained. This includes, but is not limited to, all equipment, pumps, lines, hoses and holding tanks.

The Contractor will not withdraw water directly from streams of the James, Big Sioux, and Vermillion watersheds without prior approval from the SDDOT Environmental Office.

Action Taken/Required:

The Contractor will obtain the necessary permits from the regulatory agencies such as the South Dakota Department of Agriculture and Natural Resources (DANR) and the United States Army Corps of Engineers (USACE) prior to water extraction activities.

Additional information and mapping of water sources impacted by Aquatic Invasive Species in South Dakota can be accessed at:

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	NH 0100(106)409, PCN 01V7	A2	A8

Plotting Date: 11/16/2022

< <http://sdleastwanted.com/maps/default.aspx> >

< [South Dakota Administrative Rule 41:10:04 Aquatic Invasive Species: https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04](https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04) >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

All wetlands are classified as fish and wildlife propagation, recreation, irrigation, and stock watering waters. Because of these beneficial uses, special construction measures may have to be taken to ensure that wetlands are not impacted.

This project may be in the vicinity of multiple streams and wetlands. These waters are considered waters of the state and are protected under Administrative Rules of South Dakota (ARSD) Chapter 74:51. Special construction measures may have to be taken to ensure that this water body is not impacted.

Action Taken/Required:

The Contractor is advised that the South Dakota Surface Water Quality Standards, administered by the South Dakota Department of Agriculture and Natural Resources (DANR), apply to this project. Special construction measures will be taken to ensure the above standard(s) of the surface waters are maintained and protected.

COMMITMENT D2: SURFACE WATER DISCHARGE

The DANR General Permit for Temporary Discharge is required for temporary dewatering and discharges to waters of the state. The effluent limit for total suspended solids will be 90 mg/L 30-day average. The effluent limit applies to discharges to all waters of the state except discharges to waters classified as cold water permanent fish life propagation waters according to the ARSD 74:51:01:45. For discharges to waters of the state classified as cold water permanent fish life propagation waters, the effluent limit for total suspended solids will be 53 mg/L daily maximum.

The permittee has the option of completing effluent testing or implementing a pollution prevention plan for compliance with this permit. If the permittee develops a pollution prevention plan instead of total suspended solids sampling, the plan must be developed and implemented prior to discontinuing total suspended solids sampling. Refer to Section 4.0 of the permit. If any pollutants are suspected of being discharged, a sample must be taken for those parameters listed in Section 3.4 of the permit.

Action Taken/Required:

If construction dewatering is required and this project is currently covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the contractor will need to submit the dewatering information to the SDDANR using the following form:

<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf>

The Contractor will provide a copy of the approved permit or the submitted dewatering information to the Project Engineer prior to proceeding with any dewatering activities. The approved permit or submitted dewatering information must be kept on-site and as part of the project records.

Effluent monitoring, as a result of dewatering activities, will be summarized for each month and recorded on a separate Discharge Monitoring Report (DMR) and submitted to DANR monthly. Additional information can be found at:

< <http://denr.sd.gov/des/sw/WhatisaDMR.aspx> >

COMMITMENT E: STORM WATER

Construction activities constitute 1 acre or more of earth disturbance.

Action Taken/Required:

At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site.

Action Taken/Required:

The DANR General Permit for Stormwater Discharges Associated with Construction Activities is required for construction activity disturbing one or more acres of earth and work in a waterway. The SDDOT is the owner of this permit and will submit the NOI to DANR 15 days prior to project start in order to obtain coverage under the General Permit. Work can begin once the DANR letter of approval is received.

The Contractor must adhere to the "Special Provision Regarding Storm Water Discharges to Waters of the State."

The Contractor will complete the DANR Contractor Certification Form prior to the pre-construction meeting. The form certifies under penalty of law that the Contractor understands and will comply with the terms and conditions of the permit for this project. Work may not begin on this project until this form is signed and submitted to DANR.

The form can be found at:

https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_CGPAppendixCCA2018Fillable.pdf

The Contractor is advised that permit coverage may also be required for off-site activities, such as borrow and staging areas, which are the responsibility of the Contractor.

COMMITMENT E: STORM WATER (CONTINUED)

Storm Water Pollution Prevention Plan

The Storm Water Pollution Prevention Plan (SWPPP) will be developed prior to the submittal of the NOI and will be implemented for all construction activities for compliance with the permit. The SWPPP must be kept on-site and updated as site conditions change. Erosion control measures and best management practices will be implemented in accordance with the SWPPP.

The DOT 298 Form will be used for site inspections and to document changes to the SWPPP. A copy of the completed inspection form will be filed with the SWPPP documents and retained for a minimum of three years.

The inspection will include disturbed areas of the construction site that have not been finally stabilized, areas used for storage materials, structural control measures, and locations where vehicles enter or exit the site. These areas will be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP will be observed to ensure that they are operating correctly, and sediment is not tracked off the site.

Information on storm water permits and SWPPPs are available on the following websites:

SDDOT: < <https://dot.sd.gov/doing-business/environmental/stormwater> >

DANR: <<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/stormwater/default.aspx>>

EPA: < <https://www.epa.gov/npdes> >

COMMITMENT G: DEWATERING AND SEDIMENT COLLECTION

The purpose of a dewatering and sediment collection system is to collect turbid stormwater on the project, treat it with flocculants as needed, and capture the sediment that falls out of suspension before the water is discharged into "Waters of the US" or "Waters of the State". Refer to Commitment D1: Surface Water Quality for stream classification.

Action Taken/Required:

The Contractor will meet the terms of the Temporary Discharge Permit and the Storm Water Permit for Construction Activities.

The Contractor will create a Pollution Prevention Plan (PPP) for dewatering and sediment collection if the Contractor chooses to discharge the water into "Waters of the US" or "Waters of the State". The PPP must be kept on-site and updated as site conditions change.

Station	Section 4(f) Property
381+00	KSOO Radio Transmission Tower

COMMITMENT H: WASTE DISPOSAL SITE

The Contractor shall furnish a site(s) for the disposal of construction and/or demolition debris generated by this project.

Action Taken/Required:

Construction and/or demolition debris may not be disposed of within the ROW.

The waste disposal site(s) will be managed and reclaimed in accordance with the following from the General Permit for Construction/Demolition Debris Disposal Under the South Dakota Waste Management Program issued by the Department of Agriculture and Natural Resources.

The waste disposal site(s) will not be located in a wetland, within 200 feet of surface water, or in an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species, as approved by the Environmental Office and the Project Engineer.

If the waste disposal site(s) is located such that it is within view of any ROW, the following additional requirements will apply:

1. Construction and/or demolition debris consisting of concrete, asphalt concrete, or other similar materials will be buried in a trench separate from wood debris. The final cover over the construction and/or demolition debris will consist of a minimum of 1 foot of soil capable of supporting vegetation. Waste disposal sites provided outside of the Public ROW will be seeded in accordance with Natural Resources Conservation Service recommendations. The seeding recommendations may be obtained through the appropriate County NRCS Office. The Contractor will control the access to waste disposal sites not within the Public ROW with fences, gates, and placement of a sign or signs at the entrance to the site stating, "No Dumping Allowed".

2. Concrete and asphalt concrete debris may be stockpiled within view of the ROW for a period not to exceed the duration of the project. Prior to project completion, the waste will be removed from view of the ROW or buried, and the waste disposal site reclaimed as noted above.

The above requirements will not apply to waste disposal sites that are covered by an individual solid waste permit as specified in SDCL 34A-6-58, SDCL 34A-6-1.13, and ARSD 74:27:10:06.

Failure to comply with the requirements stated above may result in civil penalties in accordance with South Dakota Solid Waste Law, SDCL 34A-6-1.31.

All costs associated with furnishing waste disposal site(s), disposing of waste, maintaining control of access (fence, gates, and signs), and reclamation of the waste disposal site(s) will be incidental to the various contract items.

COMMITMENT I: HISTORICAL PRESERVATION OFFICE CLEARANCES

The SDDOT has obtained concurrence with the State Historic Preservation Office (SHPO or THPO) for all work included within the project limits and all department designated sources and designated option material sources, stockpile sites, storage areas, and waste sites provided within the plans.

Action Taken/Required:

All earth disturbing activities not designated within the plans require a cultural resource review prior to scheduling the pre-construction meeting. This work includes but is not limited to: Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas.

The Contractor will arrange and pay for a record search and when necessary, a cultural resource survey. The Contractor has the option to contact the state Archaeological Research Center (ARC) at 605-394-1936 or another qualified archaeologist, to obtain either a records search or a cultural resources survey. A record search might be sufficient for review if the site was previously surveyed; however, a cultural resources survey may need to be conducted by a qualified archaeologist.

The Contractor will provide ARC with the following: a topographical map or aerial view in which the site is clearly outlined, site dimensions, project number, and PCN. If applicable, provide evidence that the site has been previously disturbed by farming, mining, or construction activities with a landowner statement that artifacts have not been found on the site.

The Contractor will submit the cultural resources survey report to SDDOT Environmental Office, 700 East Broadway Avenue, Pierre, SD 57501-2586. SDDOT will submit the information to the appropriate SHPO/THPO. Allow **30 Days** from the date this information is submitted to the Environmental Engineer for SHPO/THPO review.

In the event of an inadvertent discovery of human remains, funerary objects, or if evidence of cultural resources is identified during project construction activities, then such activities within 100 feet of the inadvertent discovery will immediately cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office, who will contact the appropriate SHPO/THPO within 48 hours of the discovery to determine an appropriate course of action.

SHPO/THPO review does not relieve the Contractor of the responsibility for obtaining any additional permits and clearances for Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas that affect wetlands, threatened and endangered species, or waterways. The Contractor will not utilize a site known or suspected of having contaminated soil or water. The Contractor will provide the required permits and clearances to the Project Engineer at the preconstruction meeting.

COMMITMENT M: SECTION 4(f)/6(f) RESOURCES

COMMITMENT M1: SECTION 4(f) PROPERTY

A Section 4(f) Evaluation concluded there are no feasible and prudent alternatives to avoiding Section 4(f) property located within the project.

Action Taken/Required:

The following measures are required to minimize harm to the above Section 4(f) property: Construction plan sheets address the location adjacent to proposed construction limits to protect the existing 4(f) resource; the staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within or adjacent to the defined boundaries of the 4(f) resource.

The Contractor will notify the Project Engineer if additional easement is needed to complete the work adjacent to any Section 4(f) property. The Project Engineer will obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any Section 4(f) property.

COMMITMENT N: SECTION 404 PERMIT

The SDDOT has obtained a Section 404 Permit from the USACE for the permanent actions associated with this project.

Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 404 Permit.

The Contractor will also be responsible for obtaining a Section 404 Permit for any dredge, excavation, or fill activities associated with material sources, storage areas, waste sites, and Contractor work sites outside the plan work limits that affect wetlands, floodplains, or waters of the United States.

COMMITMENT O: SECTION 401 WATER QUALITY CERTIFICATION

The SDDOT has obtained a Clean Water Act Section 401 Water Quality Certification from the Environmental Protection Agency (EPA) regarding an US Army Corp of Engineers CWA Section 404 Permit for the actions associated with this project.

Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 401 certification. A copy of the EPA CWA 401 Certification must be retained on-site.

COMMITMENT Q: ARCHAEOLOGICAL COORDINATION

As a result of a Cultural Resources Survey, historically sensitive areas have been identified within and/or adjacent to the project rights-of-way.

The following historically sensitive sites have been identified that require avoidance of construction activities:

Table of Historic/Archaeological Sites

Station	Offset (Ft.)	L/R	Environmental Sensitive Site	Action
380+00 to 388+00	0	R	KSOO Radio Transmission Tower	Do Not Disturb

The locations and boundaries of the site(s) for avoidance are shown in Section B - Grading Plans.

Action Taken/Required:

If evidence for cultural resources is uncovered during project construction activities, then such activities within 150 feet of the inadvertent discovery will immediately cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office, who will consult with the Archaeological Research Center (ARC) and FHWA, to determine the appropriate course of action.

All artifacts, features, or other items of interest uncovered by project construction activities will not be displaced unless the landowner and the SHPO consent to it.

These identified sites cannot be used for material sources, storage areas, waste sites, and/or any other project related activities outside the plan work limits.

COMMITMENT T2: CITY OF SIOUX FALLS SOUND PERMIT

A City sound permit would be obtained in accordance with City ordinance § 93.006 should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m.

COMMITMENT T3: EMERALD ASH BORER MANAGEMENT

The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Removal of ash trees by the project undertaking will need to coordinate an action plan in accordance with the City's approved quarantine data and restrictions.

PCN 01V9

ENVIRONMENTAL COMMITMENTS

The SDDOT is committed to protecting the environment and uses Environmental Commitments as a communication tool for the Engineer and Contractor to ensure that attention is given to avoid, minimize, and/or mitigate an environmental impact. Environmental commitments to various agencies and the public have been made to secure approval of this project. An agency with permitting authority can delay a project if identified environmental impacts have not been adequately addressed. Unless otherwise designated, the Contractor's primary contact regarding matters associated with these commitments will be the Project Engineer. During construction, the Project Engineer will verify that the Contractor has met Environmental Commitment requirements. These environmental commitments are not subject to change without prior written approval from the SDDOT Environmental Office.

Additional guidance on SDDOT's Environmental Commitments can be accessed through the Environmental Procedures Manual found at: <https://dot.sd.gov/media/documents/EnvironmentalProceduresManual.pdf> >

For questions regarding change orders in the field that may have an effect on an Environmental Commitment, the Project Engineer will contact the Environmental Engineer at 605-773-3180 or 605-773-4336 to determine whether an environmental analysis and/or resource agency coordination is necessary.

Once construction is complete, the Project Engineer will review all environmental commitments for the project and document their completion.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 27.90 acres of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands.

Table of Impacted Wetlands (Veterans Parkway)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
1a-1l	80+00 (L/R)	1.07	0.17	1.24
2a-2c	104+00–106+00 (L)	0.11	0.08	0.19
3a,3c-3e	109+00–126+00 (L/R)	2.61	0.58	3.19
6a-6g 6i - 6m	126+00 – 197+00 (L/R)	21.24	3.28	24.52
Totals		25.03	4.11	27.90

Action Taken/Required:

SDDOT will acquire credits equivalent to 24.40 acres from a wetland mitigation bank site or In-Lieu Fee program within the lower Big Sioux River Geographic Service Area to mitigate permanent impacts.

Temporary impacts identified in the Table of Impacted Wetlands will not be mitigated as original contours and elevations will be re-established as designated in Section B – Grading Plans. Prior to initiating temporary work in

wetlands, the Contractor will submit a plan to the Project Engineer in accordance with Section 7.21 D of the Specifications.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B5: NORTHERN LONG-EARED BAT

This project is within the range of suitable habitat for the Northern Long-Eared Bat (NLEB) and project work will avoid conflicts with NLEB roosting habitat.

Action Taken/Required:

Project activities that include tree removal, structure work, and/or work within one-quarter mile of a known hibernacula or 150 feet of a known maternity roost tree, or suitable habitat should not occur within the location(s) listed below during the NLEB seasonal work restriction timeframe without approval from the SDDOT Environmental Office.

Station	NLEB Seasonal Work Restriction
98+00 to 105+00 (R)	April 1 to October 31
132+00 (L)	April 1 to October 31
145+00 to 149+00 (L/R)	April 1 to October 31
151+00 to 156+00 (L/R)	April 1 to October 31
173+00 to 195+00 (L/R)	April 1 to October 31

Tree removal will occur between November 1st and March 31st and avoid the summer maternity season.

The following avoidance, minimization, and mitigation measures are required:

General AMM 1. All operators, employees, and contractors working in areas of known or presumed bat habitat will be made aware of all environmental commitments as they relate to the northern long-eared bat.

Lighting AMM 1. Temporary lighting will be directed away from suitable habitat during the active season.

Lighting AMM 2. When installing new or replacing existing permanent lights, downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) will be used

Tree Removal AMM 2. Tree removal will occur between November 1st and March 31st, outside the species summer roosting season.

COMMITMENT B6: MIGRATORY BIRDS WORK RESTRICTION

Migratory birds are known to use the project area for nesting, which primarily occurs from April 1st to July 15th.

Action Taken/Required:

The Contractor is responsible for contracting the services of a qualified biologist for conducting preconstruction migratory bird surveys in suitable areas that have not been mowed or cleared prior to April 1st to determine if there are current nests and to determine offsetting measures to compensate for impacts to migratory birds. A survey will be conducted annually for each year of construction. Contractor will coordinate the survey findings with the Project Engineer. If any nests are found, appropriate minimization measures will need to be developed in cooperation with the Environmental Office.

Construction activities should not occur in the locations listed in the table below during the migratory bird work restriction without prior approval from the SDDOT Environmental Office to avoid conflicts with nesting migratory birds.

Station	Migratory Bird Restriction
95+00 to 110+00 (L/R)	April 1 to July 15
121+00 to 136+00 (L/R)	April 1 to July 15
144+00 to 202+00 (L/R)	April 1 to July 15

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	NH 0100(110)045, PCN 01V9	A2	A8

Plotting Date: 11/16/2022

COMMITMENT C: WATER SOURCE

The Contractor will not withdraw water with equipment previously used outside the State of South Dakota or previously used in aquatic invasive species (AIS) positive waters within South Dakota without prior approval from the SDDOT Environmental Office. To prevent and control the introduction and spread of invasive species into the project vicinity, all equipment will be power washed with hot water (≥ 140 °F) and completely dried for a minimum of 7 days prior to subsequent use. South Dakota administrative rule 41:10:04:02 forbids the possession and transport of AIS; therefore, all attached dirt, mud, debris and vegetation must be removed and all compartments and tanks capable of holding standing water must be drained. This includes, but is not limited to, all equipment, pumps, lines, hoses and holding tanks.

The Contractor will not withdraw water directly from streams of the James, Big Sioux, and Vermillion watersheds without prior approval from the SDDOT Environmental Office.

Action Taken/Required:

The Contractor will obtain the necessary permits from the regulatory agencies such as the South Dakota Department of Agriculture and Natural Resources (DANR) and the United States Army Corps of Engineers (USACE) prior to water extraction activities.

Additional information and mapping of water sources impacted by Aquatic Invasive Species in South Dakota can be accessed at:

< <http://sdleastwanted.com/maps/default.aspx> >

< [South Dakota Administrative Rule 41:10:04 Aquatic Invasive Species: https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04](https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04) >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

All wetlands are classified as fish and wildlife propagation, recreation, irrigation, and stock watering waters. Because of these beneficial uses, special construction measures may have to be taken to ensure that wetlands are not impacted.

This project may be in the vicinity of multiple streams and wetlands. These waters are considered waters of the state and are protected under Administrative Rules of South Dakota (ARSD) Chapter 74:51. Special construction measures may have to be taken to ensure that this water body is not impacted.

Action Taken/Required:

The Contractor is advised that the South Dakota Surface Water Quality Standards, administered by the South Dakota Department of Agriculture and Natural Resources (DANR), apply to this project. Special construction measures will be taken to ensure the above standard(s) of the surface waters are maintained and protected.

COMMITMENT D2: SURFACE WATER DISCHARGE

The DANR General Permit for Temporary Discharge is required for temporary dewatering and discharges to waters of the state. The effluent limit for total suspended solids will be 90 mg/L 30-day average. The effluent limit applies to discharges to all waters of the state except discharges to waters classified as cold water permanent fish life propagation waters according to the ARSD 74:51:01:45. For discharges to waters of the state classified as cold water permanent fish life propagation waters, the effluent limit for total suspended solids will be 53 mg/L daily maximum.

The permittee has the option of completing effluent testing or implementing a pollution prevention plan for compliance with this permit. If the permittee develops a pollution prevention plan instead of total suspended solids sampling, the plan must be developed and implemented prior to discontinuing total suspended solids sampling. Refer to Section 4.0 of the permit. If any pollutants are suspected of being discharged, a sample must be taken for those parameters listed in Section 3.4 of the permit.

Action Taken/Required:

If construction dewatering is required and this project is currently covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the contractor will need to submit the dewatering information to the SDDANR using the following form:

<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf>

The Contractor will provide a copy of the approved permit or the submitted dewatering information to the Project Engineer prior to proceeding with any dewatering activities. The approved permit or submitted dewatering information must be kept on-site and as part of the project records.

Effluent monitoring, as a result of dewatering activities, will be summarized for each month and recorded on a separate Discharge Monitoring Report (DMR) and submitted to DANR monthly. Additional information can be found at:

< <http://denr.sd.gov/des/sw/WhatisaDMR.aspx> >

COMMITMENT E: STORM WATER

Construction activities constitute 1 acre or more of earth disturbance.

Action Taken/Required:

At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site.

Action Taken/Required:

The DANR General Permit for Stormwater Discharges Associated with Construction Activities is required for construction activity disturbing one or more acres of earth and work in a waterway. The SDDOT is the owner of this permit and will submit the NOI to DANR 15 days prior to project start in order to obtain coverage under the General Permit. Work can begin once the DANR letter of approval is received.

The Contractor must adhere to the "Special Provision Regarding Storm Water Discharges to Waters of the State."

The Contractor will complete the DANR Contractor Certification Form prior to the pre-construction meeting. The form certifies under penalty of law that the Contractor understands and will comply with the terms and conditions of the permit for this project. Work may not begin on this project until this form is signed and submitted to DANR.

The form can be found at:

https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_CGPAppeNdxCCA2018Fillable.pdf

The Contractor is advised that permit coverage may also be required for off-site activities, such as borrow and staging areas, which are the responsibility of the Contractor.

COMMITMENT E: STORM WATER (CONTINUED)

Storm Water Pollution Prevention Plan

The Storm Water Pollution Prevention Plan (SWPPP) will be developed prior to the submittal of the NOI and will be implemented for all construction activities for compliance with the permit. The SWPPP must be kept on-site and updated as site conditions change. Erosion control measures and best management practices will be implemented in accordance with the SWPPP.

The DOT 298 Form will be used for site inspections and to document changes to the SWPPP. A copy of the completed inspection form will be filed with the SWPPP documents and retained for a minimum of three years.

The inspection will include disturbed areas of the construction site that have not been finally stabilized, areas used for storage materials, structural control measures, and locations where vehicles enter or exit the site. These areas will be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP will be observed to ensure that they are operating correctly, and sediment is not tracked off the site.

Information on storm water permits and SWPPPs are available on the following websites:

SDDOT: < <https://dot.sd.gov/doing-business/environmental/stormwater> >

DANR: <<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/stormwater/default.aspx>>

EPA: < <https://www.epa.gov/npdes> >

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	NH 0100(110)045, PCN 01V9	A3	A8

Plotting Date: 11/16/2022

COMMITMENT G: DEWATERING AND SEDIMENT COLLECTION

The purpose of a dewatering and sediment collection system is to collect turbid stormwater on the project, treat it with flocculants as needed, and capture the sediment that falls out of suspension before the water is discharged into "Waters of the US" or "Waters of the State". Refer to Commitment D1: Surface Water Quality for stream classification.

Action Taken/Required:

The Contractor will meet the terms of the Temporary Discharge Permit and the Storm Water Permit for Construction Activities.

The Contractor will create a Pollution Prevention Plan (PPP) for dewatering and sediment collection if the Contractor chooses to discharge the water into "Waters of the US" or "Waters of the State". The PPP must be kept on-site and updated as site conditions change.

COMMITMENT H: WASTE DISPOSAL SITE

The Contractor shall furnish a site(s) for the disposal of construction and/or demolition debris generated by this project.

Action Taken/Required:

Construction and/or demolition debris may not be disposed of within the ROW.

The waste disposal site(s) will be managed and reclaimed in accordance with the following from the General Permit for Construction/Demolition Debris Disposal Under the South Dakota Waste Management Program issued by the Department of Agriculture and Natural Resources.

The waste disposal site(s) will not be located in a wetland, within 200 feet of surface water, or in an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species, as approved by the Environmental Office and the Project Engineer.

If the waste disposal site(s) is located such that it is within view of any ROW, the following additional requirements will apply:

1. Construction and/or demolition debris consisting of concrete, asphalt concrete, or other similar materials will be buried in a trench separate from wood debris. The final cover over the construction and/or demolition debris will consist of a minimum of 1 foot of soil capable of supporting vegetation. Waste disposal sites provided outside of the Public ROW will be seeded in accordance with Natural Resources Conservation Service recommendations. The seeding recommendations may be obtained through the appropriate County NRCS Office. The Contractor will control the access to waste disposal sites not within the Public ROW with fences, gates, and placement of a sign or signs at the entrance to the site stating, "No Dumping Allowed".
2. Concrete and asphalt concrete debris may be stockpiled within view of the ROW for a period not to exceed the duration of the project. Prior to project completion, the waste will be removed from view of the ROW or buried, and the waste disposal site reclaimed as noted above.

The above requirements will not apply to waste disposal sites that are covered by an individual solid waste permit as specified in SDCL 34A-6-58, SDCL 34A-6-1.13, and ARSD 74:27:10:06.

Failure to comply with the requirements stated above may result in civil penalties in accordance with South Dakota Solid Waste Law, SDCL 34A-6-1.31.

All costs associated with furnishing waste disposal site(s), disposing of waste, maintaining control of access (fence, gates, and signs), and reclamation of the waste disposal site(s) will be incidental to the various contract items.

COMMITMENT I: HISTORICAL PRESERVATION OFFICE CLEARANCES

The SDDOT has obtained concurrence with the State Historic Preservation Office (SHPO or THPO) for all work included within the project limits and all department designated sources and designated option material sources, stockpile sites, storage areas, and waste sites provided within the plans.

Action Taken/Required:

All earth disturbing activities not designated within the plans require a cultural resource review prior to scheduling the pre-construction meeting. This work includes but is not limited to: Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas.

The Contractor will arrange and pay for a record search and when necessary, a cultural resource survey. The Contractor has the option to contact the state Archaeological Research Center (ARC) at 605-394-1936 or another qualified archaeologist, to obtain either a records search or a cultural resources survey. A record search might be sufficient for review if the site was previously surveyed; however, a cultural resources survey may need to be conducted by a qualified archaeologist.

The Contractor will provide ARC with the following: a topographical map or aerial view in which the site is clearly outlined, site dimensions, project number, and PCN. If applicable, provide evidence that the site has been previously disturbed by farming, mining, or construction activities with a landowner statement that artifacts have not been found on the site.

The Contractor will submit the cultural resources survey report to SDDOT Environmental Office, 700 East Broadway Avenue, Pierre, SD 57501-2586. SDDOT will submit the information to the appropriate SHPO/THPO. Allow **30 Days** from the date this information is submitted to the Environmental Engineer for SHPO/THPO review.

In the event of an inadvertent discovery of human remains, funerary objects, or if evidence of cultural resources is identified during project construction activities, then such activities within 100 feet of the inadvertent discovery will immediately cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office, who will contact the appropriate SHPO/THPO within 48 hours of the discovery to determine an appropriate course of action.

SHPO/THPO review does not relieve the Contractor of the responsibility for obtaining any additional permits and clearances for Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas that affect wetlands, threatened and endangered

species, or waterways. The Contractor will not utilize a site known or suspected of having contaminated soil or water. The Contractor will provide the required permits and clearances to the Project Engineer at the preconstruction meeting.

COMMITMENT J: CONSTRUCTION PRACTICES FOR TEMPORARY WORKS IN WATERWAYS OF THE U.S.

The Contractor is advised that special construction measures must be taken to ensure that the waterways of the U.S. are not impacted.

Action Taken/Required:

Excavation will not occur below the ordinary high-water elevation in waterways outside of caissons, cribs, cofferdams, steel piling, or sheeting. The natural streambed will not be disturbed unless specified by the plans and under the observation of the Project Engineer. Refer to the Table of U.S. Waterways to Protect for ordinary high-water elevations. Any structure work over or within the waterway will be constructed according to Section 7.21 C of the Specifications.

All dredged or excavated materials will be placed at a site above the ordinary high-water elevation in a confined area (not classified as a wetland) that is a minimum of 50 feet away from concentrated flows of storm water, drainage courses, and inlets to prevent return of such material to the waterway.

The construction of temporary work platforms, crossings, or berms below the ordinary high-water elevation will be allowed if all material placed below the ordinary high-water elevation consists of Class B or larger riprap.

All temporary caissons, cribs, cofferdams, steel piling, sheeting, work platforms, crossings, and berms will be removed with minimal disturbance to the streambed. Proper construction practices will be used to minimize increases in suspended solids and turbidity in the waterway.

Bridge berms, wing dams, traffic diversions, channel reconstruction, stream diversions, grading, etc. will be constructed in close conformity with the plans to ensure that the hydraulic capacity of the waterway is not changed.

Temporary waterway crossings required for the Contractor's construction operations will be constructed with an adequate drainage structure size and minimum fill height to reduce the potential for upstream flooding. The Contractor will be responsible for sizing the temporary drainage structure for these crossings.

All temporary works in waterways of the US are required to be covered in the Corp of Engineers 404 Permit. At the time of the preconstruction meeting, the Contractor will submit documentation for all temporary works for the purpose of complying with the 404 Permit requirements in accordance with Section 423.3 A of the Specifications.

If an on-site construction crossing is used at Sta. 105+75, the temporary crossing will need to be designed so it will not increase the Q₁₀₀ water surface elevation. The Contractor will submit the proposed temporary crossing geometric layout and structure size at Sta. 105+75 to the Project Engineer during the preconstruction meeting. This information will be forwarded to the SDDOT Hydraulics Office and Environmental Office for review. Construction of the temporary crossing is not allowed until approval of the proposal is obtained from the SDDOT Hydraulics Office and Environmental Office.

COMMITMENT J: CONSTRUCTION PRACTICES FOR TEMPORARY WORKS IN WATERWAYS OF THE U.S. – (CONTINUED)

Table of U.S. Waterways to Protect

Station	Waterway	Ordinary High-Water Elevation
105+75	Unnamed Tributary	1492

Stream channel excavation within "Waters of the US" is subject to USACE regulatory jurisdiction. Stream channel excavation cannot exceed the permitted quantities and/or surface area. The 404 Permit is included in the Special Provisions.

The Contractor will take all precautions necessary to prevent any incidental discharges associated with the excavation and hauling of material from the stream channel. This pertains to any excavation operations such as, foundation, pier, or abutment excavation, channel cleanout, excavation for riprap protection, and removal of any temporary fill associated with construction activities.

COMMITMENT L: CONTAMINATED MATERIAL

Contaminated soil and/or known gas stations, undergrounds storage tanks, etc. are located within the project limits. Petroleum contaminated soil may be located at the following sites:

Description	Station	L / R
Sinclair gas station	75+00	L

Action Taken/Required:

The Contractor will give notice to the Engineer when contaminated soil is encountered on the project. The Engineer will contact the Environmental Office so that contact with the DANR and consultant to inspect and monitor removal of any contaminated soil can be initiated.

The Contractor will be responsible for having the existing underground utilities located in the construction area. Underground utilities damaged by the Contractor due to negligence will be repaired at the Contractor's expense.

Petroleum contaminated soil may be disposed of at the TBD (phone TBD). Measurement of "Contaminated Material Excavation" will be in accordance with Section 120.4 of the Specifications. All costs for excavating and transporting the contaminated materials to the disposal site and all fees charged per cubic yard by the disposal site will be incidental to the contract unit price per cubic yard for "Contaminated Material Excavation".

The estimated quantity of "Contaminated Material Excavation" is TBD cubic yards. The quantity of "Contaminated Material Excavation" may vary from the plans. No adjustment will be made to the contract unit price for variations in the quantity of "Contaminated Material Excavation". The estimated quantity of "Contaminated Material Excavation" is provided in Section B – Grading Plans.

COMMITMENT N: SECTION 404 PERMIT

The SDDOT has obtained a Section 404 Permit from the USACE for the permanent actions associated with this project.

Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 404 Permit.

The Contractor will also be responsible for obtaining a Section 404 Permit for any dredge, excavation, or fill activities associated with material sources, storage areas, waste sites, and Contractor work sites outside the plan work limits that affect wetlands, floodplains, or waters of the United States.

COMMITMENT O: SECTION 401 WATER QUALITY CERTIFICATION

The SDDOT has obtained a Clean Water Act Section 401 Water Quality Certification from the Environmental Protection Agency (EPA) regarding an US Army Corp of Engineers CWA Section 404 Permit for the actions associated with this project.

Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 401 certification. A copy of the EPA CWA 401 Certification must be retained on-site.

COMMITMENT T2: CITY OF SIOUX FALLS SOUND PERMIT

A City sound permit would be obtained in accordance with City ordinance § 93.006 should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m.

COMMITMENT T3: EMERALD ASH BORER MANAGEMENT

The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Removal of ash trees by the project undertaking will need to coordinate an action plan in accordance with the City's approved quarantine data and restrictions.

PCN 01VA

ENVIRONMENTAL COMMITMENTS

The SDDOT is committed to protecting the environment and uses Environmental Commitments as a communication tool for the Engineer and Contractor to ensure that attention is given to avoid, minimize, and/or mitigate an environmental impact. Environmental commitments to various agencies and the public have been made to secure approval of this project. An agency with permitting authority can delay a project if identified environmental impacts have not been adequately addressed. Unless otherwise designated, the Contractor's primary contact regarding matters associated with these commitments will be the Project Engineer. During construction, the Project Engineer will verify that the Contractor has met Environmental Commitment requirements. These environmental commitments are not subject to change without prior written approval from the SDDOT Environmental Office.

Additional guidance on SDDOT's Environmental Commitments can be accessed through the Environmental Procedures Manual found at: <<https://dot.sd.gov/media/documents/EnvironmentalProceduresManual.pdf>>

For questions regarding change orders in the field that may have an effect on an Environmental Commitment, the Project Engineer will contact the Environmental Engineer at 605-773-3180 or 605-773-4336 to determine whether an environmental analysis and/or resource agency coordination is necessary.

Once construction is complete, the Project Engineer will review all environmental commitments for the project and document their completion.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 16.12 acres of wetlands (includes temporary and permanent) becoming impacted. Refer to Section B – Grading Plans for location and boundaries of the impacted wetlands.

Table of Impacted Wetlands (Veterans Parkway)

Wetland No.	Station	Permanent Impact (Acres)	Temp. Impact (Acres)	Total Impact (Acres)
30	429+00 to 431+50 (L)	0.35	0.12	0.54
31	436+00 to 439+00 (L)	0.54	0.00	0.54
33	444+50 to 447+00 (L/R)	0.96	0.00	0.96
34a	448+00 (R)	0.01	0.00	0.01
35	458+00 to 460+00 (L)	0.63	0.00	0.63
36a-c	38+50 to 46+00 (L/R)	1.40	0.01	1.41
36d-e	479+00 to 481+00 (L/R)	2.66	0.05	2.71
37a	913+00 to 915+00 (L/R)	0.09	0.00	0.09
38a-c	908+00 to 913+00 (L/R)	0.91	0.00	0.91
38d-g	49+50 to 65+50 (L/R)	2.09	0.01	2.10
39a-b	62+00 to 65+50 (L)	0.21	0.00	0.21
41	497+50 to 499+00 (L)	0.13	0.13	0.26
42	512+00 to 519+00 (R)	0.00	0.60	0.60

43a-c	509+50 to 524+25 (L)	2.91	2.87	5.78
44	525+50 to 526+00 (R)	0.04	0.00	0.04
45	533+00 to 535+00 (L)	0.01	0.00	0.01
46	321+00–323+00 (R)	0.12	0.02	0.14
Totals		12.31	3.81	16.12

Action Taken/Required:

SDDOT will acquire credits equivalent to 11.79 acres from a wetland mitigation bank site or In-Lieu Fee program within the lower Big Sioux River Geographic Service Area to mitigate permanent impacts.

Temporary impacts identified in the Table of Impacted Wetlands will not be mitigated as original contours and elevations will be re-established as designated in Section B – Grading Plans. Prior to initiating temporary work in wetlands, the Contractor will submit a plan to the Project Engineer in accordance with Section 7.21 D of the Specifications.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B5: NORTHERN LONG-EARED BAT

This project is within the range of suitable habitat for the Northern Long-Eared Bat (NLEB) and project work will avoid conflicts with NLEB roosting habitat.

Action Taken/Required:

Project activities that include tree removal, structure work, and/or work within one-quarter mile of a known hibernacula or 150 feet of a known maternity roost tree, or suitable habitat should not occur within the location(s) listed below during the NLEB seasonal work restriction timeframe without approval from the SDDOT Environmental Office.

Station	NLEB Seasonal Work Restriction
434+00 (R)	April 1 to October 31
473+00 to 486+00 (L/R)	April 1 to October 31
492+00 (L/R)	April 1 to October 31
518+00 to 520+00 (L/R)	April 1 to October 31

Tree removal will occur between November 1st and March 31st and avoid the summer maternity season.

The following avoidance, minimization, and mitigation measures are required:

General AMM 1. All operators, employees, and contractors working in areas of known or presumed bat habitat will be made aware of all environmental commitments as they relate to the northern long-eared bat.

Lighting AMM 1. Temporary lighting will be directed away from suitable habitat during the active season.

Lighting AMM 2. When installing new or replacing existing permanent lights, downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) will be used

Tree Removal AMM 2. Tree removal will occur between November 1st and March 31st, outside the species summer roosting season.

COMMITMENT B6: MIGRATORY BIRDS WORK RESTRICTION

Migratory birds are known to use the project area for nesting, which primarily occurs from April 1st to July 15th.

Action Taken/Required:

The Contractor is responsible for contracting the services of a qualified biologist for conducting preconstruction migratory bird surveys in suitable areas that have not been mowed or cleared prior to April 1st to determine if there are current nests and to determine offsetting measures to compensate for impacts to migratory birds. A survey will be conducted annually for each year of construction. Contractor will coordinate the survey findings with the Project Engineer. If any nests are found, appropriate minimization measures will need to be developed in cooperation with the Environmental Office.

Construction activities should not occur in the locations listed in the table below during the migratory bird work restriction without prior approval from the SDDOT Environmental Office to avoid conflicts with nesting migratory birds.

Station	Migratory Bird Restriction
434+00 (R)	April 1 to July 15
446+00 to 448+00 (L/R)	April 1 to July 15
456+00 to 462+00 (L/R)	April 1 to July 15
473+00 to 488+00 (L/R)	April 1 to July 15
492+00 to 519+00 (L/R)	April 1 to July 15
520+00 to 530+00 (L/R)	April 1 to July 15

COMMITMENT C: WATER SOURCE

The Contractor will not withdraw water with equipment previously used outside the State of South Dakota or previously used in aquatic invasive species (AIS) positive waters within South Dakota without prior approval from the SDDOT Environmental Office. To prevent and control the introduction and spread of invasive species into the project vicinity, all equipment will be power washed with hot water (≥140 °F) and completely dried for a minimum of 7 days prior to subsequent use. South Dakota administrative rule 41:10:04:02 forbids the possession and transport of AIS; therefore, all attached dirt, mud, debris and vegetation must be removed and all compartments and tanks capable of holding standing water must be drained. This includes, but is not limited to, all equipment, pumps, lines, hoses and holding tanks.

The Contractor will not withdraw water directly from streams of the James, Big Sioux, and Vermillion watersheds without prior approval from the SDDOT Environmental Office.

Action Taken/Required:

The Contractor will obtain the necessary permits from the regulatory agencies such as the South Dakota Department of Agriculture and Natural Resources (DANR) and the United States Army Corps of Engineers (USACE) prior to water extraction activities.

Additional information and mapping of water sources impacted by Aquatic Invasive Species in South Dakota can be accessed at:

< <http://sdleastwanted.com/maps/default.aspx> >

< [South Dakota Administrative Rule 41:10:04 Aquatic Invasive Species: https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04](https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=41:10:04) >

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

All wetlands are classified as fish and wildlife propagation, recreation, irrigation, and stock watering waters. Because of these beneficial uses, special construction measures may have to be taken to ensure that wetlands are not impacted.

This project may be in the vicinity of multiple streams and wetlands. These waters are considered waters of the state and are protected under Administrative Rules of South Dakota (ARSD) Chapter 74:51. Special construction measures may have to be taken to ensure that this water body is not impacted.

Action Taken/Required:

The Contractor is advised that the South Dakota Surface Water Quality Standards, administered by the South Dakota Department of Agriculture and Natural Resources (DANR), apply to this project. Special construction measures will be taken to ensure the above standard(s) of the surface waters are maintained and protected.

COMMITMENT D2: SURFACE WATER DISCHARGE

The DANR General Permit for Temporary Discharge is required for temporary dewatering and discharges to waters of the state. The effluent limit for total suspended solids will be 90 mg/L 30-day average. The effluent limit applies to discharges to all waters of the state except discharges to waters classified as cold water permanent fish life propagation waters according to the ARSD 74:51:01:45. For discharges to waters of the state classified as cold water permanent fish life propagation waters, the effluent limit for total suspended solids will be 53 mg/L daily maximum.

The permittee has the option of completing effluent testing or implementing a pollution prevention plan for compliance with this permit. If the permittee develops a pollution prevention plan instead of total suspended solids sampling, the plan must be developed and implemented prior to discontinuing total suspended solids sampling. Refer to Section 4.0 of the permit. If any pollutants are suspected of being discharged, a sample must be taken for those parameters listed in Section 3.4 of the permit.

Action Taken/Required:

If construction dewatering is required and this project is currently covered under a General Permit for Stormwater Discharges Associated with Construction Activities, the contractor will need to submit the dewatering information to the SDDANR using the following form:

<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf>

The Contractor will provide a copy of the approved permit or the submitted dewatering information to the Project Engineer prior to proceeding with any dewatering activities. The approved permit or submitted dewatering information must be kept on-site and as part of the project records.

Effluent monitoring, as a result of dewatering activities, will be summarized for each month and recorded on a separate Discharge Monitoring Report (DMR) and submitted to DANR monthly. Additional information can be found at:

< <http://denr.sd.gov/des/sw/WhatisaDMR.aspx> >

COMMITMENT E: STORM WATER

Construction activities constitute 1 acre or more of earth disturbance.

Action Taken/Required:

At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site.

Action Taken/Required:

The DANR General Permit for Stormwater Discharges Associated with Construction Activities is required for construction activity disturbing one or more acres of earth and work in a waterway. The SDDOT is the owner of this permit and will submit the NOI to DANR 15 days prior to project start in order to obtain coverage under the General Permit. Work can begin once the DANR letter of approval is received.

The Contractor must adhere to the “Special Provision Regarding Storm Water Discharges to Waters of the State.”

The Contractor will complete the DANR Contractor Certification Form prior to the pre-construction meeting. The form certifies under penalty of law that the Contractor understands and will comply with the terms and conditions of the permit for this project. Work may not begin on this project until this form is signed and submitted to DANR.

The form can be found at:

https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_CGPAppeNdixCCA2018Fillable.pdf

The Contractor is advised that permit coverage may also be required for off-site activities, such as borrow and staging areas, which are the responsibility of the Contractor.

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	NH 0100(107)411, PCN 01VA	A3	A8

Plotting Date: 11/16/2022

COMMITMENT E: STORM WATER (CONTINUED)

Storm Water Pollution Prevention Plan

The Storm Water Pollution Prevention Plan (SWPPP) will be developed prior to the submittal of the NOI and will be implemented for all construction activities for compliance with the permit. The SWPPP must be kept on-site and updated as site conditions change. Erosion control measures and best management practices will be implemented in accordance with the SWPPP.

The DOT 298 Form will be used for site inspections and to document changes to the SWPPP. A copy of the completed inspection form will be filed with the SWPPP documents and retained for a minimum of three years.

The inspection will include disturbed areas of the construction site that have not been finally stabilized, areas used for storage materials, structural control measures, and locations where vehicles enter or exit the site. These areas will be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP will be observed to ensure that they are operating correctly, and sediment is not tracked off the site.

Information on storm water permits and SWPPPs are available on the following websites:

SDDOT: < <https://dot.sd.gov/doing-business/environmental/stormwater> >

DANR: <<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/stormwater/default.aspx>>

EPA: < <https://www.epa.gov/npdes> >

COMMITMENT G: DEWATERING AND SEDIMENT COLLECTION

The purpose of a dewatering and sediment collection system is to collect turbid stormwater on the project, treat it with flocculants as needed, and capture the sediment that falls out of suspension before the water is discharged into "Waters of the US" or "Waters of the State". Refer to Commitment D1: Surface Water Quality for stream classification.

Action Taken/Required:

The Contractor will meet the terms of the Temporary Discharge Permit and the Storm Water Permit for Construction Activities.

The Contractor will create a Pollution Prevention Plan (PPP) for dewatering and sediment collection if the Contractor chooses to discharge the water into "Waters of the US" or "Waters of the State". The PPP must be kept on-site and updated as site conditions change.

COMMITMENT H: WASTE DISPOSAL SITE

The Contractor shall furnish a site(s) for the disposal of construction and/or demolition debris generated by this project.

Action Taken/Required:

Construction and/or demolition debris may not be disposed of within the ROW.

The waste disposal site(s) will be managed and reclaimed in accordance with the following from the General Permit for Construction/Demolition Debris Disposal Under the South Dakota Waste Management Program issued by the Department of Agriculture and Natural Resources.

The waste disposal site(s) will not be located in a wetland, within 200 feet of surface water, or in an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species, as approved by the Environmental Office and the Project Engineer.

If the waste disposal site(s) is located such that it is within view of any ROW, the following additional requirements will apply:

1. Construction and/or demolition debris consisting of concrete, asphalt concrete, or other similar materials will be buried in a trench separate from wood debris. The final cover over the construction and/or demolition debris will consist of a minimum of 1 foot of soil capable of supporting vegetation. Waste disposal sites provided outside of the Public ROW will be seeded in accordance with Natural Resources Conservation Service recommendations. The seeding recommendations may be obtained through the appropriate County NRCS Office. The Contractor will control the access to waste disposal sites not within the Public ROW with fences, gates, and placement of a sign or signs at the entrance to the site stating, "No Dumping Allowed".

2. Concrete and asphalt concrete debris may be stockpiled within view of the ROW for a period not to exceed the duration of the project. Prior to project completion, the waste will be removed from view of the ROW or buried, and the waste disposal site reclaimed as noted above.

The above requirements will not apply to waste disposal sites that are covered by an individual solid waste permit as specified in SDCL 34A-6-58, SDCL 34A-6-1.13, and ARSD 74:27:10:06. Failure to comply with the requirements stated above may result in civil penalties in accordance with South Dakota Solid Waste Law, SDCL 34A-6-1.31.

All costs associated with furnishing waste disposal site(s), disposing of waste, maintaining control of access (fence, gates, and signs), and reclamation of the waste disposal site(s) will be incidental to the various contract items.

COMMITMENT I: HISTORICAL PRESERVATION OFFICE CLEARANCES

The SDDOT has obtained concurrence with the State Historic Preservation Office (SHPO or THPO) for all work included within the project limits and all department designated sources and designated option material sources, stockpile sites, storage areas, and waste sites provided within the plans.

Action Taken/Required:

All earth disturbing activities not designated within the plans require a cultural resource review prior to scheduling the pre-construction meeting. This work includes but is not limited to: Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas.

The Contractor will arrange and pay for a record search and when necessary, a cultural resource survey. The Contractor has the option to contact the state Archaeological Research Center (ARC) at 605-394-1936 or another qualified archaeologist, to obtain either a records search or a cultural resources survey. A record search might be sufficient for review if the site was previously surveyed; however, a cultural resources survey may need to be conducted by a qualified archaeologist.

The Contractor will provide ARC with the following: a topographical map or aerial view in which the site is clearly outlined, site dimensions, project number, and PCN. If applicable, provide evidence that the site has been previously disturbed by farming, mining, or construction activities with a landowner statement that artifacts have not been found on the site.

The Contractor will submit the cultural resources survey report to SDDOT Environmental Office, 700 East Broadway Avenue, Pierre, SD 57501-2586. SDDOT will submit the information to the appropriate SHPO/THPO. Allow **30 Days** from the date this information is submitted to the Environmental Engineer for SHPO/THPO review.

In the event of an inadvertent discovery of human remains, funerary objects, or if evidence of cultural resources is identified during project construction activities, then such activities within 100 feet of the inadvertent discovery will immediately cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office, who will contact the appropriate SHPO/THPO within 48 hours of the discovery to determine an appropriate course of action.

SHPO/THPO review does not relieve the Contractor of the responsibility for obtaining any additional permits and clearances for Contractor furnished material sources, material processing sites, stockpile sites, storage areas, plant sites, and waste areas that affect wetlands, threatened and endangered species, or waterways. The Contractor will not utilize a site known or suspected of having contaminated soil or water. The Contractor will provide the required permits and clearances to the Project Engineer at the preconstruction meeting.



COMMITMENT J: CONSTRUCTION PRACTICES FOR TEMPORARY WORKS IN WATERWAYS OF THE U.S.

The Contractor is advised that special construction measures must be taken to ensure that the waterways of the U.S. are not impacted.

Action Taken/Required:

Excavation will not occur below the ordinary high-water elevation in waterways outside of caissons, cribs, cofferdams, steel piling, or sheeting. The natural streambed will not be disturbed unless specified by the plans and under the observation of the Project Engineer. Refer to the Table of U.S. Waterways to Protect for ordinary high-water elevations. Any structure work over or within the waterway will be constructed according to Section 7.21 C of the Specifications.

All dredged or excavated materials will be placed at a site above the ordinary high-water elevation in a confined area (not classified as a wetland) that is a minimum of 50 feet away from concentrated flows of storm water, drainage courses, and inlets to prevent return of such material to the waterway.

The construction of temporary work platforms, crossings, or berms below the ordinary high-water elevation will be allowed if all material placed below the ordinary high-water elevation consists of Class B or larger riprap.

All temporary caissons, cribs, cofferdams, steel piling, sheeting, work platforms, crossings, and berms will be removed with minimal disturbance to the streambed. Proper construction practices will be used to minimize increases in suspended solids and turbidity in the waterway.

Bridge berms, wing dams, traffic diversions, channel reconstruction, stream diversions, grading, etc. will be constructed in close conformity with the plans to ensure that the hydraulic capacity of the waterway is not changed.

Temporary waterway crossings required for the Contractor's construction operations will be constructed with an adequate drainage structure size and minimum fill height to reduce the potential for upstream flooding. The Contractor will be responsible for sizing the temporary drainage structure for these crossings.

All temporary works in waterways of the US are required to be covered in the Corp of Engineers 404 Permit. At the time of the preconstruction meeting, the Contractor will submit documentation for all temporary works for the purpose of complying with the 404 Permit requirements in accordance with Section 423.3 A of the Specifications.

If an on-site construction crossing is used at Sta. **xx+xx**, the temporary crossing will need to be designed so it will not increase the Q₁₀₀ water surface elevation. The Contractor will submit the proposed temporary crossing geometric layout and structure size at Sta. **xx+xx** to the Project Engineer during the preconstruction meeting. This information will be forwarded to the SDDOT Hydraulics Office and Environmental Office for review. Construction of the temporary crossing is not allowed until approval of the proposal is obtained from the SDDOT Hydraulics Office and Environmental Office.

Table of U.S. Waterways to Protect

Station	Waterway	Ordinary High-Water Elevation
448+00	Unnamed Tributary	1418
485+00	Unnamed Tributary	1420
41+00	Unnamed Tributary	1420

Stream channel excavation within "Waters of the US" is subject to USACE regulatory jurisdiction. Stream channel excavation cannot exceed the permitted quantities and/or surface area. The 404 Permit is included in the Special Provisions.

The Contractor will take all precautions necessary to prevent any incidental discharges associated with the excavation and hauling of material from the stream channel. This pertains to any excavation operations such as, foundation, pier, or abutment excavation, channel cleanout, excavation for riprap protection, and removal of any temporary fill associated with construction activities.

COMMITMENT N: SECTION 404 PERMIT

The SDDOT has obtained a Section 404 Permit from the USACE for the permanent actions associated with this project.

Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 404 Permit.

The Contractor will also be responsible for obtaining a Section 404 Permit for any dredge, excavation, or fill activities associated with material sources, storage areas, waste sites, and Contractor work sites outside the plan work limits that affect wetlands, floodplains, or waters of the United States.

COMMITMENT O: SECTION 401 WATER QUALITY CERTIFICATION

The SDDOT has obtained a Clean Water Act Section 401 Water Quality Certification from the Environmental Protection Agency (EPA) regarding an US Army Corp of Engineers CWA Section 404 Permit for the actions associated with this project.

Action Taken/Required:

The Contractor will comply with all requirements contained in the Section 401 certification. A copy of the EPA CWA 401 Certification must be retained on-site.

COMMITMENT Q: ARCHAEOLOGICAL COORDINATION

As a result of a Cultural Resources Survey, archaeologically sensitive areas have been identified within and/or adjacent to the project rights-of-way.

The following archaeologically sensitive sites have been identified that require avoidance of construction activities:

Table of Historic/Archaeological Sites

Station	Offset (Ft.)	L/R	Environmental Sensitive Site	Action
70+00 to 75+00		R	ESS-1	Do Not Disturb/Fence

The locations and boundaries of the site(s) for avoidance are shown in Section B - Grading Plans.

Action Taken/Required:

If evidence for cultural resources is uncovered during project construction activities, then such activities within 150 feet of the inadvertent discovery will immediately cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office, who will consult with the Archaeological Research Center (ARC) and FHWA, to determine the appropriate course of action.

All artifacts, features, or other items of interest uncovered by project construction activities will not be displaced unless the landowner and the SHPO consent to it.

These identified sites cannot be used for material sources, storage areas, waste sites, and/or any other project related activities outside the plan work limits.

COMMITMENT T1: LINED SNAKE

Lined snakes were noted to have potential habitat in the study area and SDGFP recommended that visual surveys for lined snakes occur prior to work in lined snake habitat (e.g., dry grassland areas) from April to October. Through coordination with SDGFP, the area of potential lined snake habitat was identified as a small patch between Sycamore Avenue and 57th Street (Station 470+00 to 485+00)

COMMITMENT T2: CITY OF SIOUX FALLS SOUND PERMIT

A City sound permit would be obtained in accordance with City ordinance § 93.006 should construction be conducted between the hours of 6:00 a.m. and 10:30 p.m.

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	NH 0100(107)411, PCN 01VA	A5	A8

Plotting Date: 11/16/2022

COMMITMENT T3: EMERALD ASH BORER MANAGEMENT

The City of Sioux Falls is taking a proactive approach to manage Emerald Ash Borers in Minnehaha & Lincoln Counties. Removal of ash trees by the project undertaking will need to coordinate an action plan in accordance with the City's approved quarantine data and restrictions.