

APPENDIX I

ENVIRONMENTAL COMMITMENTS MEMO



MEMO

To: Exit 406 Team

From: Ted McCaslin, HR Green

Subject: Appendix I - Exit 406 Environmental Commitments Memo

Project Number: IM-NH 0909(46)406/HP5596(18) P/PCN 4433

Date: August 22, 2019

An Environmental Commitment is a measure that SDDOT commits to implement in order to avoid, minimize, and/or mitigate a real or potential environmental impact. Environmental commitments to various agencies and the public will be made to secure the I-90 Exit 406 Interchange project.

SDDOT uses the **Environmental Commitments Checklist** (ECC) below to determine if an agency mentioned below with permitting authority may influence the project if environmental impacts or appropriate permits or approvals are not obtained prior to the project onset. The ECC will be updated as necessary as the project advances through final design.

Anticipated environmental commitments are listed below. The impacts and mitigation measures are anticipated as a result of construction of the Proposed Action as identified in the Environmental Assessment (EA). The following environmental commitments will be detailed and refined using impacts from final design. Section A in this appendix is written as a draft for inclusion in project plans.

The commitments in the ECC are included in the final plans Section A Plan Notes. The SDDOT is committed to protecting the environment and uses Section A 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 impacts.

The following pages include:

- Draft ECC
- A draft of the Section A Plan Notes

ENVIRONMENTAL COMMITMENTS CHECKLIST

PROJECT # **IM-NH 0909(46)406** COUNTY **Minnehaha** PCN **4433**
 ENVIRONMENTAL CLASS CODE _____ PROJECT DESIGN MANAGER _____

The following conditions, concerns, and issues described in this Environmental Commitment Checklist are based on the knowledge provided to secure the approved environmental classification date as exhibited on the Categorical Exclusion Checklist. If there are changes to the project scope, work limits, or plans after approval of the Environmental Class Code, the Environmental Office must be contacted to evaluate potential for impacts. The following Commitments are to be included with the project action:

Commitment A – Wetlands			Yes	X	No		n/a	
Total Impacted Wetland Acreage:	0.130	Permanent	Total			Needed:	0.130	
		Temporary						
Comments: Permanent wetland impacts are greater than 0.10 acre. Wetland mitigation is required in accordance with Section 404 of the Clean Water Act; the State Wetland Finding applies. Credits will be purchase from an approved mitigation bank. Temporary impacts will not be mitigated as original contours and elevations will be re-established.								

Commitment B – Federally Threatened, Endangered, & Protected Species								
Commitment B1: Topeka Shiner	Yes		No	X	n/a			
Commitment B2: Whooping Crane	Yes		No	X	n/a			
Commitment B3: American Burying Beetle	Yes		No	X	n/a			
Commitment B4: Bald Eagle	Yes	X	No		n/a			
Commitment B5: NLEB	Yes		No	X	n/a			
Commitment B6: Migratory Bird Work Restriction	Yes		No	X	n/a			
Comments: If a Bald Eagle nest is observed within one mile of the project site, notify the Project Engineer immediately so that he/she can consult with the Environmental Office for an appropriate course of action.								

Commitment C – Water Source			Yes	X	No		n/a	
Comments: The Contractor will not withdraw water with equipment previously used outside the State of South Dakota or previously used in aquatic invasive species waters within South Dakota without prior approval from the SDDOT Environmental Office. The Contractor will obtain the necessary permits from the regulatory agencies such as the South Dakota Department of Environment and Natural Resources and the U.S. Army Corps of Engineers prior to water extraction activities.								

Commitment D – Water Quality Standards								
Commitment D1: Surface Water Quality	Yes	X	No		n/a			
Commitment D2: Surface Water Discharge	Yes	X	No		n/a			
Comments: Split Rock Creek is classified as a Warmwater semi-permanent fishery. Because of this beneficial use, special construction measures may have to be taken to ensure that the total suspended solids standard of 90 mg/L is not violated.								

Commitment E – Storm Water			Yes	X	No		n/a	
Comments: The Contractor shall adhere to the "Special Provision Regarding Storm Water Discharges to Waters of the State".								

Commitment F – Seasonal Work Restriction			Yes		No	X	n/a	
Comments:								

Commitment G – Dewatering & Sediment Collection			Yes		No	X	n/a	
Comments:								

Commitment H – Waste Disposal Site			Yes	X	No		n/a	
Comments: Construction and/or demolition debris may not be disposed of within the Public ROW.								

Commitment I – Historical Preservation Office Clearances			Yes	X	No		n/a	
Comments: The Contractor shall arrange and pay for a cultural resource survey and/or records search for all earth disturbing activities not designated within the plans.								

ENVIRONMENTAL COMMITMENTS CHECKLIST

Commitment J – Construction Practices for Temporary Works in Waterways of the U.S.	Yes		No	X	n/a		
Comments:							
Commitment K – Rapid City Area Air Quality Control Zone	Yes		No		n/a	X	
Comments:							
Commitment L – Contaminated Material	Yes	X	No		n/a		
Comments: Vogel Motors Auto Repair at 709 Splitrock Blvd is a known potential contaminated site. The Contractor will give notice to the Engineer when contaminated soil is encountered on the project. The Engineer will contact the Environmental Office for appropriate course of action.							
Commitment M – Section 4(f)/6(f) Resources	Yes		No	X	n/a		
If yes (check appropriate): <input type="checkbox"/> Section 4(f) public park <input type="checkbox"/> Section 4(f) wildlife refuge <input type="checkbox"/> Section 4(f) historic site <input type="checkbox"/> Section 4(f) recreational lands <input type="checkbox"/> Section 4(f) waterfowl refuge <input type="checkbox"/> Section 6(f) property							
4(f) Type of Use:	<input type="checkbox"/> Permanent Incorporation/Permanent Easement <input type="checkbox"/> Temporary Occupancy <input type="checkbox"/> Constructive <input type="checkbox"/> <i>De Minimis</i> Impact <input type="checkbox"/> Other Consideration						
6(f) Type of Use:	<input type="checkbox"/> Temporary Non-Conforming Use <input type="checkbox"/> 6(f) Use – Conversion approval						
Comments:							
Commitment N – Section 404 Permit	Yes	X	No		n/a		
Comments: The Contractor shall comply with all requirements contained in the Section 404 permit.							
Commitment O – Section 401 Water Quality Certification	Yes		No	X	n/a		
Comments:							
Commitment P – Tribal Monitoring	Yes		No	X	n/a		
Comments:							
Commitment Q – Coordination with Archaeological Research Center	Yes	X	No		n/a		
Comments: Prior to the pre-construction meeting, the Contractor will contact David Williams, ARC at 605-394-1936 to coordinate the installation of orange plastic safety fence around the perimeter of the site(s) listed in the Table of Historic/Archeological Sites.							
Commitment R – Tree Replacement	Yes		No	X	n/a		
Comments:							
Commitment S – Fire Protection in the Black Hills Area	Yes		No		n/a	X	
Comments:							
Commitment T – <u>N/A</u>	Yes		No		n/a	X	
Comments:							

ENVIRONMENTAL COMMITMENTS

The SDDOT is committed to protecting the environment and uses Section A 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. 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: <http://www.sddot.com/resources/Manuals/EnvironProcManual.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 Office at 605-773-3098 or 605-773-4336 to determine whether an environmental analysis and/or resource agency coordination is necessary.

COMMITMENT A: WETLANDS

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 0.130 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

Wetland No.	Station	Perm. Impact Left (Acres)	Perm. Impact Right (Acres)	Temp. Impact Left (Acres)	Temp. Impact Right (Acres)	Total Impact (Acres)
1	TBD	0.130	0.00	0.00	0.00	0.130

Action Taken/Required:

SDDOT will acquire credits to from the Tetonka wetland mitigation bank site to mitigate 0.130 acre of permanent impacts.

Temporary impacts identified in the Table of Impacted Wetlands will not be mitigated as original contours and elevations will be re-established. Temporary work in wetlands will be in accordance with Section 7.21 D. of the Specifications.

COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES

COMMITMENT B4: BALD EAGLE

Bald eagles are known to occur in this area.

Action Taken/Required:

If a nest is observed within one mile of the project site, notify the Project Engineer immediately so that he/she can consult with the Environmental Office for an appropriate course of action.

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 waters within South Dakota without prior approval from the SDDOT Environmental Office. Thoroughly wash all construction equipment to prevent and control the introduction and spread of invasive species into the project vicinity.

Action Taken/Required:

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

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

COMMITMENT D: WATER QUALITY STANDARDS

COMMITMENT D1: SURFACE WATER QUALITY

Split Rock Creek is classified as a warm water semi-permanent fishery with a total suspended solids standard of less than 90 mg/L 30-day average, less than 158 mg/L daily maximum.

Action Taken/Required:

The Contractor is advised that the South Dakota Surface Water Quality Standards, administered by the South Dakota Department of Environment and Natural Resources (DENR), 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 DENR 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 3.0 of the permit. If any pollutants are suspected of being discharged, a sample must be taken for those parameters listed in section 2.2 of the permit.

Refer to Commitment D1: Surface Water Quality for stream classification.

Action Taken/Required:

If construction dewatering is required, the Contractor will obtain the General Permit for Temporary Discharge Activities from the DENR Surface Water Program, 605-773-3351. <http://denr.sd.gov/des/sw/swqformsandpermits.aspx>

The Contractor will provide a copy of the approved permit to the Project Engineer prior to proceeding with any dewatering activities. The approved permit 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 DENR 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 and/or work in a waterway.

Action Taken/Required:

The DENR General Permit for Storm Water 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 DENR 15 days prior to project start in order to obtain coverage under the General Permit. Work can begin once the DENR 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 DENR 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 DENR.

The form can be found at: <https://denr.sd.gov/des/sw/eforms/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.

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 Storm Water, Erosion, and Sediment Control Inspection Report Form DOT 298, 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 of the site.

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

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

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

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

COMMITMENT H: WASTE DISPOSAL SITE

The Contractor will 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 Public 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 Environment 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 shall 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 Historical 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 of 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 will immediately cease and the Project Engineer will be immediately notified. The Project Engineer will contact the SDDOT Environmental Office 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 L: CONTAMINATED MATERIAL

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

Description	Station	L / R
Vogel Motors Auto Repair (709 Splitrock Blvd)	xxx+xx	

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 DENR 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 Madison City Landfill phone (605) 256-7516). 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 100 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/the 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 Q: COORDINATION WITH ARCHAEOLOGICAL RESEARCH CENTER

As a result of a Cultural Resources Survey, environmentally sensitive areas have been identified adjacent to the project rights-of-way.

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

Table of Historic/Archaeological Sites

Station	Offset (Ft.)	L/R	Site	Action
TBD	xx	L/R	ESS 1	Do Not Disturb /Site Fencing
TBD	xx	L/R	ESS 2	Do Not Disturb /Site Fencing

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

Action Taken/Required:

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

Prior to the pre-construction meeting, the Contractor will contact David Williams, ARC at 605-394-1936 to coordinate the installation of orange plastic safety fence around the perimeter of the site(s) listed in the Table of Historic/Archeological Sites. The exact location of the safety fence will be determined in the field by the ARC representative. Work within the vicinity of the site(s) will not begin until the safety fence is installed. All costs associated with furnishing and installing the orange safety fence will be incidental to the contract unit price per foot for "Orange Plastic Safety Fence". 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.