

Appendix G

Section A - Environmental Commitments

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/doing-business/environmental/about-environmental>

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 4.62 acres of wetland impacts (includes temporary and permanent) and 0.10 acre of OWUS impact (includes temporary and permanent). Refer to Section B – Grading plans/plan sheets 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)
1b	22+00 to 25+00 L	0.00	0.00	0.02	0.00	0.02
1c	23+50 to 33+00 L	0.00	0.00	0.05	0.00	0.05
2	28+00 to 34+00 R	0.00	3.29	0.00	0.01	3.30
3	310+00 to 333+00 L	0.28	0.00	0.01	0.00	0.29
4	319+00 to 322+00 L	0.01	0.00	0.04	0.00	0.05
6a	47+00 to 47+50 R	0.00	0.09	0.00	0.01	0.10
6b	47+50 to 48+00 R	0.00	0.03	0.00	0.01	0.04

Wetland No.	Station	Perm. Impact Left (Acres)	Perm. Impact Right (Acres)	Temp. Impact Left (Acres)	Temp. Impact Right (Acres)	Total Impact (Acres)
7a	64+00 to 65+50 R	0.00	0.28	0.00	0.06	0.34
8a	62+50 to 63+50 L	0.03	0.00	0.00	0.00	0.03
8b	61+00 to 63+00 R	0.00	0.04	0.00	0.00	0.04
8c	56+00 to 57+00 R	0.00	0.02	0.00	0.00	0.02
8d	50+00 to 57+00 L	0.16	0.00	0.00	0.00	0.16
8e	52+00 to 55+00 R	0.00	0.06	0.00	0.00	0.06
8f	49+00 to 51+00 R	0.00	0.02	0.00	0.00	0.02
9a	39+00 to 40+00 L	0.01	0.00	0.01	0.00	0.02
9d	39+00 to 46+00 R	0.00	0.03	0.00	0.05	0.08
Total						4.62

OWUS No.	Station	Perm. Impact Left (Acres)	Perm. Impact Right (Acres)	Temp. Impact Left (Acres)	Temp. Impact Right (Acres)	Total Impact (Acres)
Stream 01	47+50 to 47+75 R	0.00	0.01	0.00	0.07	0.08
L-01	40+00 to 61+50 L	0.02	0.00	0.00	0.00	0.02
Total						0.10

Action Taken/Required:

SDDOT will acquire 0.60 acres from the North Central Wetland Mitigation Bank Upper Big Sioux Site 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/plan sheets. 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 SDDOT Standard Specifications for Roads and Bridges.

The Contractor will notify the Project Engineer if additional easement is needed to complete work adjacent to any wetland. The Project Engineer will obtain an appropriate course of action from the Environmental Office before proceeding with construction activities that affect any wetlands beyond the work limits and easements shown in the plans.

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 (No Tree Removal)
10+00 to 15+00 L/R	April 1 to October 31
27+50 to 34+50 L/R	April 1 to October 31
310+00 to 323+00 L	April 1 to October 31
408+00 to 415+00 L/R	April 1 to October 31

Tree removal will occur between November 1st and March 31st.

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 shall 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 Environment and Natural Resources (DENR) 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

This project may be in the vicinity of multiple streams and wetlands. These waters are considered waters of the state and are protected under Administrative Rules of South Dakota (ARSD) Chapter 74:51. Special construction measures may have to be taken to ensure that water quality 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 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 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.

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

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 SDDENR using the following form:

<http://denr.sd.gov/des/sw/eforms/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 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 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 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 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>

DENR: <http://denr.sd.gov/des/sw/stormwater.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". Refer to the detail sheet OPTIONS FOR DEWATERING AND SEDIMENT COLLECTION in the plans. The PPP must be kept on-site and updated as site conditions change.

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.

COMMITMENT H: WASTE DISPOSAL SITE (CONTINUED)

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: HISTORIC 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.

Station	Section 4(f) Property
501+00 to 507+00 R	Allen Frerichs Trail
10+00 to 37+00 L	Edgebrook Golf Course

Action Taken/Required:

The following measures are required to minimize harm to the above Section 4(f) property:

A temporary detour of the Allyn Frerichs Trail will be necessary for the construction of the 20th Street South and 22nd Avenue South intersection. Signage will be provided to direct users around the construction.

Temporary construction fencing will be installed along the proposed construction limits near the Allyn Frerichs Trail and the Edgebrook Golf Course prior to the start of construction activities.

The Contractor is not permitted to stage equipment or materials within the Allyn Frerichs Trail or the Edgebrook Golf Course.

The Contractor shall coordinate the construction schedule with SDDOT and City of Brookings prior to the start of construction activities.

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.