

# Appendix N

## 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/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: AQUATIC RESOURCES**

**COMMITMENT A2: STREAMS**

All efforts to avoid and minimize stream impacts from the project have resulted in approximately 18.03 acres of stream (includes temporary and permanent) becoming impacted. Refer to Grading Plans/plans for location and boundaries of the impacted streams.

**Table of Impacted Streams**

Stream Name	Station	Perm. Impact Left (Acres)	Perm. Impact Right (Acres)	Temp. Impact Left (Acres)	Temp. Impact Right (Acres)	Total Impact (Acres)
Lake Francis Case Reservoir	878+00 to 931+50	0.37	0.00	8.68	8.98	18.03

**Action Taken/Required:**

It has been determined that project impacts do not require mitigation. Temporary impacts identified in the Table of Impacted Streams will not be mitigated as the finished ground under the bridge will be shaped to match the upstream channel and flood plain and the existing low water channel will be maintained as near as practical to the existing location as designated in the Grading Plans.

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

**COMMITMENT B: FEDERALLY THREATENED, ENDANGERED, AND PROTECTED SPECIES**

**COMMITMENT B2: WHOOPING CRANE**

The Whooping Crane is a spring and fall migratory bird in South Dakota that is about 5 feet tall and typically stops on wetlands, rivers, and agricultural lands along their migration route. An adult Whooping Crane is white with a red crown and a long, dark, pointed bill. Immature Whooping Cranes are cinnamon brown. While in flight, their long necks are kept straight and their long dark legs trail behind. Adult Whooping Cranes' black wing tips are visible during flight.

**Action Taken/Required:**

Harassment or other measures to cause the Whooping Crane to leave the site is a violation of the Endangered Species Act. If a Whooping Crane is sighted roosting in the vicinity of the project, borrow pits, or staging areas associated with the project, cease construction activities in the affected area until the Whooping Crane departs and immediately contact the Project Engineer. The Project Engineer will contact the Environmental Office so that the sighting can be reported to USFWS.

**COMMITMENT B4: BAL822+50 to 966+91D 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 including, but not limited to, review of the National Bald Eagle Management Guidelines for recommendations to avoid harm or disturbance to bald eagles.

**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
822+50 to 966+91	April 1 to October 31

**COMMITMENT B6: MIGRATORY BIRDS WORK RESTRICTION**

Migratory birds are known to use the project area for nesting, which occurs from March through August.

**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 1<sup>st</sup> 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
822+50 to 966+91	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.

**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: <<https://sdleastwanted.sd.gov/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**

The Missouri River is classified as a domestic water supply and warmwater permanent fishery. Because of these beneficial uses, special construction measures may have to be taken to ensure that the total suspended solids standard of 90 mg/L is not violated.

**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 E: STORM WATER**

**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\\_CGPA\\_ppendixCCA2018Fillable.pdf](https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_CGPA_ppendixCCA2018Fillable.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>>

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

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

**COMMITMENT F: SEASONAL WORK RESTRICTION**

The State of South Dakota Game, Fish, and Parks has designated a warm water fishery associated with this project.

**Action Taken/Required:**

Construction or demolition activities should not take place during the Seasonal Work Restriction listed in the below table to avoid conflicts with spawning fish. If flows during this time are nonexistent or extremely low, the seasonal use restriction may not be applicable. The Contractor will not conduct in-stream work during the Seasonal Work Restriction without prior approval from the SDDOT Environmental Office.

Stream Name	Stream Classification	Seasonal Work Restriction
Missouri River	Warm Water	April 1 to June 30

**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 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: 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 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 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.

**Table of U.S. Waterways to Protect**

Station	Waterway	Ordinary High-Water Elevation
877+30 to 931+70	Lake Francis Case Reservoir (Missouri River)	1,365 ft above msl

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. Contaminated soil may be located at the following sites:

Description	Station	L / R
Soils and septic system concrete surrounding existing RV waste dump station underground holding tank. Human waste contamination is expected at this location.	947+00	L

**Action Taken/Required:**

The Contractor will give written notice, with a copy to the Area Engineer and DANR, 30 days prior to the start of work. In addition, the Contractor will give written notice to the Engineer 7 days prior to the commencement of the work so the Engineer may notify DANR of the day work will start.

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.

Human waste contaminated soil and concrete may be disposed of at the following permitted solid waste facilities: City of Platte Landfill, City of Winner Landfill, and Tri-County Landfill (Pukwana, SD).

**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
876+00 to 933+00	Platte-Winner Bridge
xxx+xx	Level III Cultural Resources
865+00 to 877+40	West Bridge Recreation Area
850+00 to 877+60	Buryanek Game Production Area
New Dump Station Area	West Platte Game Production Area
931+10 to 960+30	Snake Creek Recreation Area

**Action Taken/Required:**

The sanitary dump/water station location transfer will occur within the West Platte GPA as mitigation for transportation impacts to SCRA.

Plans for managing access to SCRA during construction will be coordinated with SDGFP during final design of the project.

Access to the West Bridge Recreation Area boat launch will be maintained throughout construction.

**COMMITMENT M2: SECTION 6(f) PROPERTY**

National Park Service concurrence has been obtained for project impacts to the following resource(s) acquired and developed through a Land and Water Conservation Fund grant.

Station	Section 6(f) Property
931+00 to 950+00	Snake Creek Recreation Area support facilities
931+00 to 950+00	Snake Creek Recreation Area picnic areas, swimming facilities, and support facilities
931+00 to 950+00	Snake Creek Recreation Area support facilities
931+00 to 950+00	Snake Creek Recreation Area RV electric pedestals, service panels, and underground wiring

**Action Taken/Required:**

Snake Creek Recreation Area park services and public access to park facilities will continue throughout the duration of the construction project.

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
		A4	A#

**COMMITMENT N: SECTION 404, SECTION 10, & SECTION 408 PERMITS**

The SDDOT has obtained Section 404 Clean Water Act, Section 10 Rivers and Harbors Act, and Section 408 Clean Water Act permits 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, Section 10, and Section 408 permits.

The Contractor will also be responsible for obtaining a Section 404, Section 10, and Section 408 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 T: SECTION 9 PERMIT**

The SDDOT has obtained a Section 9 Rivers and Harbors Act permit from the United States Coast Guard for the permanent actions associated with this project.

**Action Taken/Required:**

The Contractor will comply with all requirements contained in the Section 9 permit.

The Contractor will also be responsible for obtaining a Section 9 permit for any bridge structure within the Missouri River/Lake Francis Case outside the plan work limits that affect the navigation channel.

**COMMITMENT U: STATE LISTED THREATENED AND ENDANGERED SPECIES**

False map turtles (*Graptemys pseudogeographica*), a state threatened species riverine species has been recorded adjacent to the project area and is assumed present.

**Action Taken/Required:**

If false map turtles or other state listed species are sighted within the project, borrow pits, or staging areas associated with the project, cease construction activities contact the Project Engineer. The Project Engineer will contact the Environmental Office so that the sighting can be reported to SDGFP.