

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

FOR

South Rochford Road

From Rochford to  
Deerfield Road

Pennington County  
South Dakota

July 2016

Submitted Pursuant to 42 U.S.C. 4332(2) (c) and 49 U.S.C 303

By the

U.S. Department of Transportation  
Federal Highway Administration  
and

South Dakota Department of Transportation

Submitted by:



Alice Whitebird  
Environmental Scientist  
SD Dept. of Transportation  
700 East Broadway  
Pierre, SD 57501

7/25/2016  
Date

Approved by



Marion Barber, P.E.  
Environmental Engineer  
Federal Highway Administration  
116 East Dakota

7/25/2016  
Date

---

## Table of Contents

I.	Project Background.....	1
II.	Description of the Proposed Project.....	1
a.	Project Purpose and Need .....	1
b.	Alternatives Considered.....	2
c.	Preferred Alternative.....	2
III.	Revised Environmental Consequences of the Preferred Alternative .....	3
a.	Revised Environmental Consequences Summary.....	3
b.	Amendment to Community Character and Cohesion .....	6
IV.	Revised Coordination and Public Involvement Summary .....	8
V.	Final Section 4(f) Evaluation .....	8
a.	Coordination .....	8
b.	Conclusion .....	9
VI.	Revised Mitigation and Commitments Summary .....	9
VII.	FHWA Decision.....	18
VIII.	References.....	19

---

---

APPENDIX A- Section 4(f) Documentation

Section 1. Mickelson Trail

Section 2. Forest Service Management Area 8.2

Section 3. Archeological and Historic Resources

APPENDIX B- Summary of Public Questions and Comments, Agency Letters, and Formal Responses

APPENDIX C- Public Meeting Summary

Sign in Sheets

Public Meeting Presentation

Public Meeting Boards

Written Comment Cards, Letters, and Emails

---

---

## **I. Project Background**

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

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

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

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

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

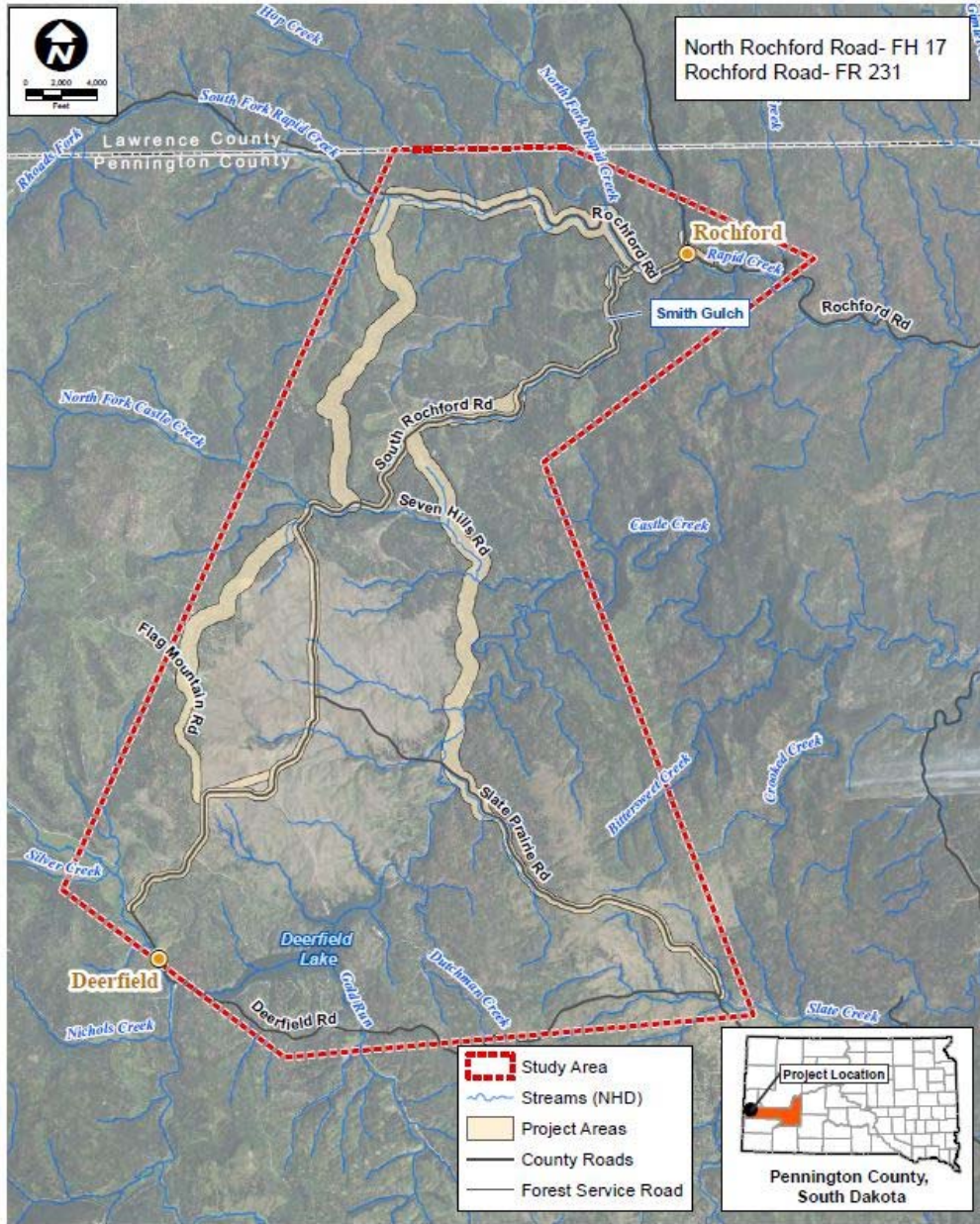
## **II. Description of the Proposed Project**

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

### ***a. Project Purpose and Need***

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

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



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

***b. Alternatives Considered***

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

***c. Preferred Alternative***

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

---

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

### **III. Revised Environmental Consequences of the Preferred Alternative**

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

#### ***a. Revised Environmental Consequences Summary***

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

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

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

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



## ***b. Amendment to Community Character and Cohesion***

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

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

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

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

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

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

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

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

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

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

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

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

## **IV. Revised Coordination and Public Involvement Summary**

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

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

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

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

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

## **V. Final Section 4(f) Evaluation**

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

### ***a. Coordination***

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

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

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

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

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

## b. *Conclusion*

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

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

## VI. Revised Mitigation and Commitments Summary

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

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

**Table 2. Mitigation Measures and Commitments**

Mitigation Measure or Commitment	Responsibility
<i>Acquisitions and Relocations</i>	
All ROW and relocation impacts will be mitigated in conformance with the Uniform Relocation Assistance and Real Property Act of 1970, as amended by the Surface Transportation Assistance Act of 1987.	SDDOT
<i>Utilities</i>	
SDDOT will coordinate utility relocations during final design with each utility company to minimize or avoid interruptions in utility services. Emergency services will have continued access during construction.	SDDOT
<i>Community Character and Cohesion</i>	
<ul style="list-style-type: none"> <li>• <u>Speed Message Boards</u>: Devices that display the driver’s speed will be installed on each of the three roadways (South Rochford Road, Rochford Road, and North Rochford Road) entering Rochford.</li> <li>• <u>Gateway Signs</u>: The County will be responsible for furnishing and installing up to three gateway signs for Rochford. Size and colors will conform to the Manual on Uniform Control Devices (MUTCD) (if applicable). The County will coordinate with at least one of the Committee members or another representative of the community to choose the sign.</li> <li>• <u>Pedestrian Warning Signs</u>: MUTCD approved pedestrian signs (for example, ‘Yield to Pedestrians’ or ‘Slow - Watch for Pedestrians’) will be installed within Rochford. The County will work with the community to identify which warning signs are appropriate. Pedestrian warning signs are intended to be installed after the speed message boards and gateway signs in locations that will best protect pedestrians.</li> <li>• <u>Informal Parking</u>: Prior to construction of the preferred alternative, Pennington County will construct approximately 80 feet of informal (unpaved) parking within the County ROW to be located on the east side of North Rochford Road between the Moonshine Gulch Saloon and Rochford Mall.</li> </ul> <p>In the future, the County will utilize traffic counts and safety concerns identified by the Rochford community to determine the effectiveness of the implemented mitigation measures. If it is determined that the proposed measures are not effective, and additional measures are required, the following are examples of what could be considered: reduction of the posted speed within Rochford, providing stop signs at intersections, and installing rumble strips. The County will solicit public input for revision of implemented measures or proposal of new measures from the community by discussing the topic at a Pennington County Board of Commissioners’ meeting.</p>	Pennington County

Mitigation Measure or Commitment	Responsibility
<i>Cultural Resources</i>	
<ul style="list-style-type: none"> <li>• SDDOT will coordinate with consulting tribes regarding construction scheduling to limit disruption to ceremonial activities from construction noise and traffic control.</li> <li>• SDDOT has prepared and will implement a TCP Treatment Plan designed to avoid, minimize, or mitigate adverse effects on TCPs determined eligible for listing in the NRHP.</li> <li>• SDDOT has prepared a Monitoring for Discoveries Plan to be implemented during Project construction, including provisions for tribal monitors. Required actions for discovery of previously unrecorded historic properties include: cease work, notify agencies and consulting parties, assess discovery, its potential APE and its NRHP eligibility by a qualified archaeologist, and coordinate with consulting parties on proposed treatment actions to resolve any adverse effects on historic properties prior to resuming work in the area.</li> <li>• The Monitoring for Discoveries Plan includes procedures for treatment of discovered human remains, curating materials, and notifying landowners regarding archaeological discovery on their property.</li> </ul>	SDDOT and Pennington County
<i>Traffic and Transportation</i>	
SDDOT will implement a traffic control plan that will identify an on site detour for Mickelson Trail users. The Mickelson Trail will stay open during construction through the use of detours and/or a flagger.	SDDOT
<i>Floodplain</i>	
During final design, impacts to the designated floodplain will be coordinated with the local floodplain administrator to obtain necessary approvals. The 100-year flood flow capacity of Rapid Creek will be evaluated to determine if flood levels will not change as a result of the Project. The local floodplain administrator could require a no-rise certificate as part of a Floodplain Non-Development Permit, or a Conditional Letter of Map Revision.	SDDOT
<i>Water Quality</i>	
During final design, a Stormwater Pollution Prevention Plan (SWPPP) will be developed and National Pollutant Discharge Elimination System (NPDES) permits will be obtained prior to construction to reduce impacts to water quality. Per the SWPPP and NPDES permits, SDDOT will implement best management practices (BMPs) to protect water quality including, but not limited to sediment and erosion controls, filtering construction runoff in vegetated swales before reaching surface water, re-vegetating disturbed areas as soon as possible after construction, and staging equipment and associated maintenance materials away from surface water. Coordination with the Forest Service will also occur to ensure all applicable Forest Service	SDDOT and Contractor

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



Mitigation Measure or Commitment	Responsibility
<i>Vegetation, Fish, and Wildlife</i>	
<p><i>Protect known raptor nests.</i> Though no raptor nests were identified within the Project Areas, habitat for raptors exists within the Project Areas and may be present at the time of construction. If any raptor nests are found during construction, notify the Project Engineer immediately so that he/she can consult with the SDDOT Environmental Office for an appropriate course of action.</p> <p><i>Minimize disturbance to riparian areas.</i> Work within riparian areas will be avoided where possible. In some cases, the roadway is directly adjacent to riparian areas and cannot be avoided. Disturbance to these areas will be minimized to the extent possible. Riparian areas which are directly adjacent to the road will be disturbed temporarily during construction. Construction Inspector will be present during construction to confirm that activities in these areas are minimized and that work is staying within designated work areas. Prohibit motorized vehicles from entering streams except at existing crossings or at approved points laid out in final plans.</p> <ul style="list-style-type: none"> <li>• Fen impacts will be minimized or mitigated by implementation of the following measures:               <ul style="list-style-type: none"> <li>○ <i>Erosion Control Plan-</i> An erosion control plan will be in place to minimize sedimentation at all fen locations, including the Rochford Cemetery Fen crossing.</li> <li>○ <i>Construction Monitoring-</i> Construction monitoring of the Rochford Cemetery Fen crossing will assist in ensuring that equipment is not driving within sensitive fen areas and that the proper erosion and sediment</li> </ul> </li> </ul>	Contractor
<ul style="list-style-type: none"> <li>• <i>Minimize disturbance or removal of wildlife habitat.</i> Unless determined a safety hazard, tree and snag removal will be limited to those areas needed for the Project, including those areas designated for tree removal to allow sunlight and encourage snow and ice melt.</li> <li>• <i>Minimize disturbance to riparian and wetland areas.</i> The following measures will be implemented to minimize impacts to riparian and wetland areas:               <ul style="list-style-type: none"> <li>○ Minimize filling or dredging activities within riparian and wetland areas.</li> <li>○ Prevent storm runoff from washing silt into the stream or wetland.</li> <li>○ Reseed and/or replant cut-and-fill slopes with native seed and/or native plants promptly to control erosion. Use appropriate measures to control erosion on disturbed areas that are steep, highly erosive, and/or adjacent to the riparian area.</li> <li>○ Timing, placement, and installation of temporary stream diversions shall allow passage of aquatic life and protect sensitive species and species of local concern (SOLC).</li> </ul> </li> </ul>	SDDOT, Pennington County, and Contractor

Mitigation Measure or Commitment	Responsibility
<ul style="list-style-type: none"> <li>○ controls are in place for protecting fens.</li> </ul>	
<ul style="list-style-type: none"> <li>● <i>Biological Monitoring at Rochford Cemetery Fen</i>- This monitoring will determine if rapid dieback of acid intolerant species occurs and if remedial action needs to occur. Remedial actions will be determined by SDDOT, Pennington County and Forest Service. If dieback is occurring without establishment of new, acid-tolerant species, the manual re-vegetation of species such as <i>Betula glandulosa</i>, <i>Carex</i> spp. and <i>Sphagnum</i> spp. may be warranted.</li> </ul>	SDDOT and Pennington County
<ul style="list-style-type: none"> <li>● Minimize disturbance to native vegetation. Native vegetation shall be retained to the maximum extent possible during proposed activities. Where possible along the roads, remaining vegetation will vary in size and spacing to maintain a more natural appearance. Minimize opportunities for introduction of noxious weeds</li> <li>● Minimize disturbance to unique botanical sites. Ground disturbing activities within Reynold’s Prairie will be limited to the working area which will be noted in the final plans. A Construction Inspector will be present during construction to confirm that activities within these areas are minimized. All construction activities, including equipment and vehicle movement and parking, shall not occur outside the plans designated work limits unless specifically addressed in the plans. The Contractor is responsible for obtaining USFS, USFWS, SHPO and/or USACE review for any borrow sites, staging areas, waste sites, additional easement, and other ground disturbing activities outside the project limits as shown in the plans. The Contractor shall provide the Project Engineer a copy of all required agency review prior to commencing any work outside the project limits as shown in the plans.</li> </ul>	Contractor
<ul style="list-style-type: none"> <li>● Use of herbicides and pesticides in maintenance will be limited to target areas, that is, individuals or groups of individuals.</li> </ul>	Pennington County
<ul style="list-style-type: none"> <li>● Protect unique botanical areas. Road construction activities will be minimized to the extent possible in unique botanical areas (see Map 3 of the BA/BE), including stockpiling of materials and placement of spoil materials. Unique botanical areas include fens and montane grassland areas (e.g. Reynold’s Prairie).</li> </ul>	SDDOT and Contractor
<p>Any waste, borrow or staging sites outside the Study Area will be responsibility of the contractor, including all permits and approvals.</p>	Contractor

Mitigation Measure or Commitment	Responsibility
<i>Threatened and Endangered Species and Forest Service Sensitive Species</i>	
<p>A Biological Assessment and Biological Evaluation (BA/BE) was prepared to analyze the effects of the Project on federally listed species and U.S. Forest Service sensitive species. Though potential tree summer roosts for the northern long-eared bat exist within the Study Area for both build alternatives, incidental take is not prohibited based on the final 4(d) rule published on January 14, 2016. Should white nose syndrome be identified within the Project Areas, incidental take will be prohibited under the following circumstances.</p> <ul style="list-style-type: none"> <li>• If it occurs within a hibernacula,</li> <li>• If it results in tree removal activities and               <ul style="list-style-type: none"> <li>○ The activity occurs within 0.25 miles of a known, occupied hibernacula; or</li> <li>○ The activity removes or destroys a known, occupied maternity roost tree or other trees within a 150 ft. radius from the maternity roost tree during the pup season from June 1 – July 31.</li> </ul> </li> </ul>	<p>SDDOT and Pennington County</p>
<p>The following avoidance, minimization, and mitigation measures were developed for impacts to U.S. Forest Service sensitive species, unique botanical sites, and riparian habitats including fens through the BA/BE and Forest Service Specialist Reports.</p> <ul style="list-style-type: none"> <li>• Protect unique botanical areas including fens and montane grasslands by minimizing ground disturbing activities, stockpiling of materials, and placement of spoil material within these areas.</li> <li>• Implement minimization and mitigation measures for fen impacts by preventing sedimentation with an erosion control plan, construction monitoring at Rochford Cemetery Fen, and post-construction biological monitoring at Rochford Cemetery Fen.</li> <li>• Minimize and improve roadway effects on the Rochford Cemetery Fen by incorporating a permeable road base into the final design.</li> <li>• Minimize and improve roadway effects on adjacent fen areas with groundwater seepage under the roadway by replacing the road bed with native, non-alkaline material such as granite or quartzite to improve fen pH.</li> <li>• Mitigate roadway effects on the Rochford Cemetery Fen through channel restoration developed to facilitate the natural hydrologic regime; implement special precautions to prevent erosion and sedimentation by removing spoil material from the vicinity of the fen and use seed mixes and re-vegetation methods developed for fen restoration.</li> </ul>	<p>SDDOT, Pennington County and Contractor</p>

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

**Table 3. Anticipated Permits**

Permit Name/Type	Permit Description	Issuing Agency	Permit Requirements
Clean Water Act- Section 404 (Wetlands and Other Waters)	Regulates discharge of dredged or fill material into Waters of the United States	USACE	A permit application will be submitted to USACE prior to commencement of construction activities for the Project. If required, a mitigation plan will be prepared through coordination with the appropriate resource agencies for the 404 permit and the 401 certification. All mitigation will occur through on-site, off-site, or a mitigation bank as approved by the USACE.
Clean Water Act- Section 401 (Water Quality Certification)	Water quality verification and compliance with state statutes	SDDENR	Submit plans and proposed impacts to SDDENR. Conditions in Individual water quality certification will need to be followed.
Floodplain Non- Development Permit or CLOMR	Regulates construction within floodplains	Pennington County	Submit permits for Project construction within the Rapid Creek floodplain.
Clean Water Act- NPDES General Permit for Stormwater Discharges Associated with Construction Activities	Regulates discharges of pollutants from non-point sources and construction sites greater than 1 acre	SDDENR	BMPs will be implemented to minimize impacts to Rapid Creek and unnamed intermittent streams.

## VII. FHWA Decision

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

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

## VIII. References

- Feldman, Scott. 2014a. "Rochford Day attracts crowd, helps volunteer fire department." Rapid City Journal. July 5. [http://rapidcityjournal.com/news/local/rochford-day-attracts-crowd-helps-volunteer-fire-department/article\\_03a8a4a3-03ba-5632-8a2c-2a1778605b8b.html](http://rapidcityjournal.com/news/local/rochford-day-attracts-crowd-helps-volunteer-fire-department/article_03a8a4a3-03ba-5632-8a2c-2a1778605b8b.html)
- Feldman, Scott. 2014b. "Rally events span far beyond Sturgis." Rapid City Journal. August 4. [http://rapidcityjournal.com/sturgisrallydaily/news/rally-events-span-far-beyond-sturgis/article\\_f9ba43d3-64f0-5eba-bc4a-d87e688185be.html](http://rapidcityjournal.com/sturgisrallydaily/news/rally-events-span-far-beyond-sturgis/article_f9ba43d3-64f0-5eba-bc4a-d87e688185be.html)
- Gross, Jason, 2016. "Moral support at Mickelson Trail Marathon." Black Hills Pioneer. [http://m.bhpioneer.com/local\\_news/moral-support-at-mickelson-trail-marathon/article\\_01535a68-2bf8-11e6-999e-bbf146cb8d30.html?mode=jqm](http://m.bhpioneer.com/local_news/moral-support-at-mickelson-trail-marathon/article_01535a68-2bf8-11e6-999e-bbf146cb8d30.html?mode=jqm)
- Schwaneke, S. 2016. Personal communication- Telephone conversation on June 29<sup>th</sup>.
- South Dakota Game, Fish and Parks, 2016a. "Registration for 19<sup>th</sup> annual Mickelson Trail Trek is open." Butte County Post. January 5. [http://rapidcityjournal.com/news/local/communities/belle\\_fourche/registration-for-th-annual-mickelson-trail-trek-is-open/article\\_dd65f882-d852-556e-bff9-aa710c62b9d2.html](http://rapidcityjournal.com/news/local/communities/belle_fourche/registration-for-th-annual-mickelson-trail-trek-is-open/article_dd65f882-d852-556e-bff9-aa710c62b9d2.html)
- South Dakota Game, Fish and Parks, 2016b. "Mickelson Trail Trek 2016." <https://gfp.sd.gov/state-parks/directory/mickelson-trail/trail-trek.aspx>
- South Dakota Magazine, 2014. "Heritage Day – Rochford." <http://southdakotamagazine.com/event?eventTitle=heritage-day-rochford--1400529482--2429>