

February 21, 2023

**ADDENDUM NO. 1**

**RE: Item #3, March 1, 2023 Letting - PH 0020(201), PCN 06JF, Hanson, Miner, Minnehaha County - Grading, Culvert Extensions, Asphalt Concrete Surfacing**

**TO WHOM IT MAY CONCERN:**

The following addenda to the plans shall be inserted and made a part of your proposal for the referenced project.

**SPECIAL PROVISIONS:** Please remove the Index of Special Provisions and replace with attached Index of Special Provisions revised 2/21/23. "Special Provision Regarding Restricted Work at Drainage Crossings or Wetlands", dated 2/21/23 was added.

Please add the "Special Provision Regarding Restricted Work at Drainage Crossings or Wetlands", dated 2/21/23 before the "Special Provision for Prosecution and Progress", dated 1/21/21.

**SDEBS BID PROPOSAL:** NO CHANGE

**PLANS:** Please destroy sheets 4 and 5 and replace with the enclosed sheets, dated 2/2/23. Sheet 5A was added.

**Sheets 4 & 5:** Table of Impacted Wetlands was revised, COMMITMENT I was revised and note spacing was adjusted.

**Sheet 5A:** COMMITMENT N: SECTION 404 PERMIT and COMMITMENT Q: ARCHAEOLOGICAL COORDINATION were added.

Sincerely,

Sam Weisgram  
Engineering Supervisor

SW/cj

CC: Travis Dressen, Mitchell Region Engineer  
Harry Johnston, Sioux Falls Area Engineer

REV 2/21/23

INDEX OF SPECIAL PROVISIONS

PROJECT NUMBER(S): PH 0020(201) PCN: 06JF

TYPE OF WORK: GRADING, CULVERT EXTENSIONS, ASPHALT CONCRETE SURFACING

COUNTIES: HANSON, MINER, MINNEHAHA

The following clauses have been prepared subsequent to the Standard Specifications for Roads and Bridges and refer only to the above described improvement, for which the following Proposal is made.

The Contractor's attention is directed to the need for securing from the Department of Environment & Natural Resources, Foss Building, Pierre, South Dakota, permission to remove water from public sources (lakes, rivers, streams, etc.). The Contractor should make his request as early as possible after receiving his contract, and insofar as possible at least 30 days prior to the date that the water is to be used.

Devon Bartscher, Sara Garbe, Jim Baltzer is the official in charge of the Mitchell, Sioux Falls, Madison Career Center for Hanson, Miner, Minnehaha Counties.

**THE FOLLOWING ITEMS ARE INCLUDED IN THIS PROPOSAL FORM:**

**Special Provision Regarding Restricted Work at Drainage Crossings or Wetlands, dated 2/21/23.**

**Special Provision for Prosecution and Progress, dated 1/21/21.**

**Special Provision for Contractor Staking, dated 12/21/22.**

**List of Utilities.**

Special Provision for Restriction on Contracts with Prohibited Entities, dated 1/23/23.

Special Provision for Buy America, dated 1/20/23.

Special Provision for Liability Insurance, dated 4/21/22.

Special Provision for Responsibility for Damage Claims, dated 4/21/22.

Special Provision for Grass Seed Substitution, dated 1/26/22.

Special Provision for Restriction of Boycott of Israel, dated 1/31/20.

Special Provision for Contractor Administered Preconstruction Meeting, dated 12/18/19.

Fuel Adjustment Affidavit, DOT form 208 dated 7/15.

Standard Title VI Assurance, dated 3/1/16.

Special Provision For Disadvantaged Business Enterprise, dated 8/14/18.

Special Provision For EEO Affirmative Action Requirements on Federal and Federal-Aid Construction Contracts, dated 9/1/97.

Special Provision For Required Contract Provisions Federal-Aid Construction Contracts, Form FHWA 1273 (Rev. July 5, 2022), dated 7/12/22.

Required Contract Provisions Federal-Aid Construction Contracts, Form FHWA 1273 (Rev. 7/5/22).

Special Provision Regarding Minimum Wage on Federal-Aid Projects, dated 10/24/19.  
Wage and Hour Division US Department of Labor Washington DC. - US Dept. of Labor Decision Number SD180001, dated 4/6/18.

Special Provision for Supplemental Specifications to 2015 Standard Specifications for Roads and Bridges, dated 9/7/22.

Special Provision for Price Schedule for Miscellaneous Items, dated 10/7/20.

Special Provision Regarding Storm Water Discharge, dated 5/8/18.

General Permit for Storm Water Discharges Associated with Construction Activities, dated 4/1/18

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

**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION  
REGARDING RESTRICTED WORK AT DRAINAGE CROSSINGS OR  
WETLANDS**

**PH 0020(201), PCN 06JF**  
**Hanson, Miner, and Minnehaha Counties**  
Various Locations in the Mitchell Region  
Turn Lane Construction

**FEBRUARY 21, 2023**

This project includes pending approval of a permit application filed with US Army Corps of Engineers (USACE) SD Regulatory Office. The USACE issues nationwide permits to authorize construction activities within waters of the United States as regulated by Section 404 of the Clean Water Act and USACE Permit Regulations 33 CFR 320-332.

Work will be prohibited at the drainage crossings or wetlands shown below until the Department notifies the contractor that a permit has been authorized and that work may proceed in the areas designated below. At the time of notification, the Department will include the general conditions and, if necessary, special conditions that must be complied with to in order for the authorization to be valid.

Wetlands(s):

Wetland 1: 17+00 – 39+00 L  
Wetland 3: 99+00 – 102+00 L  
Wetland 6: 613+65 – 616+65 L  
Wetland 7: 608+00 – 608+65 R  
Wetland 9: 594+00 – 597+00 L  
Wetland 10: 570+00 – 590+00 LR  
Wetland 12: 295+00 – 298+00 R  
Wetland 13: 289+00 – 292+00 L  
Wetland 18: 616+65 – 620+00 L

It is anticipated that authorization will be received by April 7<sup>th</sup>, 2023 (33 days) and will be valid until March 14, 2026. If authorization is not received by the date anticipated and causes a delay or impact to the contractor's schedule, the contractor shall notify the Engineer immediately so contract time can be recorded and charged in accordance with the specifications and provisions set forth in this contract.

**COMMITMENT A: WETLANDS**

All efforts to avoid and minimize wetland impacts from the project have resulted in approximately 0.495 acre of wetlands (includes temporary and permanent) becoming impacted. Refer to the plans for location and boundaries of the impacted wetlands.

**Table of Impacted Wetlands**

Wetland No.	Station	Perm. Impact Left (Acres)	Perm. Impact Right (Acres)	Temp. Impact Left (Acres)	Temp. Impact Right (Acres)	Total Impact (Acres)
WL 1	17+00-39+00	0.000	0.011	0.000	0.000	0.011
WL 3	99+00-102+00	0.000	0.017	0.000	0.000	0.017
WL 6	613+65-616+65	0.001	0.000	0.000	0.000	0.001
WL 7	608+00-608+65	0.088	0.000	0.000	0.000	0.088
WL 9	594+00-597+00	0.015	0.000	0.000	0.000	0.015
WL 10	570+00-590+00	0.131	0.000	0.041	0.000	0.131
WL 12	295+00-298+00	0.043	0.000	0.000	0.000	0.043
WL 13	289+00-292+00	0.000	0.066	0.000	0.000	0.066
WL 18	616+65-620+00	0.084	0.000	0.000	0.000	0.084

**Action Taken/Required:**

SDDOT will acquire 0.53 credits from the Tetonka wetland mitigation bank site or In-Lieu Fee program to mitigate permanent impacts.

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

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

**COMMITMENT B1: CONSTRUCTION PRACTICES FOR STREAMS INHABITED BY THE TOPEKA SHINER**

**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 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.

**COMMITMENT D: WATER QUALITY STANDARDS**

**COMMITMENT D1: SURFACE WATER QUALITY**

An unnamed tributary to Skunk Creek is classified as warm water, marginal fishery with a total suspended solids standard of less than 150 mg/L 30-day average, less than 263 mg/L daily maximum.

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

**Action Taken/Required:**

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

**COMMITMENT D2: SURFACE WATER DISCHARGE**

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

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

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 SDDANR using the following form:

<  
[https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR\\_AddTempInfoFillable.pdf](https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_AddTempInfoFillable.pdf) >

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

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

<  
<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/swdpermitting/Ereporting.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 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\\_CGPApp\\_endixCCA2018Fillable.pdf](https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/docs/DANR_CGPApp_endixCCA2018Fillable.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 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.

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	PH 0020(201)	5	177

Plotting Date: 10/18/2022

Rev 2/2/2023 JDL

## **COMMITMENT I: HISTORIC PRESERVATION OFFICE CLEARANCES**

The SDDOT has obtained concurrence with the State Historic Preservation Office (SHPO) 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 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 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.

Work within the vicinity of the sites will not begin until the safety fence is installed. All costs associated with furnishing and installing the orange safety fence will be incidental to the contract unit price per foot for "Orange Plastic Safety Fence". These identified sites cannot be used for material sources, storage areas, waste sites, and/or any other project related activities outside the plan work limits.

**COMMITMENT Q: ARCHAEOLOGICAL COORDINATION**

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

The following historic properties have been identified that require avoidance of construction activities:

**Table of Historic Properties**

Station	Offset (Ft.)	L/R	Environmental Sensitive Site	Action
600+46 to 624+54	varies	R	ESS1	Site Fencing

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

**Action Taken/Required:**

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

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

Prior to the pre-construction meeting, the Contractor will contact the ARC (Phone: 605-394-1936) to coordinate the installation schedule of orange plastic safety fence around the perimeter of ESS1 listed in the Table of Historic/Archeological Sites to ensure proper location, quality, and visibility of the orange safety fence. The exact location of the safety fence will be determined later in the field by the ARC representative.

The Contractor will give written notice to the Engineer seven (7) days prior to the commencement of earth disturbing activities near listed sites identified in the Table of Historic/Archeological Site so the Engineer may notify ARC of the day work will start and schedule the installation of orange safety fence. ARC is to be present during earth disturbing activities to monitor the removal of topsoil, ensure avoidance of the fenced sites, and identify any culturally sensitive sites that may be uncovered.