

**Draft**  
**Rapid City IHS Health Center**  
**Supplemental Environmental Assessment**

**December 2019**



**US Department of Health and Human Services**  
**Indian Health Services, Great Plains Area**  
**Rapid City, South Dakota**

## **DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

### **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES GREAT PLAINS AREA INDIAN HEALTH SERVICES RAPID CITY IHS HEALTH CENTER RAPID CITY, SOUTH DAKOTA**

Pursuant to provisions of the National Environmental Policy Act of 1969 (NEPA), Title 42 United States Code (U.S.C.) Sections 4321 to 4347d, implemented by the Council on Environmental Quality (CEQ) Regulations, Title 40, Code of Federal Regulations (CFR) §§1500-1508, and Health and Human Services (HHS) General Administration Manual Part 30 Environmental Protection, Great Plains Area (GPA) Indian Health Services (IHS) assessed the potential environmental consequences associated with the Rapid City IHS Health Center, Pennington County, South Dakota.

The purpose of the proposed project is to build a comprehensive, modern, and technologically advanced health care facility that provides outpatient services in the areas of audiology, dental care, eye care, primary care, podiatry, specialty care, diagnostic imaging, laboratory, pharmacy, physical therapy, behavioral health (mental health, social work, and psychiatry), and preventive services (environmental health, health education, public health nursing, public health nutrition, and healthy lifestyle center).

The need for the proposed project is determined by the size, population, and demographic composition of the service area. The Sioux San facility currently serves Native Americans in the Pennington County area. This area is referred to in the Rapid City IHS Health Center – Project Justification Document (PJD) (HHS 2006) as the Rapid City Service Unit (RCSU). The RCSU comprises the major residential communities of Box Elder, Hill City, Keystone, New Underwood, Rapid City, Scenic, and Wall, along with other smaller communities in the area. The PJD projected the Native American population in the RCSU to be approximately 13,657 in 2015. Also, the RCSU historically experiences an additional 13 percent crossover workload from outside of the service unit. Presently, Sioux San is unable to meet the health care needs of this population.

The Supplemental Environmental Assessment (SEA) analyzes the potential environmental consequences of activities associated with the modification and operation by GPA IHS of the Rapid City IHS Health Center at the Sioux San facility in Rapid City, South Dakota, and provides environmental protection measures to avoid or reduce adverse environmental impacts.

The SEA considers the potential impacts of the Proposed Action Alternative and the No Action Alternative. The SEA also considers cumulative environmental impacts with other projects in the Region of Influence.

#### **Alternative A: No Action (Continue Current Operations)**

The CEQ regulation, 40 CFR §1502.14(d), requires the inclusion of a No Action Alternative in the NEPA analysis. There are currently 30 buildings/facilities and a water tower located at Sioux San (see Table 2.1). Under this Alternative, Building 23 would be demolished for safety reasons, but the rest of the buildings would remain in place. Buildings containing lead and asbestos contaminants would not be decontaminated since those contaminants are encapsulated and, therefore, do not present a hazard to public health unless they are demolished. Sioux San would continue to be operated for the foreseeable future in the same manner as it is presently, unless some other Alternative facility nearby (in the RCSU) that was more suited to provide the needed health services were to become available.

In fiscal years 2015 and 2018, Sioux San provided health care services to an average of approximately 70 - 85 and 50 - 65 Native American patients on a daily basis, respectively (HHS 2016 and Newbrough 2019, personal communication). Each patient visit often included multiple patient interactions, such as doctor and nurse visits, specialized imaging, immunizations, follow-up telephone calls, and visits to the pharmacy. As the existing buildings age, some additional ancillary buildings may become unserviceable and require demolition; however, the patient treatment capacity of Sioux San would be expected to remain approximately unchanged in the near-term.

### **Alternative B: Implement Proposed Action**

The GPA IHS proposes modifications to its facility at the Sioux San Campus in Rapid City, Pennington County, South Dakota to improve healthcare services provided to multiple tribes in the region (see Figure 1-1). The IHS proposes to remove many of the existing buildings at their Sioux San facility and in their place construct a new health care facility with associated infrastructure and utilities (the Project). Specifically, 26 buildings and a water tank would be demolished and removed or relocated off-site, one building would be renovated (#29, Boiler Plant), two buildings would remain (#26, Barn; #27, Root Cellar), and the final disposition of one building (Hospital (#1)), has not been determined. The new health care building, approximately 203,500 square feet in size, would be constructed, along with associated parking and green space. The Project would be entirely contained within the existing Sioux San facility boundary on IHS-administered land within the city of Rapid City. The IHS would oversee design and construction of the facility; federal funding is designated for the Project through the IHS.

### **SUMMARY OF FINDINGS**

The IHS has concluded that no significant adverse impacts would result to the resources analyzed in this SEA as a result of the Proposed Action (Preferred Alternative). No significant adverse cumulative impacts would result from activities associated with the Preferred Alternative when considered with past, present, or reasonably foreseeable future projects.

### **FINDING OF NO SIGNIFICANT IMPACT BY THE IHS**

Based on my review of the facts and analyses contained in the attached SEA, conducted under the provisions of NEPA, CEQ Regulations, and HHS GAM Part 30-50, I conclude that the Preferred Alternative would not have a significant environmental impact, either by itself or cumulatively with other known projects. Accordingly, an Environmental Impact Statement is not required. The signing of this Finding of No Significant Impact completes the environmental impact analysis process.

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James Driving Hawk  
Area Director, Great Plains Area, Indian Health Service

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Date



December 23, 2019

Dear Agencies, Tribes, and Other Interested Parties:

The Great Plains Area Indian Health Service (IHS) is proposing modifications to its facility at the Sioux San Campus in Rapid City, Pennington County, South Dakota to improve healthcare services provided to multiple tribes in the region. The IHS proposes to remove many of the existing buildings at their Sioux San facility and in their place construct a new health care facility with associated infrastructure and utilities (the Project). The new health care building would be approximately 203,500 square feet in size, and have associated parking and green space. The Project would be entirely contained within the existing Sioux San facility boundaries on IHS-administered land within the city of Rapid City. The IHS would oversee design and construction of the facility, and would fund the Project.

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing the procedures of NEPA (40 CFR Parts 1500-1508), and IHS's Environmental Review Manual (2007), the IHS has prepared the enclosed *Draft Rapid City IHS Health Center Supplemental Environmental Assessment*. The IHS previously prepared an environmental assessment (EA) for the Project in 2006; however, due to changes in Project plans and the length of time since the previous EA, IHS decided to prepare this Supplemental EA. This document evaluates the potential impacts on the human and natural environment of the proposed Project and the No Action Alternative.

IHS is announcing the availability of this Draft Supplemental EA and the Draft Finding of No Significant Impact (FONSI) for public review and comment, and invites your feedback. **IHS will be accepting comments on the Draft Supplemental EA and Draft FONSI until January 31, 2020.** The IHS will use the comments it receives to make a decision on which alternative to select.

Written comments may be submitted by two methods:

*by email to:*  
Dayton.Newbrough@ihs.gov

*by delivery to:*  
Dayton Newbrough  
Facilities Engineer  
IHS Sioux San Facility  
3200 Canyon Lake Drive  
Rapid City, South Dakota 57702

Thank you for your participation in the environmental review process. We appreciate your interest and look forward to your comments.

Sincerely,

*for* James Driving Hawk  
Area Director  
Great Plains Area Indian Health Service

Enclosure

## TABLE OF CONTENTS

<b>CHAPTER 1: PURPOSE OF AND NEED FOR ACTION.....</b>	<b>1</b>
1.1 INTRODUCTION AND BACKGROUND.....	1
1.2 OVERVIEW OF THE PROPOSED ACTION.....	2
1.3 PURPOSE OF THE PROPOSED PROJECT.....	3
1.4 NEED FOR THE PROPOSED PROJECT.....	3
1.5 IHS PROJECT OBJECTIVES.....	4
1.5.1 Objective #1.....	4
1.5.2 Objective #2.....	4
1.5.3 Objective #3.....	4
1.6 RELEVANT LAWS, REGULATIONS, AND OTHER DOCUMENTS.....	4
1.7 DECISIONS THAT MUST BE MADE.....	5
1.8 SCOPING AND RESOURCE ISSUES.....	7
1.8.1 Scoping.....	7
1.8.2 Relevant Resource Issues.....	7
1.8.3 Resources / Issues Eliminated from Detailed Study.....	8
<b>CHAPTER 2: ALTERNATIVES INCLUDING THE PROPOSED ACTION.....</b>	<b>9</b>
2.1 INTRODUCTION.....	9
2.2 DESCRIPTION OF ALTERNATIVES.....	9
2.2.1 Alternative A (No Action) – Continue Current Operations.....	9
2.2.2 Alternative B – Implement Proposed Action.....	9
2.2.3 Alternatives Considered but Eliminated from Evaluation.....	12
2.3 COMPARISON OF ALTERNATIVES.....	13
2.3.1 How the Alternatives Meet the Project Objectives.....	13
2.3.2 Method of Effects Analysis.....	14
2.3.3 Summary of Environmental Consequences.....	15
<b>CHAPTER 3: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES.....</b>	<b>17</b>
3.1 INTRODUCTION.....	17
3.2 GENERAL DESCRIPTION.....	17
3.3 LAND USE.....	17
3.3.1 Existing Conditions.....	17
3.3.2 Effects of Alternative A (No Action) on Land Use.....	17
3.3.3 Effects of Alternative B (Proposed Action) on Land Use.....	17
3.4 CULTURAL RESOURCES AND HISTORIC PROPERTIES.....	18
3.4.1 Existing Conditions.....	18
3.4.2 Effects of Alternative A (No Action) on Cultural Resources.....	20
3.4.3 Effects of Alternative B (Proposed Action) on Cultural Resources.....	21
3.5 HAZARDOUS MATERIALS AND WASTES.....	22
3.5.1 Existing Conditions.....	22
3.5.2 Effects of Alternative A (No Action) on Hazardous Materials and Wastes.....	24
3.5.3 Effects of Alternative B (Proposed Action) on Hazardous Materials and Wastes.....	24
3.6 PUBLIC SERVICES, INFRASTRUCTURE, AND UTILITIES.....	25
3.6.1 Existing Conditions.....	25
3.6.2 Effects of Alternative A (No Action) on Public Services, Infrastructure, and Utilities.....	25
3.6.3 Effects of Alternative B (Proposed Action) on Public Services, Infrastructure, and Utilities.....	25
3.7 TRANSPORTATION.....	26
3.7.1 Existing Conditions.....	26
3.7.2 Effects of Alternative A (No Action) on Transportation.....	26
3.7.3 Effects of Alternative B (Proposed Action) on Transportation.....	26
3.8 SOCIOECONOMIC ISSUES.....	27
3.8.1 Existing Conditions.....	27
3.8.2 Effects of Alternative A (No Action) on Socioeconomic Resources.....	28
3.8.3 Effects of Alternative B (Proposed Action) on Socioeconomic Resources.....	28

3.9	ENVIRONMENTAL JUSTICE.....	29
3.9.1	<i>Existing Conditions</i> .....	29
3.9.2	<i>Effects of Alternative A (No Action) on Environmental Justice</i> .....	29
3.9.3	<i>Effects of Alternative B (Proposed Action) on Environmental Justice</i> .....	30
3.10	AIR QUALITY.....	30
3.10.1	<i>Existing Conditions</i> .....	32
3.10.2	<i>Effects of Alternative A (No Action) on Air Quality</i> .....	32
3.10.3	<i>Effects of Alternative B (Proposed Action) on Air Quality</i> .....	32
3.11	WATER RESOURCES.....	32
3.11.1	<i>Existing Conditions</i> .....	32
3.11.2	<i>Effects of Alternative A (No Action) on Water Resources</i> .....	32
3.11.3	<i>Effects of Alternative B (Proposed Action) on Water Resources</i> .....	32
3.12	VEGETATION RESOURCES.....	33
3.12.1	<i>Existing Conditions</i> .....	33
3.12.2	<i>Effects of Alternative A (No Action) on Vegetation Resources</i> .....	33
3.12.3	<i>Effects of Alternative B (Proposed Action) on Vegetation Resources</i> .....	33
3.13	WILDLIFE RESOURCES.....	34
3.13.1	<i>Existing Conditions</i> .....	34
3.13.2	<i>Effects of Alternative A (No Action) on Wildlife Resources</i> .....	34
3.13.3	<i>Effects of Alternative B (Proposed Action) on Wildlife Resources</i> .....	34
3.14	SOUNDSCAPE RESOURCES.....	35
3.14.1	<i>Existing Conditions</i> .....	35
3.14.2	<i>Effects of Alternative A (No Action) on Soundscape Resources</i> .....	36
3.14.3	<i>Effects of Alternative B (Proposed Action) on Soundscape Resources</i> .....	37
3.15	VISUAL RESOURCES.....	37
3.15.1	<i>Existing Conditions</i> .....	37
3.15.2	<i>Effects of Alternative A (No Action) on Visual Resources</i> .....	38
3.15.3	<i>Effects of Alternative B (Proposed Action) on Visual Resources</i> .....	38
3.16	SOIL AND GEOLOGIC RESOURCES.....	38
3.16.1	<i>Existing Conditions</i> .....	38
3.16.2	<i>Effects of Alternative A (No Action) on Soil and Geologic Resources</i> .....	38
3.16.3	<i>Effects of Alternative B (Proposed Action) on Soil and Geologic Resources</i> .....	39
3.17	RECREATION RESOURCES.....	39
3.17.1	<i>Existing Conditions</i> .....	39
3.17.2	<i>Effects of Alternative A (No Action) on Recreation Resources</i> .....	39
3.17.3	<i>Effects of Alternative B (Proposed Action) on Recreation Resources</i> .....	39
3.18	UNAVOIDABLE ADVERSE EFFECTS.....	39
3.18.1	<i>Land Use</i> .....	39
3.18.2	<i>Cultural Resources and Historic Properties</i> .....	40
3.18.3	<i>Air Quality</i> .....	40
3.18.4	<i>Vegetation Resources</i> .....	40
3.18.5	<i>Wildlife Resources</i> .....	40
3.18.6	<i>Soundscape Resources</i> .....	40
3.18.7	<i>Visual Resources</i> .....	40
3.19	RELATIONSHIP OF SHORT-TERM USES AND LONG-TERM PRODUCTIVITY.....	40
3.20	IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES.....	40
<b>CHAPTER 4: LIST OF PREPARERS.....</b>		<b>41</b>
<b>CHAPTER 5: LIST OF AGENCIES AND PERSONS CONSULTED AND/OR PROVIDED COPIES OF THIS ENVIRONMENTAL ASSESSMENT.....</b>		<b>43</b>
<b>CHAPTER 6: REFERENCES.....</b>		<b>45</b>

**LIST OF TABLES**

**TABLE 1-1.** EXISTING SIOUX SAN BUILDING DISPOSITION PLAN .....2  
**TABLE 2-1.** EFFECTS ANALYSIS SUMMARY .....15  
**TABLE 3-1.** EXISTING SIOUX SAN BUILDINGS WITH ASBESTOS.....22  
**TABLE 3-2.** EXISTING SIOUX SAN BUILDINGS WITH ASBESTOS.....23  
**TABLE 3-3.** EMPLOYMENT BY INDUSTRY IN FIRST QUARTER 2019 .....27  
**TABLE 3-4.** PROJECTED EMPLOYMENT BY INDUSTRY IN 2025 .....27  
**TABLE 3-5.** PROJECTED EMPLOYMENT BY INDUSTRY IN 2025 .....28  
**TABLE 3-6.** LOW INCOME AND MINORITY POPULATIONS IN THE ROI.....29  
**TABLE 3-7.** NATIONAL AMBIENT AIR QUALITY STANDARDS .....30  
**TABLE 3-8.** PEAK NOISE LEVELS FROM CONSTRUCTION EQUIPMENT .....37

**LIST OF FIGURES**

**FIGURE 1-1.** PROJECT LOCATION MAP.....6  
**FIGURE 2-1.** PROJECT AREA MAP .....10  
**FIGURE 3-1.** CIRCA 1939-1940 AERIAL PHOTO SHOWING RENOVATION WORK AT SIOUX SAN.....19  
**FIGURE 3-2.** MAXIMUM SOUND LEVEL (LMAX) AND SOUND EXPOSURE LEVELS (SELS) COMPARISON .....36

**LIST OF APPENDICES**

**APPENDIX A – PRIOR NEPA DOCUMENTS** .....49  
**APPENDIX B – SCOPING** .....64  
**APPENDIX C – SCHEMATIC DRAWINGS BY PHASE** .....79  
**APPENDIX D – HISTORIC PROPERTIES PROGRAMMATIC AGREEMENT**.....89  
**APPENDIX E – US FISH AND WILDLIFE SERVICE CONSULTATION LETTER** .....134

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## CHAPTER 1: PURPOSE OF AND NEED FOR ACTION

### 1.1 INTRODUCTION AND BACKGROUND

The Sioux San facility and its associated buildings and grounds (Sioux San) are located in Rapid City, South Dakota (SD) and are owned and operated by the U.S. Department of Health and Human Services, Great Plains Area Indian Health Services (GPAIHS) (formerly Aberdeen Area IHS) (see Figure 1. Project Location Map). The Sioux San facility was originally constructed in 1938 on the site of the former Rapid City Indian School that was established by Congress in 1896 (Pezzoni and Eades 2005). The school opened in 1898 with 10 staff members and approximately 80 students. By 1925, enrollment exceeded 300 students and the campus had been expanded to 50 buildings spread out over 1,560 acres. In 1929 the Office of Indian Affairs decided to convert the school into a sanitarium “to provide both medical care and educational opportunities for chronically ill Indian children.” By 1934, the school had been closed and by 1938, the existing facility had been completed with the purpose of functioning as a tuberculosis sanitarium. The buildings and grounds were transferred to the U.S. Public Health Service (which later became the Indian Health Service) in 1955. The facility’s role has since expanded to provide a wide range of health care services to Native Americans.

In 1992, as part of a larger program throughout the nation, Sioux San was evaluated for its ability to meet current needs and potential replacement (HHS 2006). The evaluation looked at the utilization of the existing system, the size and condition of existing space, the ability of the existing space to support an accessible and modern health care delivery system, and the proximity of other health care facilities. The evaluation determined that Sioux San does not meet the current and projected future needs, and that renovation of the existing buildings and infrastructure would not solve the problem. Sioux San was recommended for replacement with a new facility to be called the “Rapid City IHS Health Center.” Prior to replacement, the potential environmental consequences of this Proposed Action must be identified and disclosed to the public.

The 1969 National Environmental Policy Act (NEPA), as amended, requires federal agencies to consider environmental consequences in their decision-making process. The President’s Council on Environmental Quality (CEQ) has issued regulations to implement NEPA that include provisions for both the content and procedural aspects of the required environmental impact analysis. Compliance with NEPA is accomplished through adherence to the procedures set forth in CEQ regulations (40 Code of Federal Regulations [CFR] §§1500-1508), Health and Human Services (HHS) General Administration Manual Part 30 Environmental Protection, and the Indian Health Service (IHS) Environmental Review Manual for Indian Health Service Programs (January 2007). These federal regulations and guidelines establish both the administrative process and substantive scope of the environmental impact evaluation designed to ensure that deciding authorities have a proper understanding of the potential environmental consequences of a contemplated course of action. For this project, it was determined that an Environmental Assessment (EA) was the appropriate level of analysis necessary to satisfy the requirements of NEPA.

An EA was prepared for this project in September of 2006 and a Finding of No Significant Impact (FONSI) was issued by GPAIHS in October 2006. Due to the age of that EA and the need for more detailed and in-depth resource issue analysis, this Supplemental EA (SEA) was prepared to update that original EA, which is attached herein along with the original FONSI in Appendix A.

The information presented in this SEA will serve as the basis for deciding whether the Proposed Action would result in a significant impact to the human environment, requiring the preparation of an Environmental Impact Statement (EIS), or whether no significant impacts would occur, in which case a FONSI would be appropriate.

## 1.2 OVERVIEW OF THE PROPOSED ACTION

The Great Plains Area Indian Health Service (IHS) proposes modifications to its facility at the Sioux San campus in Rapid City, Pennington County, South Dakota to improve healthcare services provided to multiple tribes in the region (see Figure 1-1). The IHS proposes to remove many of the existing buildings at their Sioux San facility and in their place construct a new health care facility with associated infrastructure and utilities (the Project). Specifically, 26 buildings and a water tank would be demolished and removed or relocated off-site, one building would be renovated (#29, Boiler Plant), two buildings would remain (#26, Barn; #27, Root Cellar), and the final disposition of one building (Hospital (#1)), has not been determined (see Table 1-1). The new health care building would be approximately 203,500 square feet in size, and have associated parking and green space. The Project would be entirely contained within the existing Sioux San boundary on IHS-administered land within the city of Rapid City. The IHS would oversee design and construction of the facility; federal funding is designated for the Project through the IHS.

**Table 1-1.** Existing Sioux San Building Disposition Plan

Building #	Building Name	Sq Ft	Levels	Use Status	Most Recent Use	Planned Disposition
000001	Sioux San Hospital - 1938	46,895	4	In Use	Clinic	TBD
000002	Lakota Lodge - 1923	25,118	3	In Use	Office	Demo
000004	Maintenance Shop - 1938	2,112	1	In Use	Maintenance Shop	Demo
000006	Admin Offices - 1906	3,024	1	In Use	Office	Demo
000007	Garage - 1906	768	1	In Use	Storage	Demo
000008	Admin Offices - 1907	1,621	1.5	In Use	Transient Housing	Demo
000009	Admin Offices - 1908	2,200	1.5	In Use	Transient Housing	Demo
000010	Garage - 1908	240	1	In Use	Storage	Demo
000011	Aberdeen Area Office - 1994	1,822	1	In Use	Office	Relocate Off-site or Demo
000012	Head Start - 1994	4,383	1	In Use	Head Start	Relocate Off-site or Demo
000014	Garage - 1955	256	1	In Use	Storage	Demo
000015	Storage - 1908	56	1	Vacant	Vacant	Demo
000016	Garage - 1938	484	1	In Use	Storage	Demo
000017	Dental Clinic - 1994	1,960	1	In Use	Dental Clinic	Relocate Off-site or Demo
000018	Mental Health/Social Services - 1925	2,253	1.5	In Use	Tribal Program Office	Demo
000022	CHR/Community Health - 1906	1,763	1.5	In Use	Tribal Program Office	Demo
000023	Garage - 1938	240	1	Vacant	Storage	Demo

Building #	Building Name	Sq Ft	Levels	Use Status	Most Recent Use	Planned Disposition
000024	Garage - 1948	484	1	In Use	Storage	Demo
000026	Barn - 1938	2,592	2	In Use	Storage	Remain
000027	Root Cellar - 1938	1,350	1	In Use	Storage	Remain
000028	Dental Clinic - 1938	5,120	2	In Use	Dental Clinic	Demo
000029	Boiler Plant - 1994	3,025	1	In Use	Heating Plant	Remain and Renovate
000030	Former Wellness Center - 2004	3,314	1	In Use	Conference Room	Relocate Off-site or Demo
000031	Wellness Center - 2016	5,301	1	In Use	Fitness Center	Relocate Off-site or Demo
000032	Behavioral Health - 2016	6,353	1	In Use	Behavioral Health Offices	Relocate Off-site or Demo
000033	Duplex Residence - 2016	2,254	1	Vacant	Transient Housing	Relocate Off-site or Demo
T1	Native Healing - 2011	2,215	1	In Use	Outpatient Counseling-Substance Abuse	Relocate Off-site or Demo
T2	Native Women's Services - 2013	5,400	1	In Use	Women's Health Clinic	Relocate Off-site or Demo
N37	Pumphouse - 1963	87	1	Not Used	Not used for several years	Demo
T	Sweat Lodges	126	1	In use	Ceremonies	Relocate
	Water Tank	n/a	n/a		Water Storage	Demo

The proposed new health care building would provide space and infrastructure for health care services as described in Section 1.3 of this SEA.

### 1.3 PURPOSE OF THE PROPOSED PROJECT

The purpose of the proposed project is to build a comprehensive, modern, and technologically advanced health care facility that provides outpatient services in the areas of audiology, dental care, eye care, primary care, podiatry, specialty care, diagnostic imaging, laboratory, pharmacy, physical therapy, behavioral health (mental health, social work, and psychiatry), and preventive services (environmental health, health education, public health nursing, public health nutrition, and healthy lifestyle center). The new facility would no longer provide inpatient care; however, the ambulatory care department's hours of operation would be extended into the evening and on weekends to provide outpatient urgent care services (HHS 2006).

### 1.4 NEED FOR THE PROPOSED PROJECT

The need for the proposed project is determined by the size, population, and demographic composition of the service area. Sioux San currently serves Native Americans in the Pennington County area. This area is

referred to in the Rapid City IHS Health Center – Project Justification Document (PJD) (HHS 2006) as the Rapid City Service Unit (RCSU). The RCSU comprises the major residential communities of Box Elder, Hill City, Keystone, New Underwood, Rapid City, Scenic, and Wall, along with other smaller communities in the area. The PJD projected the Native American population in the RCSU to be approximately 13,657 in 2015. Also, the RCSU historically experiences an additional 13 percent crossover workload from outside of the service unit. Presently, Sioux San is unable to meet the health care needs of this population.

## **1.5 IHS PROJECT OBJECTIVES**

### **1.5.1 Objective #1**

To provide and/or assure the availability of high quality, modern, comprehensive, and accessible health care services and facilities to Native Americans in and near the RCSU.

### **1.5.2 Objective #2**

To remove and dispose of hazardous materials that were used in the original construction of the existing buildings at Sioux San.

### **1.5.3 Objective #3**

To create increased opportunities for Native Americans in and near the RCSU to manage and operate their own health programs.

## **1.6 RELEVANT LAWS, REGULATIONS, AND OTHER DOCUMENTS**

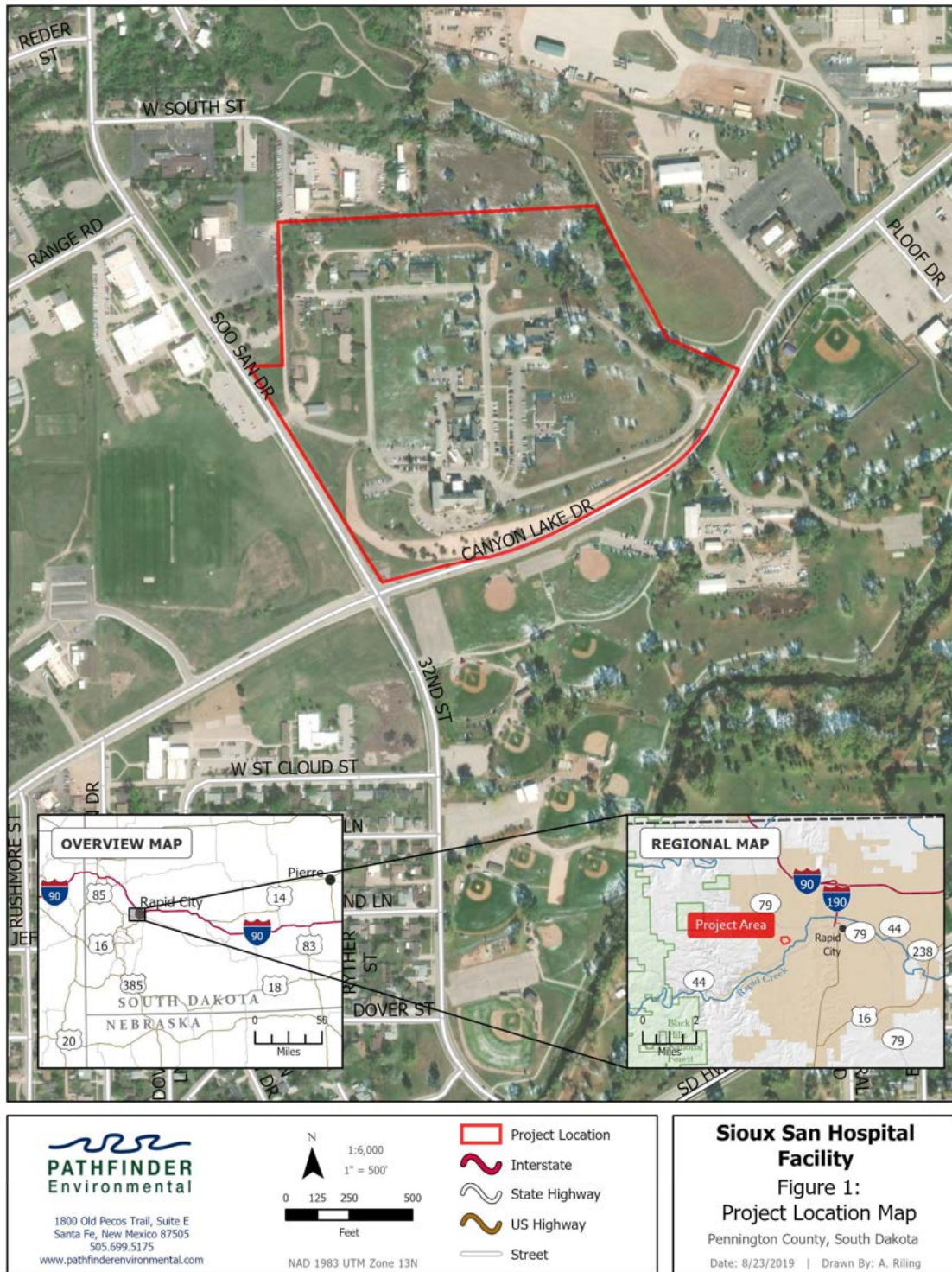
- NEPA of 1969 (Public Law [PL] 91-190, 42 United States Code [U.S.C.] §4321-4347)
- 32 CFR §989, Environmental Impact Analysis Process
- 40 CFR §1500-1505, CEQ's Regulations on Implementing NEPA
- 50 CFR §402, Interagency Cooperation - Endangered Species Act of 1973, as amended
- U.S. Army Corps of Engineers wetlands policy
- Endangered Species Act (ESA) of 1973 (16 U.S.C. §1531-1542)
- Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. §703-712; Ch. 128; July 13, 1918; 40 Stat. 755)
- Archaeological Resources Protection Act (ARPA) of 1979
- National Historic Preservation Act (NHPA) of 1966 (36 CFR §800)
- Native American Graves Protection and Repatriation Act of 1991 (25 U.S.C. §3001 et seq.)
- EO 11988 - Floodplain Management
- EO 11990 - Protection of Wetlands
- EO 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Clean Air Act of 1970 (42 U.S.C. §7401 et seq.)
- Clean Water Act of 1972 (33 U.S.C. §1251 et seq.)
- Pollution Prevention Act of 1990 (42 U.S.C. §13101 and §13102 et seq.)
- Considering Cumulative Effects under the National Environmental Policy Act, Council on Environmental Quality, January 1997
- CEQ document "Environmental Justice, Guidance Under the National Environmental Policy Act"
- HHS General Administration Manual Part 30 Environmental Protection

Plans and permits that would be needed prior to site preparation and temporary structure erection include:

- Storm Water Pollution Prevention Plan (SWPPP)
- General Construction Permit
- National Pollution Discharge Elimination System (NPDES) Permit

### **1.7 DECISIONS THAT MUST BE MADE**

The analysis in this SEA evaluates the potential environmental consequences of the Proposed and Alternative actions. Based on this information, IHS would determine whether to implement the Proposed Action or take No Action (No Action Alternative). As required by NEPA and its implementing regulations, preparation of an environmental document must precede final decisions regarding the Proposed Action, and be available to inform decision-makers of the potential environmental impacts of selecting the Proposed Action or the No Action Alternative. If significant impacts are identified, IHS would either undertake mitigation to reduce impacts to below the level of significance, undertake the preparation of an EIS addressing the Proposed Action, or abandon the Proposed Action.



Document Path: D:\Google Drive\GIS\Pathfinder\Sioux San Hospital Facility\Sioux San Hospital Facility\Sioux San Hospital Facility.aprx; Sources: Terrain: Airbus,USGS,NGA,NASA,CGIAR,NCEAS,NLS,OS,NMA,Geodatastyrelsen,GSA,GSI and the GIS User Community, World Imagery: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus D5, USDA, USGS,

Figure 1-1. Project Location Map

## 1.8 SCOPING AND RESOURCE ISSUES

### 1.8.1 Scoping

On June 12, 2019, GPA IHS mailed a scoping letter to the agencies, tribes, organizations, and people listed on the mailing list attached in Appendix B. A copy of this letter is also attached in Appendix B. The scoping letter describes, in general terms, the proposed project to replace the existing health care buildings at Sioux San. It then explains IHS's responsibility to prepare an environmental document to comply with NEPA and the resource issues the document was anticipated to analyze in detail. The letter invited the public to provide comments on the proposed project for a period of 30 days, ending on July 19, 2019. The letter provided an email address and a mailing address where comments could be delivered.

A total of three responses were received; two letters from the South Dakota Department of Environment and Natural Resources (DENR) (Surface Water Quality Program and Ground Water Quality Program) and one email from the Pennington County Commission. These letters are attached in Appendix B. The Surface Water Quality Program (SWQP) expressed that they do not anticipate that the proposed project would violate any statutes or regulations administered by the DENR so long as appropriate sediment and erosion control measures are employed, the project is authorized under the General Permit for Storm Water Discharges Associated with Construction, and various other permits and criteria may apply depending upon the site's proximity to nearby surface waters. The SWQP requested the opportunity to review and comment on any significant changes proposed before the project is completed. The Ground Water Quality Program (GWQP) expressed that they do not anticipate adverse impacts to ground water quality by the proposed project. They recommended that a stormwater permit may be required for the project and there may be groundwater contamination in the vicinity of the project area, which may warrant further research. They requested that any contamination encountered or caused by the project during construction be reported to DENR. The Pennington County Commission requested clarification regarding the scoping letter and the range of topics about which they might comment.

### 1.8.2 Relevant Resource Issues

Federal regulations (40 CFR §§1500 et seq.) require certain topics be addressed as part of a NEPA analysis. Resource areas that could be affected by the Proposed or No Action Alternatives have been selected to allow for a comprehensive analysis of potential impacts. The following resource areas are discussed in detail in the EA:

- Land Use
- Cultural Resources and Historic Properties
- Hazardous Materials and Wastes
- Public Services, Infrastructure, and Utilities
- Transportation
- Socioeconomic Issues
- Environmental Justice
- Air Quality
- Water Resources
- Vegetation Resources

- Wildlife Resources
- Soundscape Resources
- Visual Resources
- Soil and Geologic Resources
- Recreation Resources

**1.8.3 Resources / Issues Eliminated from Detailed Study**

None.



## CHAPTER 2: ALTERNATIVES INCLUDING THE PROPOSED ACTION

### 2.1 INTRODUCTION

This SEA analyzes the potential effects of two alternatives, No Action and the Proposed Action. Although the No Action alternative does not meet the purpose and need for the project, the potential effects of this alternative are analyzed to provide a baseline against which the potential effects of the Proposed Action may be compared in order for the reader to fully understand the context of the analysis. The description of the No Action alternative includes those existing conditions at Sioux San that would be continued into the future as well as any known future activities that would occur if the Proposed Action is not implemented. Other potential alternatives that were considered by IHS are also described here. The potential effects of these other alternatives were not analyzed in detail because they did not adequately meet the purpose of and need for the project.

### 2.2 DESCRIPTION OF ALTERNATIVES

#### 2.2.1 Alternative A (No Action) – Continue Current Operations

There are currently 30 buildings/facilities and a water tower located at Sioux San (see Table 2.1). Under this Alternative, Building 23 would be demolished for safety reasons, but the rest of the buildings would remain in place. Buildings containing lead and asbestos contaminants would not be decontaminated since those contaminants are encapsulated and, therefore, do not present a hazard to public health unless they are demolished. Sioux San would continue to be operated for the foreseeable future in the same manner as it is presently, unless some other alternative facility nearby (in the RCSU) that was more suited to provide the needed health services were to become available.

In fiscal years 2015 and 2018, Sioux San provided health care services to an average of approximately 70 - 85 and 50 - 65 Native American patients on a daily basis, respectively (HHS 2016 and Newbrough 2019, personal communication). Each patient visit often included multiple patient interactions, such as doctor and nurse visits, specialized imaging, immunizations, follow-up telephone calls, and visits to the pharmacy. As the existing buildings age, some additional ancillary buildings may become unserviceable and require demolition; however, the patient treatment capacity of Sioux San would be expected to remain approximately unchanged in the near-term.

#### 2.2.2 Alternative B – Implement Proposed Action

This project would be completed by an engineering and construction contractor under a design/build contract, therefore, a construction plan set has not yet been completed. Currently, an architectural schematic design has been completed (Seven Generations 2019), which forms the basis for the description of the Proposed Action. Several of the existing buildings on the site would be either relocated or demolished and removed. Buildings 7, 8, 9, 10, 16, 18, 22, 23, 24, and the water tower contain varying amounts contamination from lead-based paint. Building 14 contains asbestos contamination. Buildings 1, 2, 4, 6, and 28 contain both lead-based paint and asbestos contamination. Under this Alternative, the IHS would carry out complete removal of all lead and asbestos contamination from Buildings 2, 4, 6, and 28 prior to demolition. Demolition and relocation of existing facilities along with construction of the new facility would be carried out in eight phases. Figure 2-1 contains a Project Area Map with buildings labeled. Appendix C contains a schematic drawing for each phase. These drawings are not finalized and are, therefore, subject to change; however, they are sufficient for the purposes of analysis in the SEA. If substantive changes are made to these drawings prior to finalizing, then this SEA would be updated to reflect those changes along with any changes to the potential effects described in Chapter 3, as necessary.

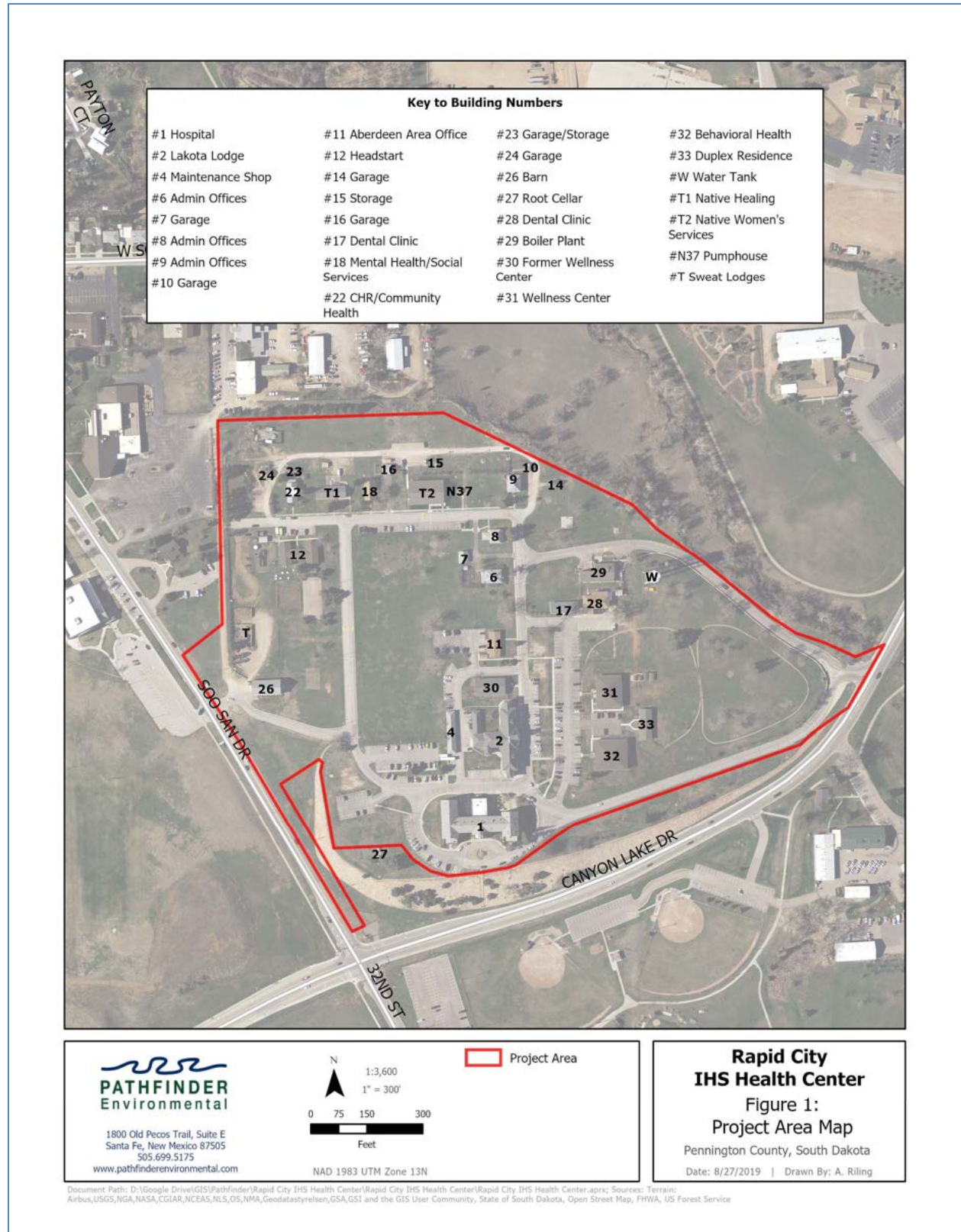


Figure 2-1. Project Area Map

The following is a series of lists of activities by phase that provide a detailed description of the Proposed Action.

In Phase 1, the following activities would take place:

- Construction trailers would be brought in and set up either on the north side of the parking lot just west of the existing Building #1 or possibly by the Dental Clinic (Buildings #17 and #28) just south of the water tower;
- the current entrance onto Canyon Lake Drive on the southeast side of Sioux San would be reconfigured to provide two-way traffic along the road to the existing Building #1;
- a construction entrance would be constructed on the southwest side to provide direct access to the site from Soo San Drive for construction workers and trucks hauling in equipment and materials and hauling out debris from building demolition; this entrance would become permanent after construction of the new facility has been completed;
- an optional 60 foot by 45 foot swing space for up to 20 personnel with electricity, water, and sewer would be erected just south of the parking lot located west of Building #1 or possibly by the Dental Clinic (Buildings #17 and #28) just south of the water tower, and;
- a new location for the sweat lodges would be provided in order to facilitate the placement of the new entrance from Soo San Drive.

With the exception of the relocation of the sweat lodges, there would be no building demolition during Phase 1.

In Phase 2, the following activities, in the order presented, would take place:

- Current occupants of Buildings 6, 7, 8, 9, 10, 11, 14, 30, and N37 would be relocated to either the swing space constructed in Phase I or a different building on campus;
- demolish Buildings 6, 7, 8, 9, 10, 14, and N37;
- coordinate with IHS and tribal representatives to possibly relocate Buildings 11 and 30 to new off-site locations or demolish;
- demolish warehouse storage wing of Building 2;
- partially demolish Building 4, maintaining generator functionality, and construct a wall on the north side to close the opening left by demolition;

In Phase 3, the following activities, in the order presented, would take place:

- Provide temporary erosion control measures;
- Construct new Health Center with loading dock;
- relocate gas, electricity, and communication lines;
- install new water main and reconnect it to Buildings 1 (hospital) and 2 (Lakota Lodge);
- install sanitary sewer lines and connect to Building 2;

In Phase 4, the following activities, in the order presented, would take place:

- Current occupants of Buildings 12, 16, 18, 22, 23, 24, T1 and T2 moved to new Health Center;

demolish Buildings 16, 18, 22, 23, 24, and coordinate possible relocation to a new off-site location with IHS and Tribal representatives or demolish Buildings 12, T1, and T2 In Phase 5, the following activities, in the order presented, would take place:

- Construct north retention pond and outlet;
- Construct security fencing;
- Construct parking lot and storm sewer system on west side of new Health Center and connect the storm sewer system to the retention/detention basin on the north side of the new Health Center;
- convert the construction entrance from Soo San Drive into final configuration for entrance to the west side parking lot;
- Relocate all occupants to the new Health Center;
- demolish the existing drive on the north side of the new Health Center.

In Phase 6, the following activities, in the order presented, would take place:

- Demolish Buildings 2 and 28 and either demolish or coordinate the potential relocation of Buildings 17, 31, 32, and 33 to off-site locations with IHS and tribal representatives;
- Construct east detention pond and outlet
- demolish the remainder of Building 4 and remove 600 gallon underground fuel storage tank during removal of generator from Building 4;
- demolish elevated water storage tank and abandon water supply mains and valves in place.

In Phase 7, the following activities, in the order presented, would take place:

- Construct parking lot and storm sewer system on east side of new Health Center and connect the storm sewer system to the retention/detention basin on the east side of the new Health Center;
- renovate Building 29 (Boiler Plant);
- reconstruct southeast entrance from Canyon Lake Drive to original configuration with roll top curb and gutter on island;
- remove construction trailers and swing space (and utility connections) from the site.

In Phase 8, the following activities, in the order presented, would take place:

- Transfer Building 1 (Hospital) to a tribal organization or demolish and remove debris;
- complete all landscaping installation;
- Rapid City IHS Health Center Project complete.

The new Health Center would include 3 new diesel-powered 500 kW generators for electricity backup. Construction would begin in May 2020 and be completed by November 2023.

### **2.2.3 Alternatives Considered but Eliminated from Evaluation**

Two potential Alternatives were considered during development of the Proposed Action, but were dismissed from further analysis.

#### **2.2.3.1 Building Re-Use**

This Alternative is basically the same as the Proposed Action, except that instead of demolishing the buildings as described in the Proposed Action, they would be re-purposed or relocated off-site for use by interested tribes.

During a meeting with consulting parties for the NHPA Section 106 process, held on October 5, 2016, tribal representatives requested consideration of possible re-use of the buildings, either in place or moving them to another location, as an Alternative to demolition. Under this scenario, the tribes would take

ownership of the buildings and be responsible for all costs and efforts for use and maintenance. The IHS would still conduct environmental remediation of the buildings to remove asbestos and lead paint prior to turning ownership of the buildings over to the tribes. The IHS developed and provided information to the Tribes regarding the condition of the buildings slated for demolition, as well as estimates of costs they could expect to incur to renovate the buildings for use and to maintain them, based on the costs that the IHS currently incurs for maintenance and use. The IHS met with tribal representatives to explore the feasibility of this option. These meetings between tribal representatives and the IHS included:

- January 7, 2017 – Cheyenne River, Oglala, and Rosebud Sioux Tribes at the Unified Health Board meeting in Rapid City
- March 6, 2017 – Cheyenne River, Oglala, and Rosebud Sioux Tribes at a Tribal Leaders meeting in Rapid City
- July 20, 2017 – Rosebud Sioux Tribe at their tribal council meeting
- August 29, 2017 – Oglala Sioux Tribe (Pine Ridge Reservation) at their tribal council meeting
- September 7, 2017 – Cheyenne River Sioux Tribe at their tribal council meeting
- September 12, 2017 – Cheyenne River, Oglala, and Rosebud Sioux Tribes at Rapid City IHS

The tribes subsequently determined that it would not be feasible for them to acquire the buildings for re-use, thus this potential Alternative was removed from consideration.

### **2.2.3.2 Alternative Site**

IHS conducted a public meeting in Rapid City on March 26, 2018, to allow the public an opportunity to provide input on the development of a NHPA Section 106 programmatic agreement. At this meeting, representatives of the Rosebud, Cheyenne River, and Oglala Sioux Tribes asked the IHS to consider an alternate site for the new health center. The alternate site, referred to as Shepherd Hills, would be located at the eastern edge of Rapid City on land that would be donated and developed by a private landowner for the new facility. The IHS, at the regional and headquarters levels, worked with the Tribes to explore the possibility of using this proposed parcel. On September 26, 2018, a team comprised of the IHS, members of the Great Plains Tribal Chairmen's Health Board, and representatives from the Cheyenne River Sioux Tribe, Oglala Sioux Tribe, and Rosebud Sioux Tribe, met at the Shepherd Hills site and each group completed a Phase I Site Selection Evaluation score sheet and discussed and compared their score sheets. The items scored included features, such as topography, utilities, roadway access, site grade, and other site development requirements. After careful consideration of all known factors, the IHS determined that use of the Shepherd Hills site would not be feasible, thus this potential Alternative was removed from consideration.

## **2.3 COMPARISON OF ALTERNATIVES**

### **2.3.1 How the Alternatives Meet the Project Objectives**

The only Alternative that meets the Project Objectives is the Proposed Action. The Proposed Action is, therefore, the Preferred Alternative. The Proposed Action meets the first objective by constructing and operating new, modern health care facilities that provide sufficient space for the requisite equipment and staffing necessary to serve Native Americans in and near the RCSU. It meets the second objective by removing all known hazardous contaminants from the existing buildings before demolishing them and removing them from the project area. It meets the third objective by creating professional health care job opportunities for Native Americans who live in or near Rapid City to serving their fellow Native Americans.

### 2.3.2 Method of Effects Analysis

The SEA takes a “hard look” at all potential effects by considering the direct, indirect, and cumulative effects of the Proposed Action on the environment, along with connected and cumulative actions. Effects are described in terms of context, duration, intensity, and type. The context or extent of the impact is described as localized or widespread. The duration of effects is described as short-term, ranging from days to three years in duration, or long-term, extending up to 20 years or longer. The intensity and type of impact is described as negligible, minor, moderate, or major, and as beneficial or adverse. The IHS equates “major” effects as “significant” effects. The identification of “major” effects would trigger the need for an EIS. Where the intensity of an impact could be described quantitatively, the numerical data is presented; however, most impact analyses are qualitative and use best professional judgment in making the assessment. General definitions are defined as follows.

- **Type** describes the classification of the impact as either beneficial or adverse, direct or indirect:
  - *Beneficial*: A positive change in the condition or appearance of the resource or a change that moves the resource toward a desired condition.
  - *Adverse*: A change that moves the resource away from a desired condition or detracts from its appearance or condition.
  - *Direct*: An effect that is caused by an action and occurs in the same time and place.
  - *Indirect*: An effect that is caused by an action but is later in time or farther removed in distance, but is still reasonably foreseeable.
- **Context** describes the area or location in which the impact will occur. Are the effects site-specific, local, regional, or even broader?
- **Duration** describes the length of time an effect will occur, either short-term or long-term:
  - *Short-term* effects generally last only during construction, and the resources resume their pre-construction conditions within a year or two of construction.
  - *Medium-term* effects generally last for a few years, but less than a decade, and the resources may not resume their pre-construction conditions for a longer period of time following construction.
  - *Long-term* effects last beyond a decade, and the resources may never resume their pre-construction conditions following construction.
- **Intensity** describes the degree, level, or strength of an impact. For this analysis, intensity has been categorized into negligible, minor, moderate, and major. Generally, these categories are defined as follows:
  - *Negligible* effects are acknowledged to exist, but are so small as to be unmeasurable and/or potentially unnoticeable.
  - *Minor* effects are noticeable and potentially measurable, but the character or status of the resource would not be altered in such a way as to warrant mitigation.

- *Moderate* effects are obvious and likely measurable, but may be mitigated through the employment of reasonable and/or commonly used mitigation measures. Moderate effects are the highest level of intensity that are not considered significant, as defined by NEPA.
- *Major* effects are obvious, measurable, substantial, and possibly permanent. Mitigation measures would be necessary and their success would not be guaranteed.

### 2.3.3 Summary of Environmental Consequences

**Table 2-1.** Effects Analysis Summary

Resource Topic	Alternative	Effects Analysis				
		Intensity	Type (direct or indirect)	Type (adverse or beneficial)	Duration	Context
Land Use Resources	No Action	minor	indirect	adverse	long-term	regional
	Proposed Action	moderate	direct & indirect	beneficial	medium- & long-term	regional
Cultural and Historic Resources	No Action	minor	direct	adverse	permanent	regional
	Proposed Action	moderate	direct	adverse	permanent	regional
Hazardous Materials and Wastes	No Action	none	-	-	-	-
	Proposed Action	none	-	-	-	-
Public Services, Infrastructure, and Utilities	No Action	minor	indirect	adverse	long-term	regional
	Proposed Action	moderate	direct	beneficial	long-term	local
Transportation	No Action	none	-	-	-	-
	Proposed Action	none	-	-	-	-
Socioeconomic Issues	No Action	minor	indirect	adverse	long-term	regional
	Proposed Action	moderate	direct & indirect	beneficial	long-term	regional
Environmental Justice	No Action	moderate	direct & indirect	adverse	long-term	regional
	Proposed Action	moderate	direct & indirect	beneficial	long-term	regional
Air Quality	No Action	none	-	-	-	-
	Proposed Action	negligible	direct	adverse	short-term	local
Water Resources	No Action	*	*	*	*	*
	Proposed Action	*	*	*	*	*
Vegetation Resources	No Action	none	-	-	-	-
	Proposed Action	negligible	direct	adverse	short-term	local
	No Action	none	-	-	-	-

Resource Topic	Alternative	Effects Analysis				
		Intensity	Type (direct or indirect)	Type (adverse or beneficial)	Duration	Context
Wildlife Resources	Proposed Action	negligible	direct	adverse	short-term	local
Soundscape Resources	No Action	negligible	direct	adverse	short-term	local
	Proposed Action	negligible to minor	direct	adverse	medium-term	local
Visual Resources	No Action	none	-	-	-	-
	Proposed Action	negligible to minor	direct	adverse & beneficial	long-term	local
Soil and Geologic Resources	No Action	none	-	-	-	-
	Proposed Action	none	-	-	-	-
Recreation Resources	No Action	none	-	-	-	-
	Proposed Action	none	-	-	-	-

\*See effects analysis for Public Services, Infrastructure, and Utilities



## CHAPTER 3: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

### 3.1 INTRODUCTION

This chapter describes the current conditions of the environmental resources, either man-made or natural, that would be affected by implementation of the Proposed or No Action Alternatives. The baseline conditions presented in this chapter are described to the level of detail necessary to support the analysis of potential impacts presented after each description of existing conditions. Cumulative impacts, as defined in 40 CFR 1508.7, are impacts on the environment that result from the incremental effects of the action when added to other past, present, and reasonably foreseeable actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts are described last in the analysis section for each resource topic.

### 3.2 GENERAL DESCRIPTION

The Sioux San facility presently consists of approximately 42 acres situated two miles west of downtown Rapid City, SD. There are approximately 30 buildings and a water tower (no longer in use) located on the property. These buildings are currently used to provide various health-related services to Native Americans in the region. They range in age from 3 to 113 years old (Seven Generations 2018). Some, such as the original Sioux San hospital building and the Lakota Lodge are large, encompassing 46,895 square feet and 25,118 square feet, respectively. Most are small, ranging in size from less than 100 square feet to just under 4,400 square feet.

### 3.3 LAND USE

#### 3.3.1 Existing Conditions

Land use describes the appearance and activities that take place in a specific area. Land use refers to any human modification of land, and land dedicated for preservation or protection of natural resources. The evaluation of land use is important so as to establish if there is sufficient area for the proposed activities and to identify any potential conflicts with the land use plans. Currently, Sioux San is used to provide health-related services, such as dental, mental, behavioral, social, and reproductive services to Native Americans.

#### 3.3.2 Effects of Alternative A (No Action) on Land Use

The effects to land use as a result of this alternative would be minor, indirect, adverse, long-term, and regional. The ability of the current facility to provide modern health care services would become outdated and outmoded. Eventually, the facility would be unable to meet the health care needs of Native Americans in the region.

There are currently no known past, present or reasonably foreseeable actions in the region that would affect land use at Sioux San; therefore, there would be no cumulative effects as a result of this alternative.

#### 3.3.3 Effects of Alternative B (Proposed Action) on Land Use

The effects to land use as a result of this alternative would be moderate, direct and indirect, beneficial, medium- and long-term, and regional. Land use at Sioux San would remain the same in terms of its use as a health care facility; however, a new comprehensive, modern, and technologically advanced health care facility would provide an expanded array of outpatient services in the areas of audiology, dental care, eye

care, primary care, podiatry, specialty care, diagnostic imaging, laboratory, pharmacy, physical therapy, behavioral health (mental health, social work, and psychiatry), and preventive services (environmental health, health education, public health nursing, public health nutrition, and healthy lifestyle center).

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect land use at Sioux San; therefore, there would be no cumulative effects as a result of this alternative.

### 3.4 CULTURAL RESOURCES AND HISTORIC PROPERTIES

#### 3.4.1 Existing Conditions

##### 3.4.1.1 Definition of the Resource

Cultural resources are physical manifestations of culture, specifically archaeological sites, architectural properties, ethnographic resources, and other historical resources relating to human activities, society, and cultural institutions that define communities and link them to their surroundings. They include expressions of human culture and history in the physical environment, such as prehistoric and historic sites, buildings, structures, objects, and districts. The National Register of Historic Places (National Register) is a listing maintained by the Federal government of prehistoric, historic, and ethnographic buildings, structures, sites, districts, and objects that are considered significant at a national, state, or local level. Cultural resources listed on the National Register, or determined eligible for listing, have been documented and evaluated according to uniform standards, found in 36 CFR 60.4, and, regardless of age, are called *historic properties*.

##### 3.4.1.1 Regulatory Setting

A number of Federal laws, regulations, and Executive Orders (EOs) address cultural resources and Federal responsibilities regarding them and are applicable to Sioux San. Foremost among these statutory provisions, and most relevant to the current analysis, is the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.). Section 106 of the NHPA and its implementing regulations at 36 CFR Part 800 require Federal agencies to take into account the effects of their undertakings on historic properties and to consult to find ways to avoid, minimize, or mitigate any adverse effects. As part of the Section 106 process, agencies are required to consult with the State Historic Preservation Officer (SHPO) on their determinations and decisions. Coordination with the SHPO in South Dakota occurs via the South Dakota State Historical Society.

##### 3.4.1.2 Historical Background of Sioux San

The following historic background is taken from *Archeological Testing Plan for the Indian Health Service Rapid City Health Center Project* (Quality Services, Inc. 2019).

The Sioux San campus was originally developed by the Bureau of Indian Affairs (BIA) as the Rapid City Indian School, the second attempt at creating a boarding school in Rapid City for Native Americans. In 1898, James McLaughlin, representing the BIA, bought 160 acres of land and constructed a school about 1.5 miles west of the City. The school's property had grown to circa 1,200 acres by 1906 and at its largest point was over 1,400. It was one of 28 off-reservation boarding schools created by the government to educate Native Americans and to "convert" them to a Euro-American style of life.

The school was set up to give the students a formal education similar to that of public schools, but function like a military school. It was also tasked to provide vocational training, and for this they constructed a farm and used students to keep the school maintained and functioning. Students would take

classes for the first half of the day, then conduct farming and ranching tasks, as well as operate laundries, conduct maintenance activities, and perform other chores. As part of this assimilation process, the BIA made attendance at the school mandatory, forcing many students to attend and as a consequence, breaking up family units. This removed the support network that students could rely on to maintain their traditional lifeways. The students were also required to dress like Euro-Americans and were only allowed to communicate using English, in order to train them to fit into local society and draw them further away from their Tribe's culture and beliefs.

Rapid City Indian School admitted its first two students September 20, 1898 and brought in 22 from Pine Ridge soon after. By the end of 1898, the school had also added four Shoshone students from the Wind River Reservation and 22 Lakota from the Cheyenne River Reservation. The school complex consisted of student dormitories, staff residences, classrooms, and farm buildings. In 1901, the school had 100 students and needed to have new buildings constructed, eventually providing facilities for around 300. By 1909, the school had 232 students and in 1922 over 340, which was more than the maximum limit, so they had to send many away.

In the late 1920s and early 1930s, the BIA began a campaign to consolidate, repurpose and eliminate their Indian boarding schools nationwide. Many were converted to public high schools. Rapid City Indian School was converted to a boarding school for tubercular students in 1929 and converted back to a regular boarding school in 1930. Its return to a regular boarding school was short lived. In 1932, the BIA began closing the school and finished shutting it down in 1933. During the complex's use as a school, children from the Lakota tribes in South Dakota were the main students, but others from the Northern Cheyenne, Shoshone, Ft. Peck, Northern Arapaho, Crow and Flathead tribes were also sent there.



**Figure 3-1.** Circa 1939-1940 aerial photo showing renovation work at Sioux San.

After the school closed, the campus was used to house workers from the Civilian Conservation Corps (CCC) for a short time. Between 1933 and 1939, the BIA converted the campus into a tuberculosis sanitarium for Native Americans (Figure 3-1). Many deaths were reported during this period. In 1955, the complex was reassigned from the BIA to a new government agency in the Department of Health, the IHS. By the early 1960s, the sanitarium had been converted to the full-service Indian hospital. The facility currently provides out-patient care.

### 3.4.1.3 Cultural Resources at Sioux San

Sioux San has been the subject of cultural resource inventories designed to identify those properties that are eligible to the National Register. One systematic study was the Aberdeen Area Indian Health Service Historic Resources Survey Project (Pezzoni and Eades 2005), which included development of an historic context for the property as well as completion of a comprehensive survey of all standing buildings and structures, along with evaluations of the properties for National Register-eligibility.

The IHS determined that the entirety of the Sioux San property as the Sioux San Hospital and Campus Historic District, eligible to the National Register for its association with the activities of the Office of Indian Affairs as both the Rapid City Indian School (1898 – 1934) and the Sioux Sanatorium (1938 – present) (Pezzoni and Eades 2005). The buildings and structures were found to retain architectural integrity and to be representative of their period of construction. The South Dakota SHPO concurred in 2006 with the definition and determination of eligibility for the historic district. The district was originally comprised of 19 buildings, a water tank, rock retaining wall, staircase, and entrance sign, all of which were eligible to the National Register and contributed to the significance of the district. The remaining buildings and structures were found not eligible and did not contribute to the historic district. In 2010, Building 19, a contributing property to the historic district, burned down. IHS notified the SHPO of the destruction of the building. No other changes to the composition of the historic district have occurred.

The IHS arranged for an archaeological surface inventory of the Sioux San campus in 2015 (Carpenter 2015). No archaeological properties were identified. The report notes that oral history indicates the potential for human burials, dating to the time periods of the Indian School and the early days of the sanatorium when the campus was much larger (1,400 acres as opposed to today's 37 acres). However, arguments are presented that, due to the use of the property as a school and hospital, the shrinkage in the acreage of the campus, and oral history pointing to burials being placed on a ridge now located off of IHS property, the potential for burials in the current campus is low.

### 3.4.2 Effects of Alternative A (No Action) on Cultural Resources

Under this alternative, there would be direct, adverse, and permanent effect to cultural resources from demolition of an historic property that contributes to the historic district, and this effect would be regional in scope. However, through implementation of the mitigation measures in the Programmatic Agreement, the effect would be reduced in magnitude to minor.

This alternative consists of demolition of Building 23, but no other actions or activities. Building 23 is a storage shed that played a small role in the history that makes Sioux San eligible as an historic district and is a contributing property to the District. Demolition of this building would affect this historic property as well as the historic district.

The IHS has developed a Programmatic Agreement under Section 106 of the NHPA and 36 CFR § 800.6 that provides for mitigation measures to resolve the adverse effects of demolition of historic properties within the historic district (Appendix D). This Agreement was developed in consultation with the South

Dakota SHPO, Advisory Council on Historic Preservation, Cheyenne River Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Rapid City Historic Preservation Commission, and Historic Rapid City. Mitigation measures include: research of the history of Sioux San; detailed recording of the district's contributing properties; re-evaluation of the National Register-eligibility of the historic district; archaeological investigations to determine if there are such resources subsurface on the property and to recover the archaeological deposits if they are found to be significant; conduct of rehabilitation activities in accordance with the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67); and development of materials for public interpretation and education. Implementation of these mitigation measures in accordance with the Agreement would resolve the adverse effects to cultural resources and historic properties from this alternative, and render the overall impact less than significant.

### 3.4.3 Effects of Alternative B (Proposed Action) on Cultural Resources

There would be direct, adverse, and permanent effects to cultural resources under this alternative from demolition, rehabilitation, and transfer of the buildings that comprise the historic district, and these effects would be regional in scope. However, through implementation of the mitigation measures in the Programmatic Agreement, these effects would be reduced in magnitude to moderate.

This alternative would include actions that would affect to some degree every property that contributes to the National Register-eligibility of the historic district. Demolition of 15 contributing buildings and the contributing water tank would be a direct and permanent adverse effect to these historic properties, as well as to the historic district. Either demolition or transfer to the tribes of Building 1, the original hospital building, would be a direct and permanent adverse effect to this property, as well as to the historic district. Rehabilitation of the barn, root cellar, and staircase/entrance sign could result in direct and long-term adverse effects to these properties and the historic district if those modifications are not done in accordance with historic preservation standards.

The IHS has developed a Programmatic Agreement under Section 106 of the NHPA and 36 CFR § 800.6 that provides for mitigation measures to resolve the adverse effects of demolition, transfer, and rehabilitation of historic properties within the historic district (Appendix D). This Agreement was developed in consultation with the South Dakota SHPO, Advisory Council on Historic Preservation, Cheyenne River Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Rapid City Historic Preservation Commission, and Historic Rapid City. Mitigation measures include: research of the history of Sioux San; detailed recording of the district's contributing properties; re-evaluation of the National Register-eligibility of the historic district; conduct of rehabilitation activities in accordance with the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67); archaeological investigations to determine if there are such resources subsurface on the property and to recover the archaeological deposits if they are found to be significant; and development of materials for public interpretation and education. Implementation of these mitigation measures in accordance with the Agreement would resolve the adverse effects to cultural resources and historic properties from this alternative, and render the overall impact less than significant.

The region surrounding the Sioux San facility is culturally rich with archaeological and historic resources. Past, present, and reasonably foreseeable projects in the region that have included or would include construction or ground disturbing activities would have the potential to adversely affect cultural resources and historic properties. Any such projects that have federal involvement would undergo Section 106 review to avoid, minimize, or mitigate the effects. While the Proposed Action would contribute to the cumulative effects to cultural resources and historic properties, this contribution would be additive and not result in a significant cumulative effect.

### 3.5 HAZARDOUS MATERIALS AND WASTES

#### 3.5.1 Existing Conditions

An Environmental Site Assessment was conducted at Sioux San in general accordance with the scope and limitations of the Standards and Practices of the United States Environmental Protection Agency's All Appropriate Inquiries rule (40 CFR Part 312, December 30, 2013) and the American Society for Testing Materials Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process – ASTM E1527-13. While the available environmental data for the entire Sioux San facility and adjoining properties was assessed and evaluated in this study, the focus of the Environmental Site Assessment activities was to identify Recognized Environmental Conditions (RECs) that have the potential to impact the specific areas and designated structures at Sioux San that would be associated with activities described in the Proposed Action of this SEA.

#### Asbestos

The United States Environmental Protection Agency (USEPA) regulates asbestos under the Occupational Safety and Health Act (OSHA), 29 U.S.C. §§669 et seq. Emissions of asbestos fibers to ambient air are regulated under Section 112 of the Clean Air Act (CAA). An Asbestos-Containing Materials (ACM) survey was conducted of the older buildings at Sioux San in November 2017 by American Engineering Testing, Inc. The results of this survey are documented by HHS (2019a). Table 3-1 presents the findings of the ACM survey.

**Table 3-1.** Existing Sioux San Buildings With Asbestos

Building #	Building Name - year commissioned	Asbestos-Containing Materials
000001	Sioux San Hospital - 1938	floor tiles, flooring, ceiling tiles, felt wrap pipe insulation, mag block pipe insulation
000002	Lakota Lodge - 1923	floor tiles
000004	Maintenance Shop - 1938	floor tiles
000006	Admin Offices - 1906	floor tiles
000007	Garage - 1906	none found
000008	Admin Offices - 1907	none found
000009	Admin Offices - 1908	none found
000010	Garage - 1908	none found
000011	Aberdeen Area Office - 1994	not inspected
000012	Head Start - 1994	not inspected
000014	Garage - 1955	transite board
000015	Storage - 1908	none found
000016	Garage - 1938	none found
000017	Dental Clinic - 1994	not inspected
000018	Mental Health/Social Services - 1925	none found
000022	CHR/Community Health - 1906	none found
000023	Garage - 1938	none found

Building #	Building Name - year commissioned	Asbestos-Containing Materials
000024	Garage - 1948	none found
000026	Barn - 1938	not inspected
000027	Root Cellar - 1938	not inspected
000028	Dental Clinic - 1938	floor tiles, brown adhesive used on ceiling tiles
000029	Boiler Plant - 1994	not inspected
000030	Former Wellness Center - 2004	not inspected
000031	Wellness Center - 2016	not inspected
000032	Behavioral Health - 2016	not inspected
000033	Duplex Residence - 2016	not inspected
T1	Native Healing - 2011	not inspected
T2	Native Women's Services - 2013	not inspected
N37	Pumphouse - 1963	not inspected
T	Sweat Lodges	not inspected
	Water Tank	none found

### Lead-Based Paint

The Residential Lead-Based Paint Hazard Reduction Act of 1992 regulates the use and disposal of lead-based paint (LBP) at federal facilities. Federal agencies are required to obey all applicable federal, state, interstate, and local laws relating to LBP activities and hazards. An LBP survey was conducted of the older buildings at Sioux San in November 2017 by American Engineering Testing, Inc. The results of this survey are documented by HHS (2019a). Table 3-2 presents the findings of the LBP survey.

**Table 3-2.** Existing Sioux San Buildings With Asbestos

Building #	Building Name - year commissioned	Lead-Based Paint Found
000001	Sioux San Hospital - 1938	yes, interior/exterior
000002	Lakota Lodge - 1923	yes, interior/exterior
000004	Maintenance Shop - 1938	yes, exterior
000006	Admin Offices - 1906	yes, interior/exterior
000007	Garage - 1906	yes, interior/exterior
000008	Admin Offices - 1907	yes, interior/exterior
000009	Admin Offices - 1908	yes, interior/exterior
000010	Garage - 1908	yes, interior/exterior
000011	Aberdeen Area Office - 1994	not inspected
000012	Head Start - 1994	not inspected
000014	Garage - 1955	none found
000015	Storage - 1908	none found

Building #	Building Name - year commissioned	Lead-Based Paint Found
000016	Garage - 1938	yes, exterior
000017	Dental Clinic - 1994	not inspected
000018	Mental Health/Social Services - 1925	yes, interior/exterior
000022	CHR/Community Health - 1906	yes, interior/exterior
000023	Garage - 1938	yes, interior/exterior
000024	Garage - 1948	yes, interior/exterior
000026	Barn - 1938	not inspected
000027	Root Cellar - 1938	not inspected
000028	Dental Clinic - 1938	yes, interior/exterior
000029	Boiler Plant - 1994	not inspected
000030	Former Wellness Center - 2004	not inspected
000031	Wellness Center - 2016	not inspected
000032	Behavioral Health - 2016	not inspected
000033	Duplex Residence - 2016	not inspected
T1	Native Healing - 2011	not inspected
T2	Native Women's Services - 2013	not inspected
N37	Pumphouse - 1963	not inspected
T	Sweat Lodges	not inspected
	Water Tank	yes, exterior

### 3.5.2 Effects of Alternative A (No Action) on Hazardous Materials and Wastes

There would be no effect from hazardous materials and wastes as a result of this alternative. Under this alternative, no remediation of ACM or LBP would take place. The asbestos found at Sioux San is encapsulated so that it is not readily made airborne; therefore, it is not a hazard so long as it isn't disturbed.

Since there would be no effect from hazardous materials and wastes as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

### 3.5.3 Effects of Alternative B (Proposed Action) on Hazardous Materials and Wastes

There would be no effect from hazardous materials and wastes as a result of this alternative. Under this alternative, all buildings with ACM or LBP contamination that are designated for demolition would be remediated prior to demolition. This would eliminate any potential for airborne asbestos and lead during demolition and removal of waste materials from the site.

Since there would be no effect from hazardous materials and wastes as a result of this alternative, there would not be any cumulative effects as a result of this alternative.



### **3.6 PUBLIC SERVICES, INFRASTRUCTURE, AND UTILITIES**

#### **3.6.1 Existing Conditions**

Sioux San currently provides health care services to Native Americans in the region that are limited, as previously described in this SEA, by the buildings that are used to provide these services. Infrastructure and utilities on the site are a combination of old and new, depending upon when they were constructed and which buildings they serve. Older buildings at Sioux San likely have some remnant components of infrastructure and utilities that are difficult to replace, but continue to function sufficiently for their purposes. The roads, parking lots, and drainage infrastructure at Sioux San meet the design standards that were in place when they were built and continue to meet the needs of the facility. The water system, which was originally supplied by an on-site well and storage in the water tower, was switched over to supply by the Rapid City Public Works Department's Water Division approximately six to seven years ago. Sewage generated by Sioux San is handled by the Rapid City Public Works Department's Water Reclamation Division. Solid waste from Sioux San is collected and disposed of by the Rapid City Public Works Department's Solid Waste Division. Electrical power is supplied by Black Hills Energy. The boiler plant is currently providing steam heat to buildings 1, 2, & 4 and the other older buildings are served primarily by individual boiler systems.. Volume 6 of the Schematic Design II Submittal by Seven Generations (2019) provides additional details regarding infrastructure and utilities.

#### **3.6.2 Effects of Alternative A (No Action) on Public Services, Infrastructure, and Utilities**

The effects to public services, infrastructure, and utilities under this alternative would be minor, indirect, adverse, long-term, and regional. Public services in the form of health care to Native Americans in the RCSU would remain unchanged in the near-term, but in the long-term some of these services may be phased out as the old buildings become unable to accommodate newer medical technologies. Sioux San would not be able to provide the expanded health care services that would come with a new health care building. Existing infrastructure and utilities would remain in place and continue to be used as they are with maintenance to keep them functional. At some point, larger scale maintenance may be required to replace worn out and outdated assets. The boiler plant would continue to be used to provide steam heat to three of the older buildings at Sioux San.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect public services, infrastructure, and utilities at Sioux San; therefore, there would be no cumulative effects as a result of this alternative.

#### **3.6.3 Effects of Alternative B (Proposed Action) on Public Services, Infrastructure, and Utilities**

The effects to public services, infrastructure, and utilities under this alternative would be moderate, direct, beneficial, long-term, and local. Public services in the form of health care to Native Americans would be expanded and modernized, as described in Section 1.3 of this SEA. Almost all existing infrastructure and utilities would be replaced with new materials and design that meets all current regulations and building codes. Drainage structures would be upgraded to include two new retention ponds, which would trap sediment, increase the infiltration of runoff into the ground while reducing runoff into the creek on the northeast side of the property, and which ultimately flows into Rapid Creek.

Water supply, wastewater treatment, and solid waste services would continue to be provided by City utilities. Electrical power would continue to be provided by Black Hills Energy. There would be some increase in the use of water and the generation of wastewater and solid waste, but not enough to create a burden on the City's capacity to provide these services. The new health care facility would be designed to modern energy saving standards, so although the new facility would increase the service capacity of

Sioux San, the need for much additional electricity is not expected. The boiler plant would no longer be needed to provide steam heat to buildings at Sioux San, so that building would be renovated and converted to maintenance equipment storage.

During decontamination prior to demolition, the asbestos NESHAP, 40 CFR Part 61, Subpart M, requires written notification of demolition or renovation operations under section 61.145. The required form must be filled out in its entirety and submitted at least 10 days prior to disturbing any ACM to the Asbestos Coordinator at the Department of Natural Resources. The form with instructions can be found here: [https://www.rcgov.org/images/Rapid\\_City\\_Solid\\_Waste/Asbestos\\_Notification.pdf\\_-\\_Adobe\\_Reader.pdf](https://www.rcgov.org/images/Rapid_City_Solid_Waste/Asbestos_Notification.pdf_-_Adobe_Reader.pdf)

The capacity of the Rapid City Solid Waste Division's landfill is more than sufficient to receive all of the construction debris generated by demolition of the 15 buildings identified in the description of the Proposed Action (Dan Roth 2019, personal communication & email communication), so long as it isn't all delivered at once. According to Mr. Roth, the landfill can also accept the ACM, but it must be delivered separately and identified as ACM so that it can be handled appropriately.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect public services, infrastructure, and utilities at Sioux San; therefore, there would be no cumulative effects as a result of this alternative.

### **3.7 TRANSPORTATION**

#### **3.7.1 Existing Conditions**

Sioux San's location in an urban setting provides it with direct access to major urban arterial roads, namely Canyon Lake Drive and Soo San Drive. Rapid City's Public Works Department manages the Rapid Transit System, which provides public transportation around the city via fixed route buses and curb-to-curb/door-to-door vans for those who qualify for service under the Americans with Disabilities Act through the Dial-a-Ride program. Sioux San is served by the Borglum Route bus service as well as Dial-a-Ride. The Rapid City Regional Airport is located 13.7 miles (approximately 26 minutes) away from Sioux San by road. More information about these services can be found on the Rapid City website at: <https://www.rcgov.org>.

#### **3.7.2 Effects of Alternative A (No Action) on Transportation**

There would be no effect to transportation as a result of this alternative.

Since there would be no effect to transportation as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

#### **3.7.3 Effects of Alternative B (Proposed Action) on Transportation**

The effects to transportation under this alternative would be minor, direct, adverse, short- and long-term, and local. Since the number of employees working at Sioux San would increase from approximately 200 to around 575, there would likely be some traffic congestion around the entrances to the facility at the beginning and end of each work day. Canyon Lake Drive and Soo San Drive have sufficient capacity to handle this additional traffic load and the level of service would not be expected to decrease to the point of requiring capacity modifications.

Since population growth in the region is ultimately the primary driver behind road capacity and levels of service, the cumulative effect to transportation as a result of this alternative would be negligible.

### 3.8 SOCIOECONOMIC ISSUES

#### 3.8.1 Existing Conditions

Socioeconomic issues comprise the basic attributes and resources associated with the human environment, particularly population and economic activity. Population levels are subject to fluctuations from regional birth and death rates and the immigration and emigration of people. Economic activity typically encompasses employment, personal income, and economic growth. The effects of the project on these socioeconomic components also influence other issues such as housing availability and the provision of public services (e.g., schools, roads, and other infrastructure). The effects of the proposed new health center would be primarily on employment, construction materials, medical services, medical equipment, and Native American health.

The Region of Influence (ROI) for socioeconomic issues typically encompasses the county where the project is located. For Sioux San, the ROI is Pennington County (the RCSU).

**Economic Activity (Employment):** In the first quarter of 2019, the percentage of persons in Pennington County in the construction, and education and health care labor forces were 7.3 and 22.8 percent, respectively. The projected average annual employment growth rates in the Rapid City Metropolitan Statistical Area, which includes Pennington County, through 2026 for the construction and health care industries are 0.47 and 1.11 percent, respectively. Tables 3-3 and 3-4 provide labor data for construction, and education and health care in Pennington County and the State of South Dakota in 2019 and forecast for 2025.

**Table 3-3.** Employment by Industry in First Quarter 2019

	Pennington County	South Dakota
Size / percent of labor force in construction	3,428 / 7.3%	20,250 / 5.9%
Size / percent of labor force in education and health care	10,695 / 22.8%	68,849 / 20.0%
Total size of labor force, all industries	47,001 / 100%	344,710 / 100%

Source: U.S. Department of Labor, Bureau of Labor and Statistics

**Table 3-4.** Projected Employment by Industry in 2025

	Pennington County	South Dakota
Size / percent of labor force in construction	3,509 / 7.2%	20,955 / 5.9%
Size / percent of labor force in education and health care	11,320 / 23.4%	73,038 / 20.5
Total size of labor force, all industries	48,446 / 100%	356,395 / 100%

Source: South Dakota Department of Labor and Regulation - based on projected growth rates by industry

Currently, Sioux San has an authorized staff of 129 health care and support employees (HHS 2016). Health care and related services provided by the facility consist of mental health, dental, health education, laboratory, pharmacy community health, alcohol/substance abuse, diabetes, women's health, and primary care. The current facility does not have appropriate space for Computer Tomography (CT) for diagnostic imaging and this service is not provided (HHS 2016).

With respect to Native American health, the user population, and forecast demand for health services, Table 3-5 provides data for Primary Care Provider Visits (PCPV), Overall Provider Visits (OPV), Optometry Visits, and Dental Services.

**Table 3-5. Projected Employment by Industry in 2025**

Workload	Approved PJD		PJD Amendment #1	
	Actual	Projected	Actual	Projected
	FY2005	FY2015	FY2015	FY2025
User Pop	11,153	13,657	15,147	20,668
PCPV	43,368	52,195	67,814	92,556
OPV	76,829	104,233	135,425	184,834
Optometry Visits	3,497	4,825	6,892	9,408
Dental Service Minutes	312,036	1,297,415	-	-
Dental (RVUs)*	-	-	84,101	114,752

Source: HHS PJD Amendment 1 RCHC IHS HQE Final June 2016 Signed

\*Relative Value Units (RVUs) replaced Dental Service Minutes as the standard of measure in the source document.

Excluding dental services, the average projected workload growth rate from 2005 to 2015 was 29.7 percent. The actual workload growth rate for this period was 67.1 percent. The projected growth rate for the period beginning in 2015 and ending in 2025, excluding dental services, is 36.5 percent. These numbers show a rapidly growing demand for health care services for Native Americans in the RCSU.

### 3.8.2 Effects of Alternative A (No Action) on Socioeconomic Resources

The effects to socioeconomic resources of this alternative would be moderate, indirect, adverse, long-term, and regional. The effects of this alternative would be primarily on Native American health in the region. Without the ability of Sioux San to grow with the demand for health care services in the region, Native Americans would become increasingly underserved. Native Americans unable to afford private health care by alternative providers in the region would simply do without or go into debt. The overall health of the Native American community in the RCSU would suffer as a result.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect socioeconomic resources at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

### 3.8.3 Effects of Alternative B (Proposed Action) on Socioeconomic Resources

The effects to socioeconomic resources of this alternative would be moderate, direct and indirect, beneficial, long-term, and regional. Demolition of the old buildings on the campus, site-preparation, and construction of the new Rapid City IHS Health Center and its associated infrastructure would generate work in the local construction industry until the new facility is completed. Materials used for construction would generate sales in the Rapid City Greater Metropolitan Area. Design and construction labor and materials are anticipated to cost between \$80M and \$100M (HHS 2019b).

Operation of the new facility would result in an anticipated increase of 444 new permanent jobs at Sioux San (HHS 2016). Health care services provided at the facility would be expanded from the currently provided services to include outpatient urgent care, ambulatory and public health nutrition, audiology, behavioral health social services and support, diagnostic imaging, eye care, a healthy lifestyle program, physical therapy, podiatry, telemedicine, and a wellness center. Inpatient services would be discontinued; however, urgent care services would include extended hours. New equipment would include a CT Scanner and potentially an MRI scanner. The anticipated increased demand by Native Americans in the RCSU for affordable health care services would be served by the ability of Sioux San to grow under this

alternative. The overall health of the Native American community in the RCSU would be expected, at a minimum, to keep pace with other demographic groups in the region.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect socioeconomic resources at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

### 3.9 ENVIRONMENTAL JUSTICE

#### 3.9.1 Existing Conditions

Analysis of environmental justice is directed by EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

EO 12898 requires each federal agency to identify and address whether their Proposed Action results in disproportionately high and adverse environmental and health impacts on low income or minority populations.

The ROI for environmental justice is defined as the area where human populations would potentially experience environmental effects as a result of implementing the Proposed Action. The Proposed Action would affect human populations throughout the RCSU; therefore, the ROI is the RCSU.

Low Income and Minority Populations in the ROI: Table 3-6 outlines the percentage of low income and minority populations living within Pennington County (the RCSU).

**Table 3-6.** Low Income and Minority Populations in the ROI

Geographic Area	Total Population (2017 est.)	White	American Indian and Alaska Native	Black or African American	Asian	Hispanic or Latino	Total Percent Minority	Percent Low Income
Pennington County	108,126	94,899	13,483	1,282	2,083	5,200	20.4	12.9
South Dakota	855,444	746,486	88,330	20,705	15,198	29,901	18.0	13.1
United States	321,004,407	242,972,820	5,487,131	44,631,272	20,371,856	56,510,571	39.6	11.8

USCB 2019a; USCB 2019b

Notes: The low income and minority data are estimates from the 2013-2017 American Community Survey and derived from the US Census Quick Facts and American FactFinder tool.

The percentage of minorities in Pennington County is slightly higher than for the State of South Dakota and substantially lower than for the United States as a whole; however, the Native American population of Pennington County is a substantially higher percentage (12.5%) of the county population than it is for the United States (1.7%).

#### 3.9.2 Effects of Alternative A (No Action) on Environmental Justice

The effects to Environmental Justice of this alternative would be moderate, direct and indirect, adverse, long-term, and regional. Sioux San specifically exists to serve Native Americans in the RCSU (Pennington County). Native Americans are the largest minority group in the region. The lack of a new

health care facility would deprive this group of health care services that meet the growing demand in the RCSU.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect environmental justice at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

### 3.9.3 Effects of Alternative B (Proposed Action) on Environmental Justice

The effects to Environmental Justice of this alternative would be moderate, direct and indirect, beneficial, long-term, and regional. Sioux San specifically exists to serve Native Americans in the RCSU (Pennington County). Native Americans are the largest minority group in the region. The presence of a new health care facility would provide the needed services to this group that meet the growing demand in the RCSU.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect environmental justice at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

### 3.10 AIR QUALITY

The USEPA has established primary and secondary National Ambient Air Quality Standards (NAAQS) under the CAA (42 U.S.C. §§7401-7671 et seq.). The CAA also sets emission limits for certain air pollutants from specific sources, sets new source performance standards based on best demonstrated technologies, and establishes national emission standards for hazardous air pollutants. According to the CAA, a source whose potential emission of all criteria pollutants exceeds 100 tons per year (tpy) would be considered a major stationary source. A major stationary source for the emission of hazardous air pollutants (HAPs) would exceed the individual 10 tpy and aggregate 25 tpy emissions thresholds defined by the CAA.

The CAA specifies two sets of standards – primary and secondary – for each regulated air pollutant. Primary standards define levels of air quality necessary to protect public health, including the health of sensitive populations such as people with asthma, children, and the elderly. Secondary standards define levels of air quality necessary to protect against decreased visibility and damage to animals, crops, vegetation, and buildings. Federal air quality standards are currently established for six pollutants (known as criteria pollutants), including carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur oxides (SO<sub>x</sub>, commonly measured as sulfur dioxide [SO<sub>2</sub>]), lead, particulate matter equal to or less than 10 micrometers in aerodynamic diameter (PM<sub>10</sub>) and particulate matter equal to or less than 2.5 micrometers in aerodynamic diameter (PM<sub>2.5</sub>). Although O<sub>3</sub> is considered a criteria pollutant and is measurable in the atmosphere, it is often not considered as a pollutant when reporting emissions from specific sources, because O<sub>3</sub> is not typically emitted directly from most emissions sources. O<sub>3</sub> is formed in the atmosphere from its precursors – nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) – that are directly emitted from various sources. Thus, emissions of NO<sub>x</sub> and VOCs are commonly reported instead of O<sub>3</sub>. The NAAQS for the six criteria pollutants are shown in Table 3-7.

**Table 3-7.** National Ambient Air Quality Standards

Pollutant	Standard Value	Standard Type
CO		
1-hr average	35 ppm	Primary
8-hr average	9 ppm	Primary

Pollutant	Standard Value	Standard Type
<b>NO<sub>2</sub></b> 1-hr average 8-hr average	1100 ppb <sup>a</sup> 53 ppb	Primary Primary and Secondary
<b>O<sub>3</sub></b> 8-hr average <sup>b</sup>	0.075 ppm	Primary and Secondary
<b>Lead Rolling</b> 3 month average quarterly average	0.15 µg/m <sup>3</sup> 1.5µg/m <sup>3</sup>	Primary
<b>PM<sub>10</sub></b> 24-hr average <sup>c</sup>	150 µg/m <sup>3</sup>	Primary and Secondary
<b>PM<sub>2.5</sub></b> 24-hr average <sup>d</sup> annual average <sup>e</sup>	35 µg/m <sup>3</sup> 12 µg/m <sup>3</sup>	Primary and Secondary Primary
<b>SO<sub>2</sub></b> 1-hr average 3-hr average	75 ppb <sup>f</sup> 0.5 ppm	Primary Secondary

Source: 42 U.S.C. §§7401 et seq.

Notes:

CO = carbon monoxide

µg/m<sup>3</sup> = micrograms per cubic meter

NO<sub>2</sub> = nitrogen dioxide

O<sub>3</sub> = ozone

SO<sub>2</sub> = sulfur dioxide

PM<sub>2.5</sub> = particulate matter equal to or less than 2.5 micrometers in diameter

PM<sub>10</sub> = particulate matter equal to or less than 10 micrometers in diameter

ppb = parts per billion

ppm = parts per million

<sup>a</sup>The 98<sup>th</sup> percentile, averaged over 3 years

<sup>b</sup>To attain the 8-hour ozone standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm

<sup>c</sup>The 24-hour standard for PM<sub>10</sub> is not exceeded more than once per year on average over 3 years

<sup>d</sup>The PM<sub>2.5</sub> 24-hour standard is based on the 3-year average 98<sup>th</sup> percentile of 24-hour concentrations at each population-oriented monitor

<sup>e</sup>The PM<sub>2.5</sub> annual standard is based on the 3-year average of weighted annual mean concentration from single or multiple community monitors

<sup>f</sup>The 99<sup>th</sup> percentile of 1-hour daily maximum concentration, averaged over 3 years

The USEPA classifies the air quality within an Air Quality Control Region (AQCR) according to whether the region meets federal primary and secondary air quality standards. “Unclassified” indicates that air quality in the area cannot be classified and the area is treated as attainment. An area may have all three classifications for different criteria pollutants.

The CAA requires federal actions to conform to any applicable state implementation plan (SIP). USEPA has promulgated regulations implementing these conformity requirements in 40 CFR §51 and §93. General conformity refers to federal actions other than those conducted according to specified transportation plans (which are subject to the Transportation Conformity Rule). Therefore, the General Conformity rule applies only to non-transportation actions in non-attainment or maintenance areas. Such actions must perform a determination of conformity if the emissions resulting from the action exceed applicability thresholds specified for each pollutant and classification of nonattainment. Both direct emissions from the action itself and indirect emissions that may occur at a different time or place but are an anticipated consequence of the action must be considered. The Transportation Conformity Rule does not apply to this Proposed Action.

### 3.10.1 Existing Conditions

Sioux San is located in Pennington County, which is within AQCR 205, in the State of South Dakota. The entire AQCR 205 is currently USEPA designated as an attainment area for all criteria pollutants (EPA 2019). Therefore, the Rapid City IHS Health Center is not subject to the General Conformity regulations (40 CFR §§6, 51 and 93).

Sioux San does not have any facilities or equipment that generate emissions that require air quality permits.

### 3.10.2 Effects of Alternative A (No Action) on Air Quality

There would be no effect to air quality under this alternative.

Since there would be no effect to air quality as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

### 3.10.3 Effects of Alternative B (Proposed Action) on Air Quality

The effects to air quality under this alternative would be negligible, direct, adverse, short-term, and local. Demolition of buildings and existing infrastructure (roads, parking lots, and subsurface drains and utilities) along with site grading for the new facility would result in some anticipated amounts of fugitive dust. Contractors would be required to use typical dust suppression measures, such as spraying water on bare ground during windy periods to prevent significant soil and dust migration. Heavy equipment such as graders, loaders, excavators and dump trucks would generate some exhaust emissions during demolition, site preparation, and construction. The three new generators providing a backup source of electricity for the new Health Center would not require air quality permits and would only run for very short periods of time during an electrical outage.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect air quality at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

## 3.11 WATER RESOURCES

### 3.11.1 Existing Conditions

Water resources at Sioux San consist of surface water in the form of runoff from precipitation events, ground water, water supply (from the City), and wastewater (sewage) (received and treated by the City). Effects to surface water are handled by drainage infrastructure, which is discussed in Section 3.6. Ground water is no longer affected by Sioux San since it switched over to City water, as discussed in Section 3.6, along with water supply and wastewater.

### 3.11.2 Effects of Alternative A (No Action) on Water Resources

See Section 3.6.2 for effects analysis.

### 3.11.3 Effects of Alternative B (Proposed Action) on Water Resources

The effects to surface water under this alternative would be negligible, direct, adverse, short-term, and local. During project implementation, surface water runoff from precipitation events would be managed



by the employment of Best Management Practices (BMPs). Since the Proposed Action would disturb an area greater than 1 acre, a National Pollution Discharge Elimination System (NPDES) permit would be required along with a Stormwater Pollution Prevention Plan (SWPPP). These documents would include specific measures to be employed to minimize the discharge of sediment from the disturbed areas into nearby waterways. Once construction is completed, areas not covered by new construction would be revegetated and landscaped, which would hold soils in place and prevent sediment mobilization during precipitation events.

See Section 3.6.3 for additional effects analysis.

### 3.12 VEGETATION RESOURCES

#### 3.12.1 Existing Conditions

Sioux San is in an urban setting located in the Black Hills Foothills ecoregion (USGS 2019). This region consists mostly of open grasslands with Ponderosa pine on hilltops at higher elevations and on the slopes of drainages at lower elevations. Permanent water courses are frequently vegetated by cottonwood (*Populus* sp.), Siberian elm (*Ulmus pumila*), Russian olive (*Elaeagnus angustifolia*), willow (*Salix* sp.), and other deciduous trees. The creek that flows along the northeastern boundary of Sioux San contains emergent wetlands and tree cover as described here. Areas where building demolition, clearing and grubbing, new construction, and landscaping will occur are vegetated primarily by grasses with a few scattered deciduous and coniferous trees. These areas are maintained by mowing and pruning on a periodic basis.

The US Fish and Wildlife Service (USFWS) online Information, Planning and Conservation (IPaC) website does not list any federally protected plants as potentially occurring at Sioux San. The consultation letter for this project is included in Appendix E of this SEA.

#### 3.12.2 Effects of Alternative A (No Action) on Vegetation Resources

There would be no effect to vegetation resources as a result of this alternative.

Since there would be no effect to vegetation resources as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

#### 3.12.3 Effects of Alternative B (Proposed Action) on Vegetation Resources

The effects to vegetation resources under this alternative would be negligible, direct, adverse, short-term, and local. Common grasses and some landscape trees in areas where demolition and clearing and grubbing would take place would be removed. Once construction is completed, areas not covered by new construction would be revegetated and landscaped to restore vegetation resources.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect vegetation resources at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

There would be no effect to federally protected plant species under this alternative.

Since there would be no effect to federally protected plant species as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

### 3.13 WILDLIFE RESOURCES

#### 3.13.1 Existing Conditions

Sioux San's urban location and mostly developed and landscaped grounds limit its attractiveness to wildlife. Its proximity to rural habitat to the west; however, makes it accessible to mule deer (*Odocoileus hemionus*), whitetail deer (*Odocoileus virginianus*), and potentially elk (*Cervus elaphus*). It is also likely to be inhabited occasionally or year-round by other common urban-dwelling mammals such as striped skunks (*Mephitis mephitis*), ground squirrels (*Spermophilus* sp.), pocket gophers (*Thomomys* sp.), jackrabbits (*Lepus townsendii*), cottontail rabbits (*Sylvilagus* sp.), racoons (*Procyon lotor*), and other common species.

The USFWS IPaC website lists four species with protected status under the federal Endangered Species Act (ESA) known to occur in Pennington County: northern long-eared bat (*Myotis septentrionalis*) – Endangered; least tern (*Sterna antillarum*) – Endangered; red knot (*Calidris canutus rufa*) – Threatened; and whooping crane (*Grus americana*) – Endangered. The consultation letter for this project is included in Appendix E of this SEA.

Hibernacula for the northern long-eared bats, such as caves and mines, are not present at Sioux San. Roosting habitat, such as underneath bark, in cavities, or in crevices of trees is only potentially present along the creek located along the northeast boundary of Sioux San. Open sandbars with minimal cover along permanent water courses, which are used by least terns for nesting, are not present at Sioux San. Red knots do not breed in South Dakota, only visiting the State during migration. Whooping crane nesting habitat consisting of coastal marshes and estuaries, inland marshes, lakes, ponds, wet meadows and rivers, and agricultural fields are not present at Sioux San.

Some migratory birds, protected by the Migratory Bird Treaty Act (MBTA), may find suitable nesting habitat at Sioux San. Bald and golden eagle habitat as well as other raptor habitat are not present at Sioux San.

#### 3.13.2 Effects of Alternative A (No Action) on Wildlife Resources

There would be no effects to wildlife resources under this alternative.

Since there would be no effect to protected wildlife resources as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

#### 3.13.3 Effects of Alternative B (Proposed Action) on Wildlife Resources

The effects to wildlife resources under this alternative would be negligible, direct, adverse, short-term, and local. Common wildlife may be disturbed during demolition, clearing and grubbing, and construction activities. Being mobile, these species would likely avoid the immediate area until construction has been completed. Some pocket gophers, if present at Sioux San, may be killed by site preparation activities.

There would be no effect to species protected under the federal ESA. Habitat for such species and known to occur in Pennington County is not present where demolition, clearing and grubbing, and construction activities would take place.

There would be no effect to migratory birds so long as vegetation potentially used for nesting is removed during the late fall or early winter months.

After construction and vegetation restoration has been completed, wildlife resources would be expected to return to their present condition.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect wildlife resources at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

### 3.14 SOUNDSCAPE RESOURCES

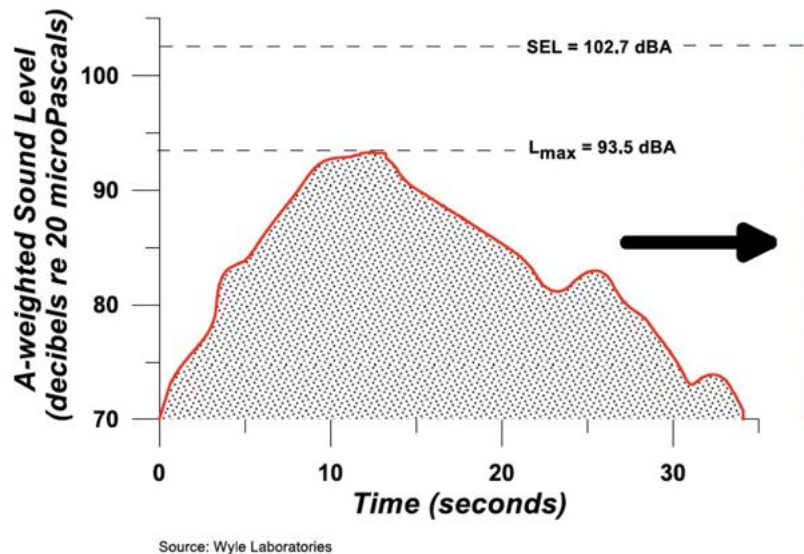
#### 3.14.1 Existing Conditions

Sound is a physical phenomenon consisting of vibrations that travel through a medium, such as air or water, and are sensed by the human ear. Noise is generally described as unwanted sound. Unwanted sound can be based on objective effects (such as hearing loss or damage to structures) or subjective judgments (community annoyance). The response of different individuals to similar noise events is diverse and influenced by the type of noise, the perceived importance of the noise, its appropriateness in the setting, the time of day, the type of activity during which the noise occurs, and the sensitivity of the individual. Noise also may affect wildlife through disruption of nesting, foraging, migration, and other life-cycle activities. Sound is expressed in the logarithmic unit of the decibel (dB). A sound level of 0 dB approximates the threshold of human hearing and is barely audible under extremely quiet listening conditions. Normal speech has a sound level of approximately 60 dB; sound levels above 120 dB begin to be felt inside the human ear as discomfort. Sound levels between 130 to 140 dB are felt as pain (Berglund and Lindvall 1995). The minimum change in the sound level of individual events that an average human ear can detect is about 3 dB.

All sounds have a spectral content, which means their magnitude or level varies with frequency, where frequency is measured in cycles per second, or Hertz. To mimic the human ear's non-linear sensitivity and perception of different frequencies of sound, the spectral content is weighted. For example, environmental noise measurements usually employ an "A-weighted" scale that de-emphasizes very low and very high frequencies to replicate the reduced human sensitivity to those frequencies. It is common to add the "A" to the measurement unit to identify that the measurement was made with this filtering process (dBA). In accordance with standard practices for environmental impact analysis documents, this report utilizes A-weighted sound levels denoted as "dBA" unless specified differently.

*Noise Metrics: Maximum Sound Level (L<sub>max</sub>) and Sound Exposure Levels (SELs)*

Noise events are considered to start when noise levels begin to increase beyond ambient or background levels. Typically, noise generated from construction equipment remains fairly constant during operation but could vary over time. An example of the variation in sound level with time is shown by the solid line in Figure 3-1. The Maximum Sound Level (L<sub>max</sub>) is the instantaneous maximum sound level measured/heard during the event. The L<sub>max</sub> is important in judging the interference caused by a noise event with conversation, television or radio listening, sleep, or other common activities. Although it provides some measure of the intrusiveness of the event, it does not completely describe the total event, because it does not include the duration of time that the sound is heard.

**Figure 3-2.** Maximum Sound Level (L<sub>max</sub>) and Sound Exposure Levels (SELs) Comparison

As a composite metric, Sound Exposure Levels (SELs) represents all of the sound energy of the single event and includes both the intensity of a sound and its duration. The SELs metric is the best metric to compare noise levels from sources that vary overtime, such as traffic noise.

Noise-sensitive receptors can best be defined as those locations or areas where dwelling units or other fixed, developed sites of frequent human use occur. They are usually within 1000 feet (300 m) of the project area in order to be considered for effects analysis. Some examples of noise sensitive receptors are: residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals and auditoriums. Noise sensitive receptors located within 1,000 feet of Sioux San include: St. Andrew's Episcopal Church and Westminster Presbyterian Church to the northwest, the Church of Jesus Christ of Latter Day Saints and the Canyon Lake Senior Activity Center to the east, West Middle School to the west, and Canyon Lake Elementary School to the south, and a City Park to the south-southeast.

The primary sources of noise at the Sioux San facility include motor and emergency vehicles. The noise environment generally consists of transportation noise from vehicles used at Sioux San and on the roads around it (i.e. engine noise and sirens). Emergency vehicles arriving at Sioux San do not use sirens and are generally just transporting patients from or to other area health care facilities. No other sources of noise that occur on a regular or predictable basis are present at the Sioux San facility. Sioux San does not contribute a noticeable amount of the noise to the existing setting.

### 3.14.2 Effects of Alternative A (No Action) on Soundscape Resources

The effects to soundscape resources under this alternative would be negligible, direct, adverse, short-term, and local. Demolition of Building #23, a storage garage, would generate a very small amount of noise from heavy equipment for a period of a few hours to one day. This noise would be similar in character and magnitude to daily traffic noise on Soo San Drive, which is closer to the receptors nearest Building #23.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect soundscape resources at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

### 3.14.3 Effects of Alternative B (Proposed Action) on Soundscape Resources

The effects to soundscape resources under this alternative would be negligible to minor, direct, adverse, medium-term, and local. The primary source of noise as a result of this alternative would be generated by demolition and construction activities, namely from the use of heavy equipment. Table 3-8 provides average peak noise levels from typical construction equipment.

**Table 3-8.** Peak Noise Levels from Construction Equipment

Equipment	Peak at Source	Distance from Source (feet)			
		50	100	200	400
Heavy trucks	95	84-89	78-83	72-77	66-71
Dump trucks	108	88	82	76	70
Concrete mixer	105	85	79	73	67
Jackhammer	108	88	82	76	70
Scraper	93	80-89	74-82	68-77	60-71
Dozer	107	87-102	81-96	75-90	69-84
Generator	96	76	70	64	58
Crane	104	75-88	69-82	63-76	55-70
Loader	104	73-86	67-80	61-74	55-68
Grader	108	88-91	82-85	76-79	70-73
Dragline	105	85	79	73	67
Pile driver	105	95	89	83	77
Fork lift	100	95	89	83	77

(Golden et al. 1980)

The sensitive noise receptors around Sioux San are all at least 200 feet away from where construction activities would take place and some are over 500 feet away. Construction duration is anticipated to be approximately 3.5 years; however, demolition activities, site preparation, and construction of the building exterior would occur over shorter, more discreet time periods. The new health care facility would not receive emergency patients by ambulances using sirens.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect soundscape resources at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

## 3.15 VISUAL RESOURCES

### 3.15.1 Existing Conditions

Visual resources include the natural and manmade physical features that give a particular landscape its character and value as an environmental factor. The interplay of form, line and color contribute directly to the scenic quality of an area. Unusual formations and dramatic coloration generally increase the scenic value given to a landscape. Common features and bland colors generally decrease the scenic value. Scale and distance affect the impact a particular landscape feature has on the viewer. Objects in the foreground generally are more noticeable and have the highest impact on the viewer. Objects located farther back, in the middleground, are less noticeable and have a lower impact on the viewer. Objects located in the background, generally considered to be five miles or more away, have the least impact on the viewer.

Sioux San is a developed property in an urban setting. It contains a mixture of old and new buildings. The brick and stone edifice of the original Sioux San hospital building, Building #1, is somewhat obscured by the stone embankment along Canyon Lake and Soo San Drives. Building #1 and Lakota Lodge are located in the middleground as viewed from these roads. Other buildings on the campus are smaller and less prominent and many of them are of more recent design and construction, so they tend to blend in with the urban environment surrounding Sioux San. Although Sioux San has a historic visual aspect to it, overall, it is not generally recognized as a landmark visual resource.

### **3.15.2 Effects of Alternative A (No Action) on Visual Resources**

There would be no effect to visual resources under this alternative. The demolition of Building #23, a storage garage, would have no more effect than the removal of other minor buildings from the grounds in recent years.

Since there would be no effect to visual resources as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

### **3.15.3 Effects of Alternative B (Proposed Action) on Visual Resources**

The effects to visual resources under this alternative would be negligible to minor, direct, adverse and beneficial, long-term, and local. The effects of replacing the existing mixture of old and new buildings with a new, modern, three-story health center may be viewed by some as an improvement to the visual quality of the setting and by others as a reduction. Once completed, the new Health Center would comprise the visual setting of Sioux San for many, many years.

There are currently no known past, present, or reasonably foreseeable actions in the region that would affect visual resources at Sioux San or in the region; therefore, there would be no cumulative effects as a result of this alternative.

## **3.16 SOIL AND GEOLOGIC RESOURCES**

### **3.16.1 Existing Conditions**

One soil type, Hilger, warm-Urban land complex, 0 to 6 percent slopes (NRCS 2019), is found at Sioux San where activities related to the two alternatives analyzed in this SEA would occur. This non-hydric soil is well drained, has low runoff potential, and has a moderately high to high permeability. The typical profile ranges from cobbly loam to extremely cobbly loam with some clay in the upper B horizon. It is derived from igneous, metamorphic, and sedimentary rocks. The soils at Sioux San have been previously heavily disturbed over the last 120 years from development of the property.

Sioux San is located on the eastern slope of the Black Hills Range, which is a mountainous area consisting of a series of upturned sedimentary strata (hogbacks ) arranged concentrically around a core of igneous and metamorphic rocks. More specifically, Sioux San is located on the eastern edge of the Red Valley, which is a geomorphic feature that extends entirely around the Black Hills, and varies in width from 0.5 mile wide near Rapid City to 5 miles near Custer. The Red Valley consists of Permian- to Cretaceous-age sandstones, sandy clay, and shales of the Sundance and Spearfish formations (Sheppard and Battaglia 2002). Rapid Creek runs approximately 0.2 mile south of Sioux San.

### **3.16.2 Effects of Alternative A (No Action) on Soil and Geologic Resources**

There would be no effect to soil and geologic resources under this alternative.

Since there would be no effect to soil and geologic resources as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

### **3.16.3 Effects of Alternative B (Proposed Action) on Soil and Geologic Resources**

There would be no effect to soil and geologic resources under this alternative. Soil disturbance from demolition, site preparation, and construction would not alter the soil beyond its existing disturbed condition. Excavation for the new Health Center would not be deep enough to affect the geologic conditions at Sioux San.

Since there would be no effect to soil and geologic resources as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

## **3.17 RECREATION RESOURCES**

### **3.17.1 Existing Conditions**

Sioux San is a health care facility and does not have any recreation resources nor any connection with recreation resources in the region.

### **3.17.2 Effects of Alternative A (No Action) on Recreation Resources**

There would be no effects to recreation resources under this alternative.

Since there would be no effect to recreation resources as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

### **3.17.3 Effects of Alternative B (Proposed Action) on Recreation Resources**

There would be no effects to recreation resources under this alternative.

Since there would be no effect to recreation resources as a result of this alternative, there would not be any cumulative effects as a result of this alternative.

## **3.18 UNAVOIDABLE ADVERSE EFFECTS**

This section is intended to summarize "any adverse environmental effects that cannot be avoided should the proposal be implemented," as required by 40 CFR, §1502.14, including effects of protection, mitigation, and enhancement measures. It identifies any adverse effects that would occur despite implementation of proposed environmental measures. Since these effects have already been characterized for each resource topic discussed in this SEA in their respective sections, the following discussion is a summary of the resource analysis sections in this chapter where adverse effects greater than negligible were identified.

### **3.18.1 Land Use**

The effects of the Proposed Action would be a moderate, direct and indirect, beneficial, medium- and long-term, regional.

### **3.18.2 Cultural Resources and Historic Properties**

The effects of the Proposed Action would be direct, adverse, and permanent to cultural resources from demolition, rehabilitation, and transfer of the buildings that comprise the historic district, and these effects would be regional in scope. However, through implementation of the mitigation measures in the Programmatic Agreement, these effects would be reduced in magnitude to moderate.

### **3.18.3 Air Quality**

The effects of the Proposed Action would be negligible, direct, adverse, short-term, and local.

### **3.18.4 Vegetation Resources**

The effects of the Proposed Action would be negligible, direct, adverse, short-term, and local.

### **3.18.5 Wildlife Resources**

The effects of the Proposed Action would be negligible, direct, adverse, short-term, and local.

### **3.18.6 Soundscape Resources**

The effects of the Proposed Action would be negligible to minor, direct, adverse, medium-term, and local.

### **3.18.7 Visual Resources**

The effects of the Proposed Action would be negligible to minor, direct, adverse and beneficial, long-term, and local.

## **3.19 RELATIONSHIP OF SHORT-TERM USES AND LONG-TERM PRODUCTIVITY**

In the short-term, Sioux San will continue to provide health care services to Native Americans in the RCSU, regardless of whether the Proposed Action is implemented or not. These services are directly related to the long-term productivity of Sioux San; however, under Alternative A (No Action), long-term productivity would decline as the facility becomes less and less able to provide adequate space for modern health care technologies. On the other hand, under Alternative B (Proposed Action), long-term productivity would see a substantial increase with all the new and advanced services the new Health Center would provide in addition to maintaining most of the currently provided services. Furthermore, the construction plan allows for Sioux San to continue to provide its current services without interruption until the new building has been completed.

## **3.20 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES**

As with all major construction projects, energy and materials would be consumed in the process of implementing the Proposed Action. Since the new Health Center has not yet been fully designed, quantities of materials have not yet been determined. Fuel usage by heavy equipment and electrical power used by power tools during construction would be typical for a project this size. Overall, implementation of the Proposed Action would not be expected to put a noticeable strain on the supply of energy or materials, which are available in abundance in the region.



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**CHAPTER 5: LIST OF AGENCIES AND PERSONS CONSULTED AND/OR  
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**LIST OF ABBREVIATIONS / ACRONYMS**

ACM	Asbestos-Containing Materials
ARPA	Archaeological Resources Protection Act
AQCR	Air Quality Control Region
BIA	Bureau of Indian Affairs
CAA	Clean Air Act
CCC	Civilian Conservation Corps
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CT	Computer Tomography
dB	Decibel
dBA	A-weighted Decibel
DENR	Department of Environment and Natural Resources
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FONSI	Finding of No Significant Impacts
GPA	Great Plains Area
GPAIHS	Great Plains Area Indian Health Services
GWQP	Ground Water Quality Program
HAPs	Hazardous Air Pollutants
HHS	Department of Health and Human Services
IHS	Indian Health Services
IPaC	Information, Planning and Conservation
LBP	Lead-Based Paint
Lmax	Maximum Sound Level
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxides
NRCS	Natural Resources Conservation Service
O <sub>3</sub>	Ozone
OPC	Overall Provider Visits
OSHA	Occupational Safety and Health Act
PCPV	Primary Care Provider Visits
PJD	Project Justification Document
PL	Public Law
PM <sub>2.5</sub>	Particulate matter equal or less than 2.5 micrometers in diameter
PM <sub>10</sub>	Particulate matter equal or less than 10 micrometers in diameter
ppb	Parts per billion
ppm	Parts per million
RCSU	Rapid City Service Unit
ROI	Region of Influence

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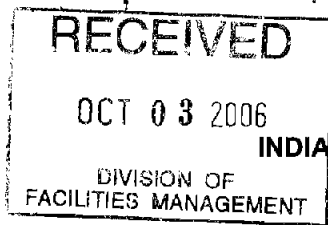
**LIST OF ABBREVIATIONS / ACRONYMS**

RVUs	Relative Value Units
SD	South Dakota
SEA	Supplemental Environmental Assessment
SELs	Sound Exposure Levels
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO <sub>2</sub>	Sulphur Dioxide
SO <sub>x</sub>	Sulphur Oxides
sp.	species
SWQP	Surface Water Quality Program
TBD	To be determined
tpy	tons per year
U.S.C.	United States Code
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VOCs	Volatile Organic Compounds



## **Appendix A – Prior NEPA Documents**

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**ENVIRONMENTAL ASSESSMENT**  
**INDIAN HEALTH SERVICE COMPREHENSIVE HEALTH CARE FACILITY**  
**RAPID CITY SERVICE UNIT**  
**RAPID CITY, SOUTH DAKOTA**  
**PROJECT NO. AB5RC147C7**

September - 2006

I. INTRODUCTION

The Program Justification Document, Indian Health Service Comprehensive Health Care Facility, Rapid City, South Dakota, July 2006, outlines the requirements for a new, stand-alone health center for the Rapid City Service Unit. The current Indian Health Service Hospital is one of several buildings comprising a compound commonly called "Sioux San", which is located within the city limits of Rapid City, South Dakota. This compound contains approximately 17 hectares [ha]. Upon completion of the new facility, the old hospital will be demolished or converted to other uses.

The new facility will provide ambulatory services, dental, radiology, laboratory, pharmacy, administration, medical records, community health services, a wellness center, and public facilities.

The *Phase I and Phase II Site Selection and Evaluation Reports* for this project identified a site located on the existing Sioux San compound. No new or additional staff housing will be associated with the new health center construction.

This **Environmental Assessment** is being prepared based on responses to **Questions #17, #19, #20, #24, and #25** of Amendment 1 to the **Environmental Review and Documentation**, dated September 20, 2006. This Environmental Assessment will address the anticipated environmental effects of the proposed construction on the identified site.

II. PURPOSE OF THE ENVIRONMENT ASSESSMENT

The Indian Health Service [IHS] has reviewed the proposed construction in accordance with the environmental review procedures set forth by the Public Health Service. "Categorical Exclusions" are typically made for health care facility construction projects of less than 1 115 gross square meters; however, this facility will exceed that size; and therefore, an Environmental Assessment is required.

III. THE PROJECT ENVIRONMENT

A. OVERVIEW OF SURROUNDING AREA

The Rapid City Service Unit [RCSU] is not located on a specific Reservation, but rather, is situated in Rapid City, Pennington County, in southwestern South Dakota. It serves a mixed population of urban Native Americans and tribal members from nearby Reservations. The nearest Reservations to the RCSU are the Pine Ridge, Cheyenne River, Lower Brule, Crow Creek, and Rosebud Reservations. Rapid City is the second most populous [2004 estimate of 60,000] community in South Dakota. The surrounding, "West River" population is very sparse.

The RCSU is situated on the eastern foothills of the fabled Black Hills with the pine-covered Black Hills National Forest to the west, south, and north, and the vast prairies, broken by gullies and ravines, stretching to the east.

The climate of Rapid City is atypical for the northern, mid-continental United States. Winters are much milder than elsewhere in the State, and summers are cooler than experienced in other portions of the area. Weather, however, can play a role in hindering construction during the traditional winter months, but generally, the construction season is longer in this area than the rest of the State.

The highest and lowest recorded temperatures are 42° C and -33° C. On average, July and August are the warmest months, and January is the coldest. Average annual precipitation is 43.5 cm [April-July highest rainfall period] and the area receives an average of 99 cm of snow [November-April]. For 165 days, the average temperature is above 18° C, and for 169 days, the average temperature is below 0° C.

B. DESCRIPTION OF THE PROPOSED CONSTRUCTION SITE:

The site, as identified for the construction of the new health facility, lies within:

SE¼ NE ¼, Section 4, T1N, R7E, Black Hills Meridian, Pennington County, South Dakota.

IV. THE PROPOSED ACTION

The proposed project will consist of constructing a new comprehensive health care facility, 12 971 gross square meters in size. It is anticipated that a variety of designs/configurations for the health center will be considered prior to a final selection being made.

The Program Justification Document, Rapid City Indian Health Service Health Center, Rapid City, South Dakota, July 2006 should be referenced for additional information.

V. ENVIRONMENTAL ANALYSIS

A. INTRODUCTION:

The impact of the proposed construction on several environmental factors must be considered to determine if an Environmental Impact Statement is required.

B. NATURAL ASSETS REVIEW:

1. Air Quality: The operation of the proposed facility will not generate appreciable quantities of air pollutants. Current practices at the hospital include contracting for hazardous waste disposal.

The current hazardous waste disposal practices will be continued at the proposed facility. It is not anticipated that an incinerator, a source of air pollution, will be provided for the proposed facility.

2. Surface Water: No surface waters will be utilized or diverted as a result of this project.
3. Groundwater: This project will have no significant effect on groundwater in the area.
4. Sediment Control and Storm Water Management: Earthwork for the proposed facility will disturb the soil on a large portion of the site. Erosion control measures, such as silt fencing, will be used to minimize the impact during construction. The area will be seeded to grass to stabilize the soil and to provide aesthetically pleasing landscaping once construction is complete.

During construction, due to the anticipated size of the disturbed area, the contractor will be required to obtain an EPA NPDES General Permit for Storm Water Discharges from Construction Activity.

This permit will require the contractor to submit and follow a Storm Water Pollution Prevention Plan. The final design will determine the specifics for the NPDES permit.

5. Water Supply: The existing facility is currently served by it's own on-site water system. There is some concern that the existing water distribution mains on the compound may have to be replaced due to age and deterioration. The compound is also presently connected to the Rapid City municipal water system, as a back-up source, but usage is limited to emergency situations only.

Considering the age and reliability of the existing system, it is anticipated that the proposed facility will connect to the Rapid City municipal water system. The estimated water demands will not have an adverse affect on the Rapid City municipal system according to city officials.

6. Sanitary Sewer: The proposed facility will be connected to the Rapid City municipal sewer system for sewage treatment and disposal, as is the case with the existing facility. Conversations with local city officials indicate that the proposed health center will not adversely impact their current facilities and capacities.
7. Solid Waste: Currently, solid waste is collected and transported to an approved off-site sanitary landfill for disposal by a contracted vendor. It is anticipated that the current solid waste practices will continue. This project will have no adverse effect on the disposal of solid waste practices in the Rapid City vicinity.

Any waste generated during the construction of the facility will be the contractor's responsibility for collection, transportation, and disposal at an approved site.

8. Land Use: The proposed site, currently part of the Sioux San compound, is either in grass, buildings, or parking areas. Sufficient land is available on the proposed site to construct the facility above the 100-year floodplain.

Because the new facility will replace an existing structure which houses the same functions, because it will be located on the same parcel of land, and because it will only disturb land that has been disturbed many times in the past, no change in land use is anticipated.

9. Hazardous Waste: The proposed facility will generate hazardous waste in the form of medical wastes. Hazardous waste currently generated by the existing facility is contracted for disposal by a hazardous waste contractor. This practice will continue at the proposed facility.
10. Visual Impact: The proposed site is located on a parcel of land with a hospital and ancillary buildings situated thereon. Trees and other vegetation, typical of the area, are present. While some of the vegetation may be destroyed to accommodate the construction, the site will be similarly landscaped after the project is complete. The newer building(s) will be designed to blend with and compliment the surrounding area, thereby having a positive visual impact on the existing community.
11. Endangered and Threatened Species: This project will have no adverse effect on endangered or threatened species within the area of the proposed facility construction.
12. Energy Use: The proposed facility will utilize existing electrical power available from Black Hills Power and Light Company.

Natural gas is available from several suppliers, and the RCSU solicits bids on an annual basis for this service. It is anticipated that this practice will continue for the new facility.

13. Transportation: It is not anticipated that the entrance to the compound will be disrupted on more than an infrequent basis. However, some disruptions are expected on the compound itself once construction commences. Excluding vehicle traffic, no disruption in any other mode of transportation is expected.
14. Noise: The operation of the proposed facility will not generate any appreciable noise levels other than normal construction noise. However, this type of noise is generally limited to working hours.
15. Socio-economics: During the construction of the proposed facility, there will be potential for employment of member of various Tribes in and near Rapid City. Federal regulations require clauses in construction contracts for preferential hiring of qualified Tribal tradesmen and laborers.

During the operation of the proposed facility there will be additional potential for employment of Tribal members and local residents in various categories of the health care profession. Several new positions are anticipated as a result of this project.

The social importance of this project is to provide an expanded health care delivery system to the Native American population residing in and near the Rapid City Service Unit area.

### C. CULTURAL ASSETS REVIEW

The proposed construction site has been used for several decades as a medical treatment compound, and therefore, it is not anticipated that any significant scientific, archeological, historic, or prehistoric data will be irretrievably lost or destroyed by the proposed project. There are currently 19 buildings and 2 structures eligible for nomination to the National Register of Historic Buildings. These buildings have been surveyed and a mitigation plan to compensate for the anticipated adverse effects to the buildings that may be effected will be presented to the State Historic Preservation Officer for approval. Any recommendations presented to and endorsed by the State Historical Preservation Officer, will be followed.

In the event that any artifacts, vestiges, or remains are found prior, during, or after any earth disturbance or construction activity in the proposed project, the State Historical Society will be notified. The site and materials will be protected from further disturbance until a professional examination can be conducted, or until clearance to proceed is given by the State Historic Preservation Officer.

### VI. AGENCIES & ORGANIZATIONS CONSULTED

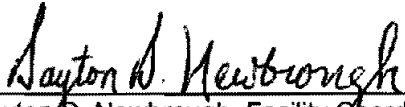
The following agencies were consulted in the preparation of this Environmental Assessment:

1. IHS Service Unit, Rapid City, South Dakota
2. U.S. Fish & Wildlife Service, Pierre, South Dakota
3. Rapid City Municipal Utilities Divisions [solid waste, wastewater, water]
4. Indian Health Service, DSFC District Office, Pierre, South Dakota

### VII. CONCLUSION

This Environmental Assessment has considered the various factors that may be affected by the proposed project. All of the factors addressed proved to have no significant adverse effect. Therefore, considering all the factors addressed, and evaluating the effects of each factor by the proposed project, it is concluded that the proposed project will have no significant adverse effect on the environment. An Environmental Impact Statement will not be prepared.

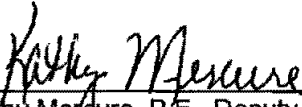
**Prepared by:**



Dayton D. Newbrough, Facility Coordinator  
Division of Facilities Management, OEH&E  
Aberdeen Area Indian Health Service

9/26/06  
Date

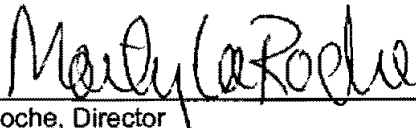
**Reviewed by:**



Kathy Mercure, P.E., Deputy Director  
Division of Facilities Management, OEH&E  
Aberdeen Area Indian Health Service

9/27/06  
Date


and



Marty Laroche, Director  
Division of Facilities Management, OEH&E  
Aberdeen Area Indian Health Service

10/5/06  
Date

**Approved by Area NEPA Coordinator:**



Dave Koski, P.E., District Engineer  
Division of Sanitation Facilities Construction, OEH&E  
Sioux City District Office

10/6/06  
Date

**AMENDMENT TO: HEALTHCARE FACILITIES ENVIRONMENTAL INFORMATION AND DOCUMENTATION**

<b>Tribe:</b> Rapid City Service Unit	Location: Rapid City, South Dakota
<b>Project Description:</b> New Comprehensive Health Care Facility, Rapid City, South Dakota Project AB5RC147C7	

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 FACILITIES DIVISION OF  
 ENVIRONMENTAL MANAGEMENT

**Note:** A response is required to every question. Answer each item completely with adequate supporting information to justify your response.

Consideration	How will the proposed action/activity affect the Consideration? Provide supporting information for your responses and explain any mitigation(s) to be implemented.
1. Will the proposed action result in a known violation or continuance of a violation of applicable (Federal, Tribal, State or local) laws or requirements for protection of environment or public health and safety?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
2. Will the proposed action result in a conflict with existing or proposed federal, Tribal, state, and local land use plans?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604 PRINTED: IHS Planning Documents
3. Is there a controversy with respect to environmental effects of the proposed action based on reasonable and substantial issues?	<b>No</b> CONTACT: Lorraine Jewett, Chief Executive Officer (605) 355-2372 CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
4. Is the proposed action significantly greater in scope than normal for the area or does it have significant unusual characteristics?	<b>No</b> CONTACT: Lorraine Jewett, Chief Executive Officer (605) 355-2372 CONTACT: John Devitt, P.E., Facility Coordinator - April 2005 (605) 945-5066 CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
5. Does the proposed action establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
6. Does the proposed action have significant adverse direct or indirect effects on park land, other public lands, or areas of recognized scenic or recreational value? (For example, consider the how your activity will affect the view?)	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
7. Does the proposed action include construction of a new municipal solid waste landfill at a new solid waste disposal site?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604



**AMENDMENT TO: HEALTHCARE FACILITIES ENVIRONMENTAL INFORMATION AND DOCUMENTATION**

<b>Tribe:</b>	<b>Rapid City Service Unit</b>	<b>Location:</b>	<b>Rapid City, South Dakota</b>
<b>Project Description and Location:</b>	<b>New Comprehensive Health Care Facility, Rapid City, South Dakota Project AB5RC147C7</b>		

<b>Consideration</b>	<b>How will the proposed action/activity affect the Consideration?</b> Provide supporting information for your responses and explain any mitigation(s) to be implemented.
8. Will the proposed action create a need for additional capacity at solid waste disposal facilities?	<b>No</b> CONTACT: Jerry Wright, Rapid City Landfill Manager- October 2004 (605) 394-4197 CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
9. Does the proposed action include construction of a new wastewater treatment facility that will discharge treated sewage effluent?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
10. Will the proposed action create a need for additional capacity at wastewater treatment facilities?	<b>No</b> CONTACT: Rapid City Wastewater Treatment Plant Manager- October 2004 (605) 394-4174 CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
11. Will the proposed action create a need for additional capacity in the drinking water supply?	<b>No</b> CONTACT: Dayton Newbrough, Facility Manager - October 2004 (605) 355-2339 CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
12. Are there other considerations about the proposed action that could adversely affect the environment and/or public health and safety?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604 Site visit conducted in August 2004
13. Will the proposed action create a need for additional capacity in health care facilities and for health care services?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604 PRINTED: IHS Planning Documents reflect additional space for continued provision of most existing services. Some current services will be discontinued but the overall size of the new facility will be larger than the existing facility.
14. Will the proposed action create a need for additional energy supply or generation?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604 PRINTED: SOW, IHS Planning Documents Site visit conducted in August 2004.
15. Will the proposed action create a need for additional capacity in educational facilities?	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604

**AMENDMENT TO: HEALTHCARE FACILITIES ENVIRONMENTAL INFORMATION AND DOCUMENTATION**

<b>Tribe:</b> Rapid City Service Unit	<b>Location:</b> Rapid City, South Dakota
<b>Project Description and Location:</b> New Comprehensive Health Care Facility, Rapid City, South Dakota Project AB5RC147C7	

<b>Consideration</b>	<b>How will the proposed action/activity affect the Consideration?</b> Provide supporting information for your responses and explain any mitigation(s) to be implemented.
16. Will the proposed action create a need for additional capacity in transportation systems?	<b>No</b> <b>CONTACT:</b> Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
17. <b>Historic Preservation:</b> a. Does the proposed action involve the purchase, construction, alteration, renovation, or lease of a building or portion of a building that is more than 50 years old?	<b>Yes</b> <b>PRINTED:</b> Megan Eades, Landmarks Preservation Associates (540) 464-5315 6 Houston Street Lexington, Virginia 24450
b. Will the proposed action adversely affect properties listed, or eligible for listing, on the National Register of Historic Places? (buildings, archaeological sites; objects of significance to a Tribe including graves, funerary objects, and traditional cultural properties)	<b>Yes</b> <b>PRINTED:</b> William Dodge, Van Citters: Historic Preservation, LLC (505) 268-1324 7007 Prospect Place NE Albuquerque, NM 87110
18. <b>Endangered Species Act:</b> Is the proposed action likely to adversely affect a plant or animal species listed on the Federal or applicable state list of endangered or threatened species or a specific critical habitat of an endangered or threatened species? (Consult with Fish & Wildlife Service or NOAA Fisheries Service. Discovering an endangered or threatened species in the project area will stop the project, and the Endangered Species Act has significant fines and penalties for violations.)	A Historic Preservation Consultation Report was completed in June 2006 to recommend a mitigation plan to compensate for the anticipated adverse effects to historic properties that will occur as a result of the proposed project. <b>No</b> <b>CONTACT:</b> Curtis Bossert, P.E., Facility Coordinator (605) 226-7604 <b>CONTACT:</b> Natalie Gates, US Fish and Wildlife (605) 224-8693 420 South Garfield, Suite 400 Pierre, SD 57501
19. Will the proposed action require major sedimentation and erosion control measures? (Consider earth disturbing activities including construction or expansion of a parking lot.)	<b>Yes</b> <b>CONTACT:</b> Curtis Bossert, P.E., Facility Coordinator (605) 226-7604 <b>PRINTED:</b> IHS Planning Documents Site visit conducted in August 2004

**AMENDMENT TO: HEALTHCARE FACILITIES ENVIRONMENTAL INFORMATION AND DOCUMENTATION**

Tribe: <b>Rapid City Service Unit</b>	Location: <b>Rapid City, South Dakota</b>
Project Description and Location: <b>New Comprehensive Health Care Facility, Rapid City, South Dakota Project AB5RC147C7</b>	

Consideration	How will the proposed action/activity affect the Consideration? Provide supporting information for your responses and explain any mitigation(s) to be implemented.
20. Will the proposed action violate the applicable storm water permit or NPDES permit? (Earth disturbing activities may require permits from the EPA or other agency and a storm water control plan, including parking lot construction activities. Contact tribal, local or state authorities, or EPA.)	<b>Yes</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator PRINTED: EPA Clean Water Act, Storm Water Phase I Compliance (605) 226-7604
21. Safe Drinking Water Act: Will the proposed action impact an EPA designated sole source aquifer? (Designation of sole source aquifer puts restrictions and conditions on federal expenditures, projects, and grants.)	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator PRINTED: EPA, Region 8, letter dated March 17, 2004 (605) 226-7604
22. Wetlands and Water Resources (lakes, rivers, ponds, streams, etc.): Will the proposed action affect wetlands and water resources, except in compliance with the applicable permit, e.g., Section 404 (Clean Water Act) and Section 10 (Rivers and Harbors Act) permits? (Activities in or near a wetland may require a permit from the U.S. Corps of Engineers. Includes: construction in or near any wet or dry waterway, stream crossings, intake structures, outfalls, etc.)	<b>No</b> CONTACT: Curtis Bossert, P.E., Facility Coordinator Site visit conducted in August 2004 (605) 226-7604
23. Floodplains: Will the proposed action endanger people who occupy the property, involve purchase, construction, or lease of a facility in a floodplain, or encourage floodplain development? (May be applicable to construction in or near any wet or dry waterway, stream crossings, intake structures, outfalls, etc.) (Consider if the facility will require flood insurance coverage.)	<b>No</b> CONTACT: Randall Behm, Floodplain Coordinator – April 2005 US Army Corps of Engineers 106 South 15 <sup>th</sup> Street Omaha, NE 68102-4798 (206) 764-3660
24. Does this proposed action involve the purchase, construction or lease of a building(s) which will total more than 1080 square meters (12,000 square feet)? (Include portable and modular facilities and trailers.)	<b>Yes</b> PRINTED: IHS Planning Documents The proposed building total area is approximately 12,971 gross square meters

**AMENDMENT TO: HEALTHCARE FACILITIES ENVIRONMENTAL INFORMATION AND DOCUMENTATION**

<b>Tribe:</b> Rapid City Service Unit	<b>Location:</b> Rapid City, South Dakota
<b>Project Description and Location:</b> New Comprehensive Health Care Facility, Rapid City, South Dakota Project AB5RC147C7	

<b>Consideration</b>	<b>How will the proposed action/activity affect the Consideration?</b> Provide supporting information for your responses and explain any mitigation(s) to be implemented.
25. Does this proposed action involve the purchase, construction or lease of building(s) on more than 2 hectares (5 acres) of land?	<u>Yes</u> PRINTED: IHS Planning Documents Phase II of the Site Selection and Evaluation Report estimates the new facility to occupy 3.72 hectares.
26. Does the proposed action involve the sale or transfer of real property, on which any hazardous substance or any petroleum product or its derivatives (including aviation fuel and motor oil) was stored for one year or more, known to have been released, or disposed of? (Document substance, dates, times, and response actions, if any. Also, include underground storage tank (UST) and above ground storage tank systems.)	<u>No</u> CONTACT: Dayton Newbrough, Facility Manager – February 2005 (605) 355-2339 CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
27. Will the proposed action violate Tribal, local, state, or federal law on the use and storage of hazardous substances or the transportation, storage, and disposal of hazardous wastes or medical wastes? (Activities that generate those items include air conditioning repair and service, pesticide application, motor pools, automobile repair, welding, landscaping, agricultural activities, print shops, hospitals, clinics, medical centers, etc. Repair, renovation, or demolition activities can generate waste that has asbestos-containing materials, asbestos, lead-based paint, PCBs, CFCs, etc.)	<u>No</u> CONTACT: Waste Management, December 2004 Medical waste will be disposed of by a licensed biohazard waste disposal vendor utilizing a licensed waste disposal facility. CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
28. Will the proposed action adversely affect community air pollution for a long period of time? (Consider if your activity must conform to an applicable air quality implementation plan.)	<u>No</u> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
29. If the proposed action is implemented, will it have a disproportionately high and adverse human health or environmental impact on the Tribe, low-income populations, or minority populations?	<u>No</u> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604
30. Will the proposed action adversely affect community noise levels?	<u>No</u> CONTACT: Curtis Bossert, P.E., Facility Coordinator (605) 226-7604

**AMENDMENT TO: HEALTHCARE FACILITIES ENVIRONMENTAL INFORMATION AND DOCUMENTATION**

<b>Tribe:</b> Rapid City Service Unit	<b>Location:</b> Rapid City, South Dakota
<b>Project Description and Location:</b> New Comprehensive Health Care Facility, Rapid City, South Dakota Project AB5RC147C7	

<b>Consideration</b>	<b>How will the proposed action/activity affect the Consideration?</b> Provide supporting information for your responses and explain any mitigation(s) to be implemented.
31. <u>Wilderness Act:</u> Will the proposed action adversely impact a Wilderness Area? (Wilderness Areas are specifically designated areas of land.)	<b>No</b> <b>CONTACT:</b> Curtis Bossert, P.E., Facility Coordinator Site visit conducted in August 2004 (605) 226-7604
32. <u>Farmland Protection Policy Act:</u> Will the proposed action convert significant agricultural lands to non-agricultural uses and exceed 160-point score on the farmland impact rating?	<b>No</b> <b>CONTACT:</b> Curtis Bossert, P.E., Facility Coordinator Site visit conducted in August 2004 (605) 226-7604
33. <u>Coastal Zone Management Act:</u> Will the proposed action directly affect a Coastal Zone in a manner inconsistent with the State Coastal Zone Management Plan? (All federal programs or projects in the coastal zone must comply with the consistency provisions of the Act. Each coastal state should have a state office to manage its coastal zone development and use. On Federal or Tribal trust land, the IHS will make the determination.)	<b>No</b> <b>CONTACT:</b> Curtis Bossert, P.E., Facility Coordinator <b>PRINTED:</b> There are No Coastal Zones, as defined by the Coastal Zones management Act of 1972, Sec. 304 and its Amendments, within the Aberdeen Area. (605) 226-7604
34. <u>Wild and Scenic Rivers Act:</u> Will the proposed action affect a wild, scenic, or recreational river area or create conditions inconsistent with the character of the river? (A consideration for activities that are in or near any wild and scenic waterway including construction of stream/river crossings, intake structures, outfalls, etc.)	<b>No</b> <b>PRINTED:</b> No Wild and Scenic Rivers are impacted as defined by the Act (P.L. 90-542) and Amendments hereto. <b>CONTACT:</b> Curtis Bossert, P.E., Facility Coordinator (605) 226-7604

Based on the "Yes" responses to questions 17, 19, 20, 24, & 25, an Environmental Assessment will be completed.

**AMENDMENT TO: HEALTHCARE FACILITIES ENVIRONMENTAL INFORMATION AND DOCUMENTATION**

Tribe: <b>Rapid City Service Unit</b>	Location: <b>Rapid City, South Dakota</b>
Project Description and Location: <b>New Comprehensive Healthcare Facility, Rapid City, South Dakota, Project AB5RC147C7</b>	

I certify that to the best of my knowledge and ability the information presented herein is true and correct:



Curtis C. Bossert, P.E.

Facility Coordinator

*08 Sept 2006*

Date

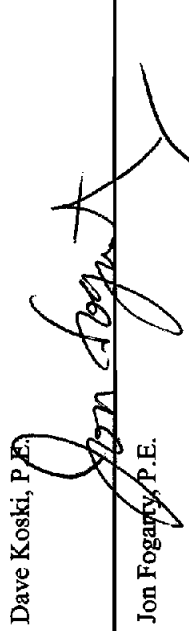


Dave Koski, P.E.

Aberdeen Area NEPA Coordinator

*SEPT 13 2006*

Date



Jon Fogarty, P.E.

Associate Director, Area OEH&E

*Sept 18 2006*

Date



Kenneth Harper, P.E.

Director, Division of Engineering Services - Seattle

*9/20/06*

Date

## FINDING OF NO SIGNIFICANT IMPACT

### Project AB5RC147C7

#### PROPOSED ACTION

The proposed action consists of constructing a new replacement comprehensive health care facility to serve the Rapid City Service Unit, Rapid City, South Dakota.

#### FINDINGS

Based upon a "YES" response to Questions #17, #19, #20, #24 and #25 of the attached Environmental Review and Documentation, Indian Health Service (IHS) has determined that **an Environmental Assessment is required** for this project. Based upon the attached Environmental Assessment for Project AB5RC147C7, IHS has determined that the proposed action will have no adverse impact upon the quality of the environment. Therefore, **an Environmental Impact Statement is not required**.

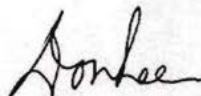
The supporting reasons for this finding are as follows:

This **Environmental Assessment** has considered the various environmental factors that may be affected by constructing a replacement comprehensive health care facility, as proposed under this project. The majority of the factors discussed herein will not be adversely affected or not be affected at all. Any disturbances are expected to be temporary in nature and short-term in duration. Disturbed areas will be restored as closely as possible to the existing conditions or to conditions necessary for the functional operation of the facility. This project will provide improved health care to the many Native Americans residing in or near Rapid City, South Dakota.

Therefore, considering all the factors listed and evaluating the effects on each factor by the proposed facility, **IHS concludes that the proposed action will have no significant adverse effect on the environment**.

#### References:

1. **Project Justification Document** for the "Construction of a Replacement Comprehensive Health Care Facility to Serve the Rapid City Service Unit, Rapid City, South Dakota Project AB5RC147C7", August, 2006.
2. **Appendix A-4, Environmental Review and Documentation**, Project AB5RC147C7, approved September 20, 2006.
3. **Environmental Assessment** for the construction of a replacement comprehensive health care facility to serve the Rapid City Service Unit, Rapid City, South Dakota, dated October 10, 2006.



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Don Lee, Area Director  
Aberdeen Area Indian Health Service  
Department of Health and Human Services

10/12/06

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Date

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## **Appendix B – Scoping**

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**Public Scoping Mailing List  
for the Rapid City IHS Health Center  
Environmental Assessment**

<b>FEDERAL</b>	
<p>Scott Larson U.S. Fish and Wildlife Service SD Ecological Services Field Office 420 South Garfield Avenue, Suite 400 Pierre, South Dakota 57501-5408</p>	<p>Jaime Loichinger Assistant Director Office of Federal Agency Programs Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington, DC 20001-2637</p>
<p>U.S. Army Corps of Engineers South Dakota Regulatory Office 28563 Powerhouse Road Pierre, South Dakota 57501</p>	<p>Natural Resources Conservation Service Rapid City Service Center 414 East Stumer Road, Suite 300 Rapid City, South Dakota 57701</p>
<p>Senator John Thune Rapid City Office 246 Founders Park Drive, Suite 102 Rapid City, South Dakota 57701</p>	<p>Senator Mike Rounds Rapid City Office 1313 West Main Street Rapid City, South Dakota 57701</p>
<p>Representative Dusty Johnson Rapid City Office 2525 West Main Street, Suite 310 Rapid City, South Dakota 57702</p>	
<b>TRIBAL</b>	
<p>Harold C. Frazier, Chairman Cheyenne River Sioux Tribe P.O. Box 590 Eagle Butte, South Dakota 57625-0590</p>	<p>Steve Vance Tribal Historic Preservation Officer Cheyenne River Sioux Tribe P.O. Box 590 Eagle Butte, South Dakota 57625-0590</p>
<p>Julian Bear Runner, President Oglala Sioux Tribe P.O. Box 2070 Pine Ridge, South Dakota 57770-2070</p>	<p>Tom Brings Tribal Historic Preservation Officer Oglala Sioux Tribe P.O. Box 320 Pine Ridge, South Dakota 57770</p>

Rodney Bordeaux, President Rosebud Sioux Tribe P.O. Box 430 Rosebud, South Dakota 57570-0430	Ben Rhodd Tribal Historic Preservation Officer Rosebud Sioux Tribe P.O. Box 809 Rosebud, South Dakota 57570-0809
<b>STATE</b>	
Paige Olson Review and Compliance Coordinator South Dakota State Historical Society Cultural Heritage Center 900 Governors Drive Pierre, South Dakota 57501	Dept. of Environment and Natural Resources Surface Water Quality Program Rapid City Field Office 2050 West Main, Suite 1 Rapid City, South Dakota 57702-2493
Hilary Meyer SD Dept. of Game, Fish, and Parks Environmental Review Coordinator 523 East Capitol Avenue Pierre, South Dakota 57501	SD Department of Tribal Relations 302 East Dakota Avenue Pierre, South Dakota 57501
State Representative Michael Diedrich 4884 Cliff Drive Rapid City, South Dakota 57702	State Senator Jeff Partridge 7174 Prestwick Road Rapid City, South Dakota 57702
State Representative Jess Olson 3115 Stockade Drive Rapid City, South Dakota 57702	Governor Kristi Noem Office of the Governor 500 East Capitol Avenue Pierre, South Dakota 57501
<b>COUNTY AND LOCAL</b>	
Sarah Hanzel Rapid City Historic Preservation Commission Community Planning & Development Services Division of Long Range Planning City of Rapid City 300 Sixth Street Rapid City, South Dakota 57701	Mayor Steve Allender 300 Sixth Street Rapid City, South Dakota 57701
Darla Drew Rapid City Council, Ward 5 300 Sixth Street Rapid City, South Dakota 57701	Laura Armstrong Rapid City Council, Ward 5 300 Sixth Street Rapid City, South Dakota 57701

Gary Drewes, Vice Chair County Commission District 5 130 Kansas City Street, Suite 100 Rapid City, South Dakota 57701	
<b>PRIVATE and MEDIA</b>	
Jean O. Kessloff Historic Rapid City 1015 12 <sup>th</sup> Street Rapid City, South Dakota 57701	Rapid City Journal 507 Main Street Rapid City, South Dakota 57701



June 12, 2019

Subject: Scoping for an Environmental Assessment for the Proposed Rapid City IHS Health Center, Rapid City, Pennington County, South Dakota

Dear Agency Representative, Tribal Representative, or Interested Party:

The Great Plains Area Indian Health Service (IHS) proposes modifications to its facility at the Sioux San Indian Hospital in Rapid City, Pennington County, South Dakota to improve healthcare services provided to multiple tribes in the region (see attached aerial maps). The IHS proposes to remove many of the existing buildings at their Sioux San facility and in their place construct a new health care facility with associated infrastructure and utilities (the Project). Specifically, 25 buildings and a water tank would be demolished and removed, one building would either be demolished or transferred out of federal control to a tribal entity, and three structures would be rehabilitated. The new health care building would be approximately 203,500 square feet in size, and have associated parking and green space. The Project would be entirely contained within the existing Sioux San facility boundaries on IHS-administered land within the city of Rapid City. The IHS would oversee design and construction of the facility; federal funding is designated for the Project through the IHS.

### **Environmental Assessment**

The IHS is preparing an updated environmental assessment (EA) for the Project in compliance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations for implementing the procedures of NEPA (40 CFR Parts 1500-1508), and IHS's *Environmental Review Manual* (2007). The IHS previously prepared an EA for the Project in 2006; however, due to changes in Project plans and the length of time since the previous EA, IHS has decided to prepare an updated EA. The EA will provide the project background; establish the purpose of and need for the Project; describe the Proposed Action and alternatives; identify any adverse environmental effects and their significance; identify measures to avoid, minimize, or mitigate any adverse effects; and address public involvement and agency coordination. The EA will evaluate a reasonable range of alternatives to the proposed Project that would accomplish the agency's purpose and need, and that may be feasibly carried-out based on environmental, technical, and economic factors. It will also evaluate the No Action alternative.

The EA will describe and analyze any potential impacts on the human and natural environment that would be caused by the Project and alternatives, and will identify possible mitigation measures to reduce or eliminate those impacts that may result to:

- Air quality
- Water resources
- Socioeconomic issues
- Vegetation resources
- Wildlife resources
- Visual resources
- Historic properties
- Soil and geologic resources
- Environmental justice
- Land use

- Recreation resources
- Soundscape resources
- Public services and infrastructure

### **Public Scoping**

The NEPA process requires coordination with pertinent agencies and involvement of interested parties in the environmental review process, and the IHS welcomes your input. Your review and comments on the Project are important elements of this process. As part of its EA process, the IHS is providing agencies, tribes, and the public an opportunity to provide scoping comments on the EA process and the proposed Project; comments will be taken throughout a 30-day scoping period. No formal public scoping meeting is planned for this Project. During this scoping period, you are invited to identify any issues or concerns you may have with the proposed Project, and provide comments on the scope and content of the EA, so the IHS can appropriately consider them in the preparation of the EA. The IHS will accept written comments on the proposed project through **July 19, 2019**. Scoping comments can be submitted:

*by email to:*  
Dayton.Newbrough@ihs.gov

*by delivery to:*  
Dayton Newbrough  
Facilities Engineer  
IHS Sioux San Hospital  
3200 Canyon Lake Drive  
Rapid City, South Dakota 57702

Please note that comments and related personally identifiable information will be subject to disclosure under the Freedom of Information Act (FOIA) and comments may be published as part of the EA and other related documents. Individual respondents may request confidentiality of some information: if you wish to withhold your email address or street address from public review and disclosure under FOIA, you must state this prominently at the beginning of the written comment. Such requests will be honored to the extent allowed by law. All submissions from agencies, tribes, organizations, or businesses will be made available for public inspection in their entirety. The IHS will not accept anonymous comments.

Thank you for your participation in the environmental review process. We appreciate your interest and look forward to your comments.

Sincerely,

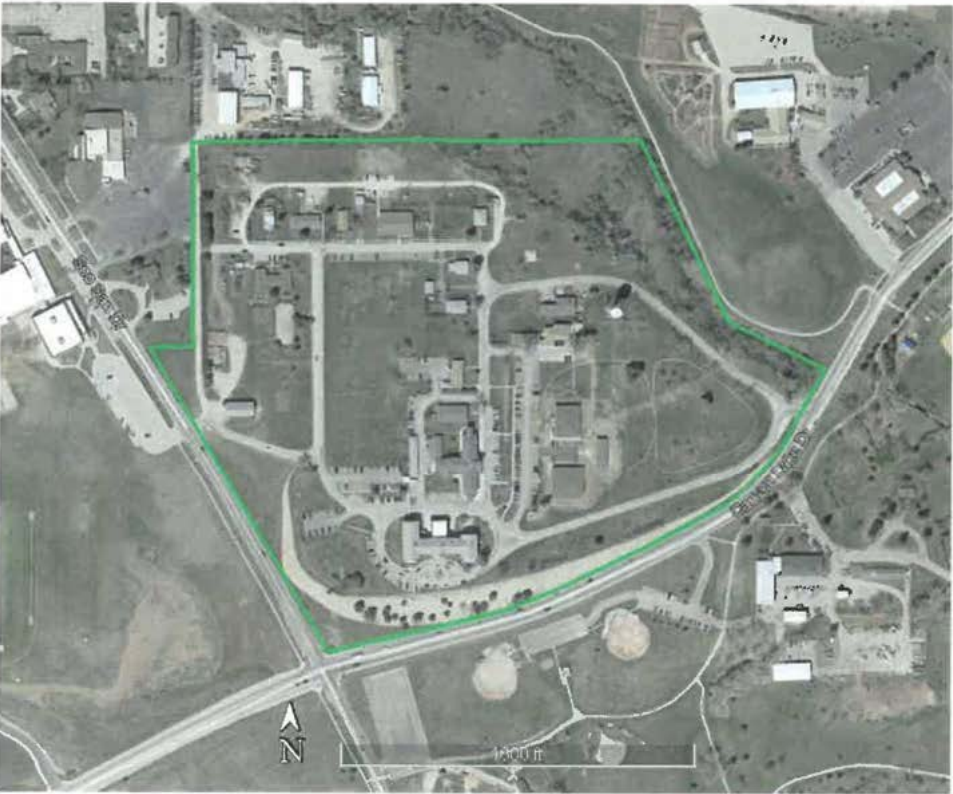


Dayton D. Newbrough  
Project Engineer  
Division of Facilities Management  
Great Plains Area Indian Health Service

Enclosure:  
Maps of the Project Area



**Figure 1. Location of the Project Area within Rapid City.**



**Figure 2. Boundary of the Sioux San Indian Hospital facility.**





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 20, 2019

Dayton Newbrough  
IHS Sioux San Hospital  
3200 Canyon Lake Drive  
Rapid City, SD 57702

Dear Mr. Newbrough:

The South Dakota Department of Environment and Natural Resources (DENR) Surface Water Quality Program has reviewed the proposed project at Sioux Sans Hospital. The DENR finds that this construction, using conventional construction techniques, should not cause violation of any statutes or regulations administered by the DENR based on the following recommendations:

1. At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site. Any construction activity that disturbs an area of one or more acres of land must have authorization under the General Permit for Storm Water Discharges Associated with Construction Activities. Contact the Department of Environment and Natural Resources for additional information or guidance at 1-800-SDSTORM (800-737-8676) or <http://denr.sd.gov/des/sw/StormWaterandConstruction.aspx>.
2. A Surface Water Discharge permit may be required if any construction dewatering should occur as a result of this project. Please contact this office for more information.
3. 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. This project is in the vicinity of Lime Creek. This waterbody is classified by the South Dakota Surface Water Quality Standards and Uses Assigned to Streams for the following beneficial uses:
  - (2) Coldwater permanent fish life propagation waters;
  - (8) Limited contact recreation waters;
  - (9) Fish and wildlife propagation, recreation, and stock watering waters; and
  - (10) Irrigation waters.

Because of these beneficial uses, special construction measures may have to be taken to ensure that the 30-day average total suspended solids criterion of 30 mg/L is not violated.

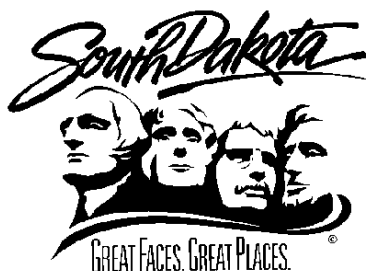
4. The discharge of pollutants from any source, including indiscriminate use of fill material, may not cause destruction or impairment except where authorized under Section 404 of the Federal Water Pollution Control Act. Please contact the U.S. Army Corps of Engineers concerning these permits.

This office requests the opportunity to review and comment on any significant changes that may be proposed before the project is completed. Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact me at [Shannon.Minerich@state.sd.us](mailto:Shannon.Minerich@state.sd.us).

Sincerely,

A handwritten signature in cursive script that reads "Shannon Minerich".

Shannon Minerich  
Environmental Scientist  
Surface Water Quality Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 18, 2019

Dayton Newbrough  
Facilities Engineer  
IHS Sioux San Hospital  
3200 Canyon Lake Drive  
Rapid City, South Dakota 57702

Re: Scoping for an Environmental Assessment for the Proposed Rapid City IHS Health Center,  
Rapid City, Pennington County, South Dakota

Dear Mr. Newbrough:

The South Dakota Department of Environment and Natural Resources' (DENR) Ground Water Quality Program has reviewed the above-referenced project for potential impacts to ground water quality. Based on the information submitted in your letter, dated June 12, 2019, DENR does not anticipate adverse impacts to ground water quality by this project.

If construction for this project disturbs one or more acre(s) of soil, a storm water permit may be required. For more information or to obtain a storm water permit, please contact the Department at 1-800-SD-Storm or visit: <http://denr.sd.gov/des/sw/StormWaterandConstruction.aspx>.

There have been numerous petroleum and other chemical releases throughout the state. Of the releases reported to DENR, we have identified two release cases in the vicinity of your project areas. A list of these releases is enclosed in Table 1. However, the locational information provided to us regarding releases is sometimes inaccurate or incomplete. If you would like to do more research, additional information on reported releases in South Dakota may be obtained at the following website: <http://arcgis.sd.gov/server/denr/spillsviewer/>.

In the event that contamination is encountered during construction activities or is caused by the construction activity, the IHS, or its designated representative, must report the contamination to DENR at 605-773-3296. Any contaminated soil encountered or caused by the construction must be temporarily stockpiled and sampled to determine disposal requirements.

Thank you for providing DENR the opportunity to comment on this project. If you have any questions regarding the information provided, please contact me at 605-773-5054.

Sincerely,

A handwritten signature in cursive script that reads "Katherine Miller".

Katherine Miller  
Environmental Scientist  
Ground Water Quality Program

Enclosure

cc: Dustin Willet, Pennington County Emergency Manager, [dustin.willet@pennco.org](mailto:dustin.willet@pennco.org)

<b>Table 1: Release Cases Near the Project Areas</b>					
<b>Number</b>	<b>Site Name</b>	<b>Street</b>	<b>Material</b>	<b>Status</b>	<b>R1</b>
93.364	Sioux San Hospital - Former Boiler House	3200 Canyon Lake Drive	Gasoline	C	JN
90.416	Rapid City Parks Department - Tank Removals	2915 Canyon Lake Drive	Gasoline - Diesel	NFA	DM

O= Open, C = Closed, I = Inactive, NFA = No Further Action, RI= Current Reviewer

## Kathy Roxlau

---

**From:** Newbrough, Dayton (IHS/ABR/RCH) <Dayton.Newbrough@ihs.gov>  
**Sent:** Thursday, June 20, 2019 3:54 PM  
**To:** Kathy Roxlau  
**Subject:** FW: Scoping comments - IHS

Forgot to copy you on this one.

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**From:** Newbrough, Dayton (IHS/ABR/RCH)  
**Sent:** Thursday, June 20, 2019 3:44 PM  
**To:** 'Hennies Holli' <hollih@pennco.org>  
**Subject:** RE: Scoping comments - IHS

Hi Holli,

We welcome any comments regarding all things related to the project as a whole at this time.

Thank you,

Dayton

---

**From:** Hennies Holli [<mailto:hollih@pennco.org>]  
**Sent:** Thursday, June 20, 2019 8:33 AM  
**To:** Newbrough, Dayton (IHS/ABR/RCH) <[Dayton.Newbrough@ihs.gov](mailto:Dayton.Newbrough@ihs.gov)>  
**Subject:** RE: Scoping comments - IHS

Good morning Mr. Newbrough!

The Pennington County Commission received the request for comments in relation to the scoping for an EA for the Propopsed Rapid City HIS Health Center.

Clarification is requested based on the included sentences.. "As part of its EA process, the IHS is providing agencies, tribes, and the public an opportunity to provide scoping comments on the EA process and the proposed project... During this scoping period, you are invited to identify any issues or concerns you may have with the proposed Project."

We would like clarification is this is a public comment period for all things related to the project or is this session just for the EA topics as listed?

Thank you!

*Holli Hennies*  
Commission Office Manager  
Pennington County Administration Building  
130 Kansas City Street, Suite 100  
Rapid City, SD 57701  
Phone: 605-394-2171  
[hollih@pennco.org](mailto:hollih@pennco.org)

## **Appendix C – Schematic Drawings by Phase**

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CONSULTANTS

PRELIMINARY  
NOT FOR CONSTRUCTION

RAPID CITY  
HEALTH CENTER  
INDIAN HEALTH SERVICE (DES)  
3200 CANYON LAKE DRIVE  
RAPID CITY, SD 57702

U.S. DEPARTMENT  
OF HEALTH AND  
HUMAN SERVICES  
INDIAN HEALTH SERVICE  
DIVISION OF ENGINEERING SERVICES  
SEATTLE / DALLAS



REVIEWED:	DATE
ES ARCHITECT / ENGINEER	DATE
APPROVED:	DATE
ES PROJECT MANAGER	DATE
ES TRAVEL CHIEF	DATE
CONCURRENCE	DATE
AGENCY REPRESENTATIVE	DATE
TITLE	

REV	DATE	DESCRIPTION
1	JUNE 29, 2018	ISSUE DATE
2	JULY 16, 2018	CONTRACT NO. HHS161201700018C
3	AUGUST 1, 2018	CONTRACT NO. HHS161201700018C
4	AUGUST 1, 2018	CAD DWG FILE: N17A09
		DRAWN BY: E. PHILLIPS
		CHECKED BY: J. BENS
		SHEET TITLE

SITE PHASING PLAN  
PHASE 1

G101

SHEET 6 OF 295

Alternate location for swing space  
and/or construction trailers.

**PHASING PLAN LEGEND**

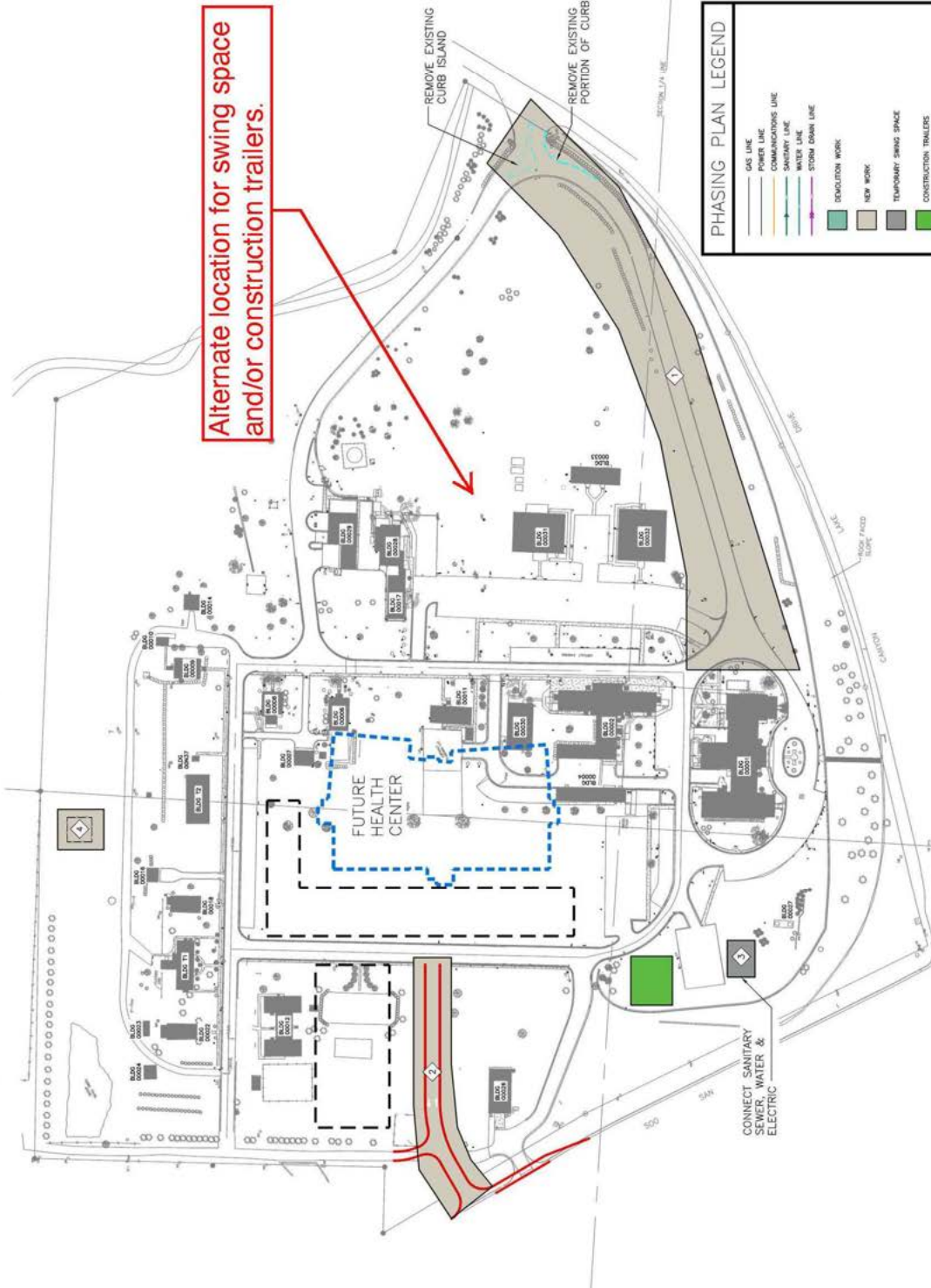
- GAS LINE
- POWER LINE
- COMMODIOUS LINE
- SEWER LINE
- WATER LINE
- STORM DRAIN LINE
- DEMOLITION WORK
- NOT WORK
- TEMPORARY SWING SPACE
- CONSTRUCTION TRAILERS
- LANDSCAPE AREA

**PHASE 1 NOTES**

- MAKE EXISTING ONE WAY DRIVE INTO TWO WAY AND RETAIL INTERMEDIATE SOURCE.
- CONSTRUCT CONSTRUCTION ENTRANCE.
- PROVIDE 10'x10' TEMPORARY SWING SPACE TO ACCOMMODATE UP TO 20 TRAILERS, INCLUDING RESTROOMS.
- PROVIDE LOCATION FOR RELOCATION OF TRAILER LODGE.

**GENERAL NOTES**

1. SIGNIFICANT TEMPORARY EROSION CONTROL EFFORTS MUST COMMENCE IN PHASE 1 AND BE MAINTAINED THROUGH PHASE 2. EROSION CONTROL PLANS MUST DEVELOP AND SUBMIT EROSION CONTROL PLANS FOR APPROVAL AND CONSTRUCTION FOR THE SWAMP ASSOCIATED WITH THE SPA COY.



NORTH  
SCALE: 1" = 100'-0"

SIoux SAN SITE PLAN - PHASE 1

CONSULTANTS

PRELIMINARY  
NOT FOR CONSTRUCTION

RAPID CITY  
HEALTH CENTER  
INDIAN HEALTH SERVICE (DES)  
3200 CANYON LAKE DRIVE  
RAPID CITY, SD 57702

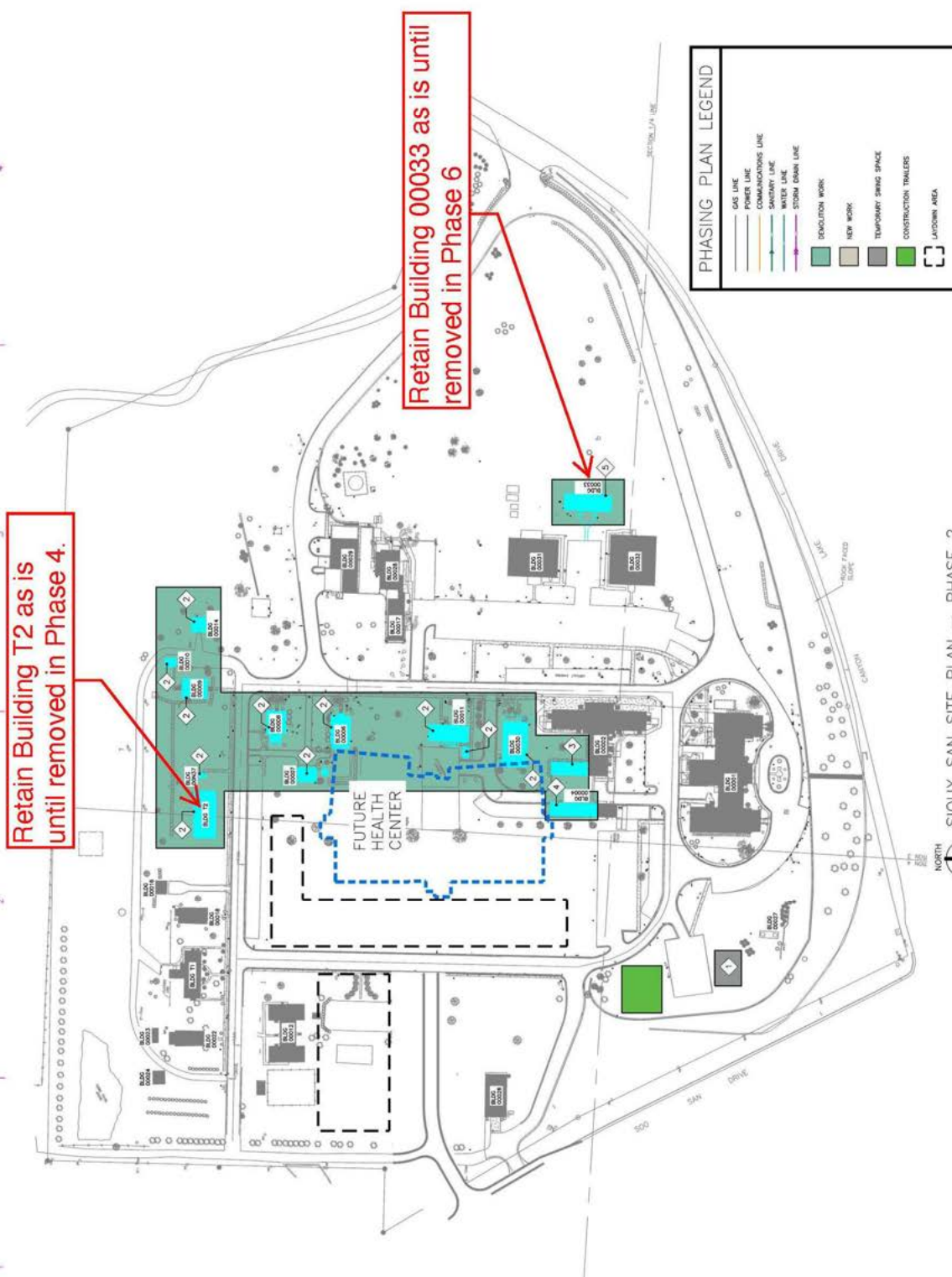
U.S. DEPARTMENT  
OF HEALTH AND  
HUMAN SERVICES  
INDIAN HEALTH SERVICE  
DIVISION OF ENGINEERING SERVICES  
SEATTLE / DALLAS



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	ES TRAVEL CHIEF	DATE
	CONCURRENCE	DATE
	AGENCY REPRESENTATIVE	DATE
TITLE		

REV	DATE	DESCRIPTION
1	JUNE 29, 2018	ISSUE DATE
2	JULY 16, 2018	CONTRACT NO. - HHS161201700018C
3	AUG 14, 2018	CONTRACT NO. - HHS161201700018C
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5	AUG 14, 2018	CONTRACT NO. - HHS161201700018C
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19	AUG 14, 2018	CONTRACT NO. - HHS161201700018C
20	AUG 14, 2018	CONTRACT NO. - HHS161201700018C

SITE PHASING PLAN  
PHASE 2



Retain Building T2 as is until removed in Phase 4.

Retain Building 00033 as is until removed in Phase 6

PHASING PLAN LEGEND

- GAS LINE
- POWER LINE
- COMMODIOUS LINE
- WATER LINE
- STORM DRAIN LINE
- DEMOLITION WORK
- NEW WORK
- TEMPORARY SWING SPACE
- CONSTRUCTION TRAILERS
- LANDSCAPE AREA

PHASE 2 NOTES

- RELOCATE OCCUPANTS TO SWING SPACE
- DEMOLISH STRUCTURES, COORDINATE POTENTIAL ANY ON- OR OFF-SITE LOCATIONS, WITH HIG AND TRIBAL REPRESENTATIVES
- DEMOLISH STORAGE WING OF BUILDING 00002
- DEMOLISH PORTION OF BUILDING 00004, MAINTAIN EXISTING GENERATOR FUNCTIONALITY, CONTRACT NEW STRUCTURE ON NORTH SIDE OF DEMOLISHED STRUCTURE
- RELOCATE BUILDING 00003, EXTEND EXISTING UTILITIES AND PROVIDE NEWLY FUNCTIONAL UTILITIES. BUILDING TO BE DEMOLISHED IN PHASE 4.

GENERAL NOTES

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS FROM TRIBAL LAND THROUGH THE ENVIRONMENTAL PROTECTION AGENCY (EPA).

CONSULTANTS

PRELIMINARY  
NOT FOR CONSTRUCTION

RAPID CITY  
HEALTH CENTER  
INDIAN HEALTH SERVICE (DES)  
3200 CANYON LAKE DRIVE  
RAPID CITY, SD 57702

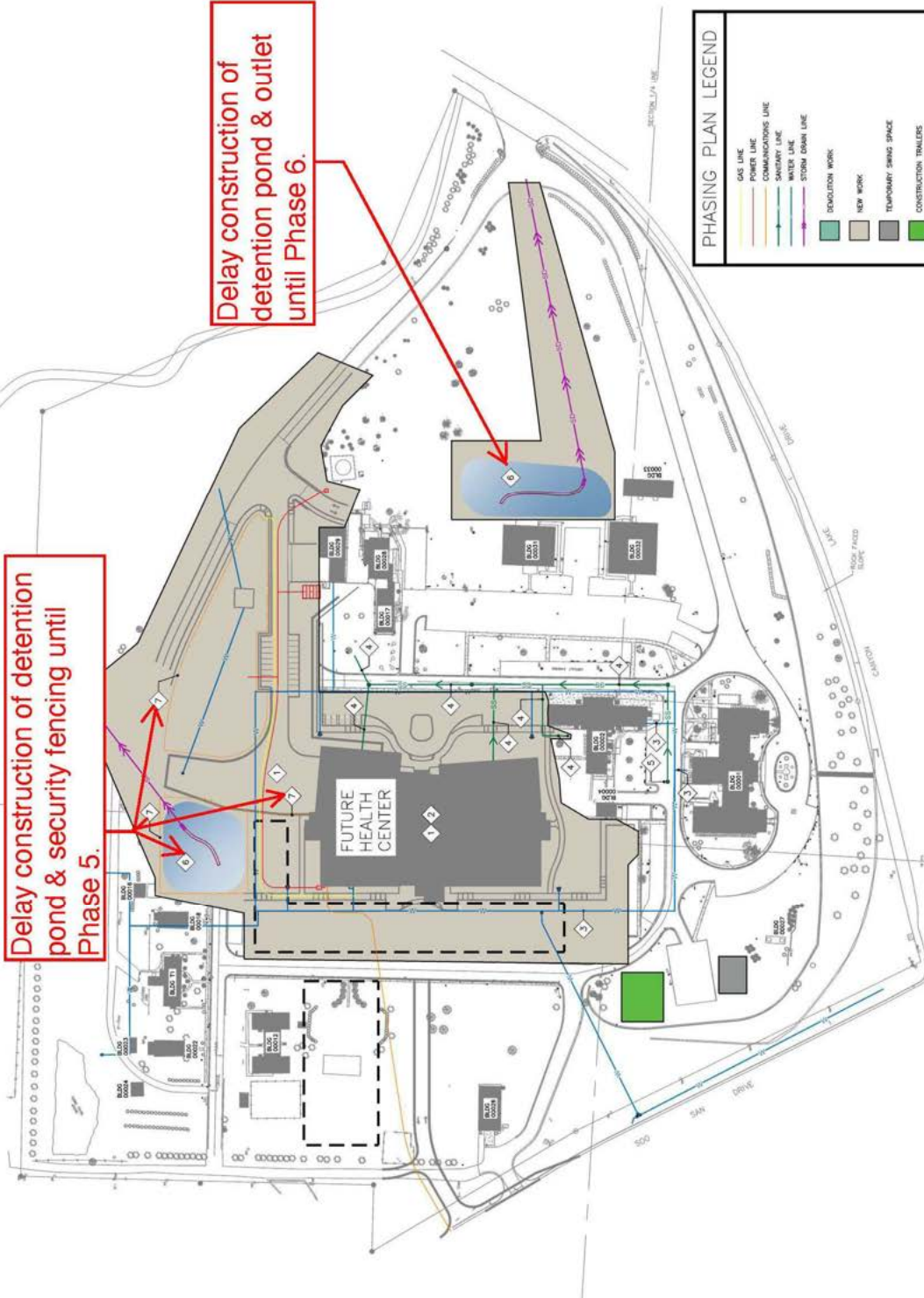
U.S. DEPARTMENT  
OF HEALTH AND  
HUMAN SERVICES  
INDIAN HEALTH SERVICE  
DIVISION OF ENGINEERING SERVICES  
SEATTLE / DALLAS



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ES PROJECT MANAGER	DATE
ES TRAVEL CHIEF	DATE
CONCURRENCE	DATE
AGENCY REPRESENTATIVE	DATE
TITLE	

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3	NOVEMBER 14, 2017	CONTRACT NO. HHS161201700018C
4	MAY 14, 2018	CAD DWG FILE: A7A09
		DRAWN BY: E. PHILLIPS
		CHECKED BY: J. BERG
		SHEET TITLE

SITE PHASING PLAN  
PHASE 3



Delay construction of detention pond & security fencing until Phase 5.

Delay construction of detention pond & outlet until Phase 6.

**PHASING PLAN LEGEND**

- GAS LINE
- POWER LINE
- COMMUNICATIONS LINE
- WATER LINE
- STORM DRAIN LINE
- DEMOLITION WORK
- NEW WORK
- TEMPORARY SWING SPACE
- CONSTRUCTION TRAILERS
- LANDSCAPE AREA

**PHASE 3 NOTES**

- CONSTRUCT CURB & LANDING DOCK
- GAS, POWER, & COMMUNICATION LINE RELIEFION
- INSTALL WATER MAIN - CONNECT SERVICE TO BLDG. NORTH & SOUTH
- INSTALL SANITARY SEWER - CONNECT SERVICE TO BLDG. SOUTH
- REMOVE & REPLACE EXISTING MANHOLE
- INSTALL DETENTION BASIN (NORTH & EAST) AND ASSOCIATED OUTLETS
- INSTALL 6'-0" SECURITY FENCES WITH MAIN DOORS

NORTH  
SIoux SAN SITE PLAN - PHASE 3  
SCALE: 1" = 100'-0"

CONSULTANTS

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**RAPID CITY HEALTH CENTER (DES)**  
INDIAN HEALTH SERVICE (DES)  
3200 CANYON LAKE DRIVE  
RAPID CITY, SD 57702

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
INDIAN HEALTH SERVICE  
DIVISION OF ENGINEERING SERVICES  
SEATTLE / DALLAS

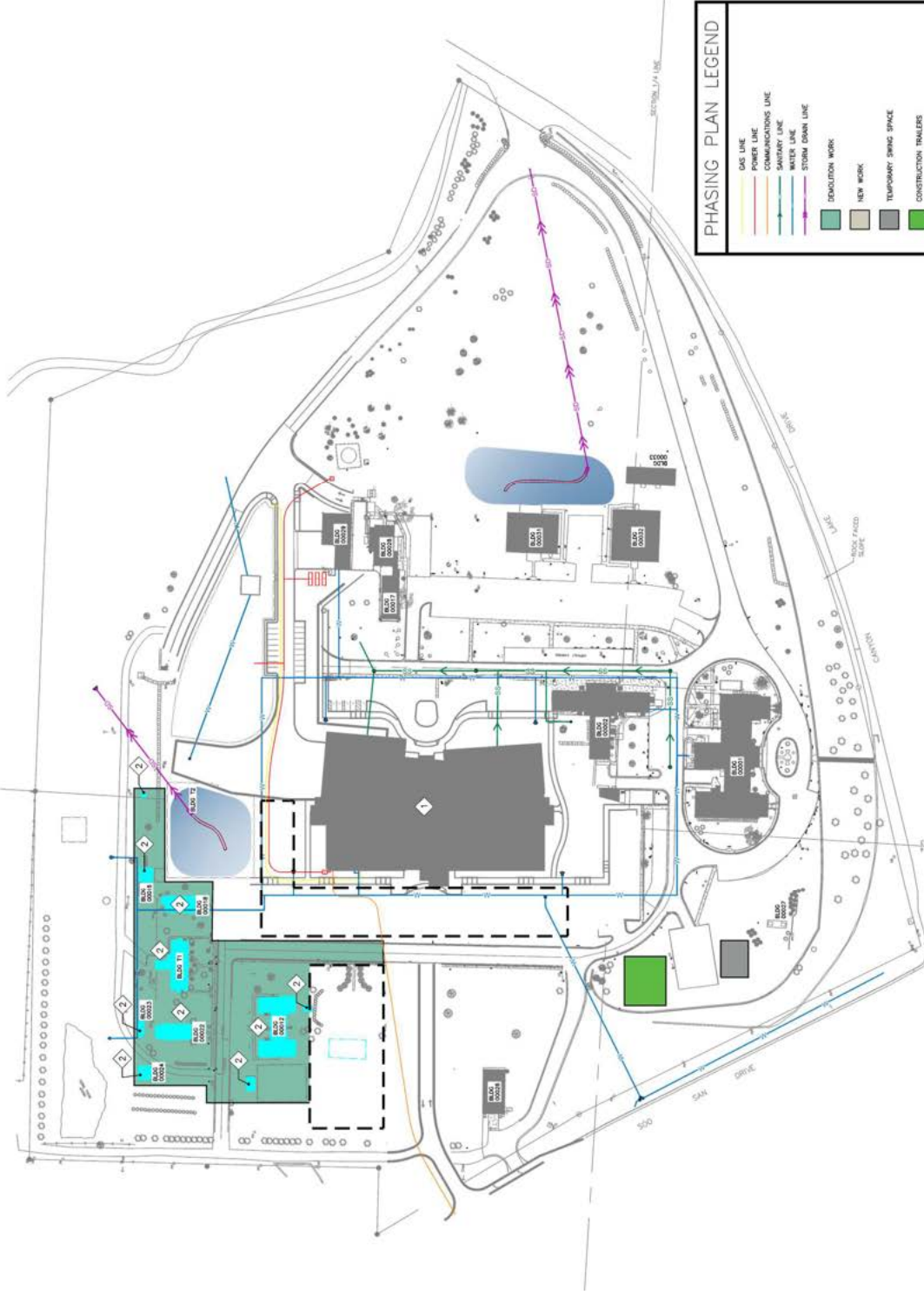


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CONCURRENCE	DATE	DATE
AGENCY REPRESENTATIVE	DATE	DATE
TITLE		

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PROJECT FILE:	217002	
CAD FILE:	R17002	
DRAWN BY:	E. PHILLIPS	
CHECKED BY:	J. BERG	
SHEET TITLE		

**SITE PHASING PLAN**  
PHASE 4

G104  
SHEET 9 OF 266



**PHASING PLAN LEGEND**

- GAS LINE
- POWER LINE
- COMMUNICATIONS LINE
- WATER LINE
- STORM DRAIN LINE
- DEMOLITION WORK
- NEW WORK
- TEMPORARY SPING SPACE
- CONSTRUCTION TRAILERS
- LANDING AREA

**PHASE 4 NOTES**

- RELOCATE OCCUPANCY FROM STRUCTURES TO BE DEMOLISHED TO NEW HEALTH CENTER.
- EXISTING FACILITIES ASSESSMENT COORDINATE POTENTIAL OCCUPANCY AND CONSTRUCTION PHASING WITH US AND TRIBAL REPRESENTATIVES.

**GENERAL NOTES**

- CONTRACTOR SHALL VERIFY ALL UTILITIES AND EXISTING WORK WITH LOCAL UTILITY COMPANIES AND THE EPA BEFORE CONSTRUCTION. CONTRACTOR TO DEVELOP A SANITATION CONTROL PLAN FOR ALL PHASES WITH EPA APPROVAL FOR THE SHEET LOCATIONS WITH THE EPA.
- CONTRACTOR NOTE: PHASES 4 & 5 CAN BE COORDINATED TO COMPLETE WORK AT SAME TIME.

**SIoux SAN SITE PLAN - PHASE 4**  
SCALE: 1" = 100'-0"

CONSULTANTS

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**RAPID CITY HEALTH CENTER**  
INDIAN HEALTH SERVICE (DES)  
3200 CANYON LAKE DRIVE  
RAPID CITY, SD 57702

U.S. DEPARTMENT  
OF HEALTH AND  
HUMAN SERVICES  
INDIAN HEALTH SERVICE  
DIVISION OF ENGINEERING SERVICES  
SEATTLE / DALLAS



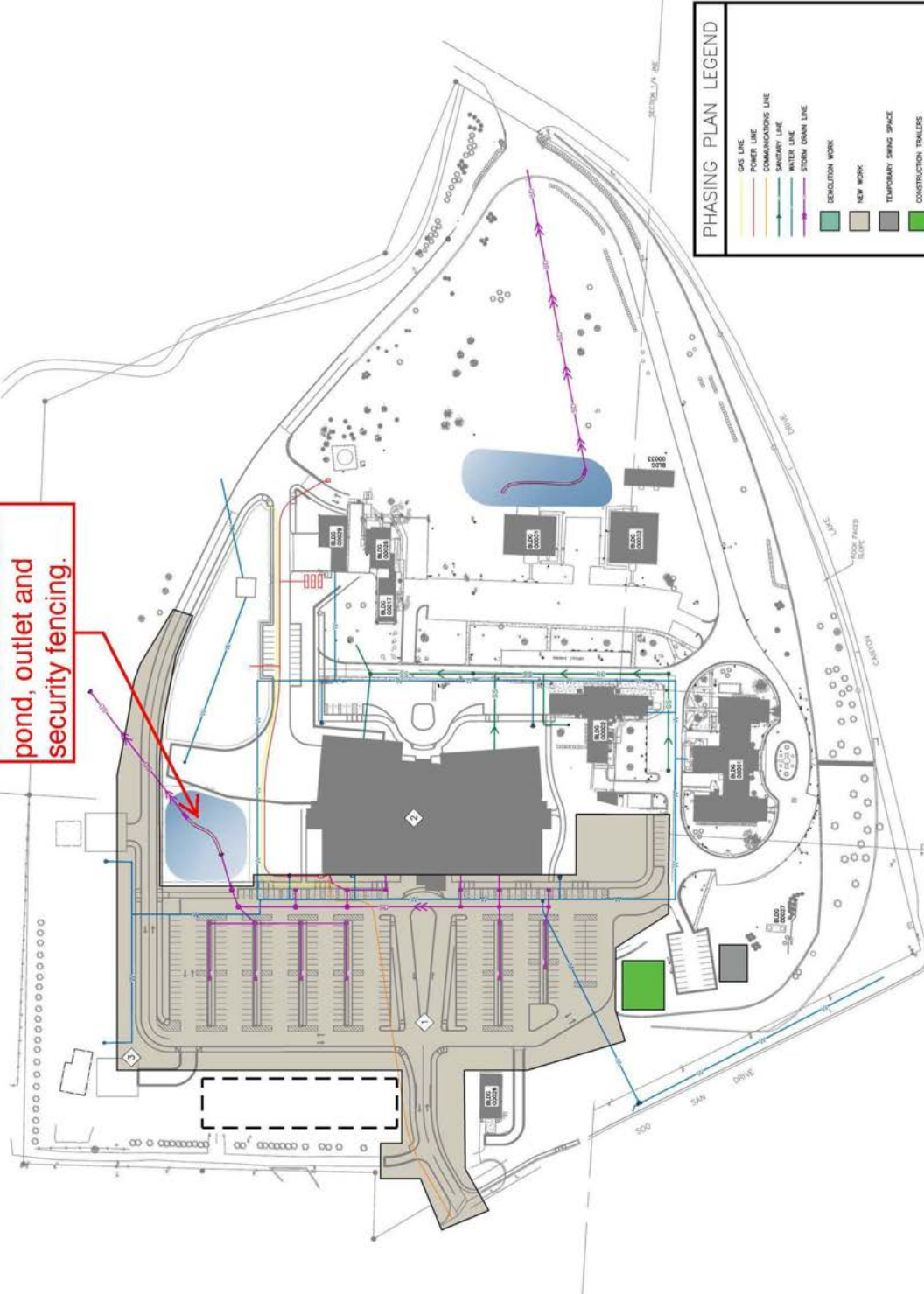
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	CONCURRENCE	DATE
	AGENCY REPRESENTATIVE	DATE
TITLE:		

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DRAWN BY:	E. PHILLIPS	
CHECKED BY:	J. BENS	
SHEET TITLE		

SITE PHASING PLAN  
PHASE 5

G105  
SHEET 10 OF 295

**Construct detention pond, outlet and security fencing.**



**PHASING PLAN LEGEND**

- GAS LINE
- POWER LINE
- COMMUNICATIONS LINE
- WATER LINE
- STORM DRAIN LINE
- DEMOLITION WORK
- NEW WORK
- TEMPORARY SWING SPACE
- CONSTRUCTION TRAILERS
- LAYDOWN AREA

**PHASE 5 NOTES**

- CONSTRUCT WEST PARKING LOT & INSTALL STORM SEWER BASIN (N). CONSTRUCT 500 SAN DRIVE ENTRANCE.
- RELOCATE ALL OCCUPANTS TO THE NEW CLINIC
- FINISH EXISTING DRIVE

**GENERAL NOTES**

- CONSTRUCTIVE ITEMS, PHASES 4 & 5, SHALL BE COMPLETED TO COMPLETE WORK AT SAME TIME.

**SIOUX SAN SITE PLAN - PHASE 5**  
SCALE: 1" = 100'-0"



CONSULTANTS

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**RAPID CITY  
HEALTH CENTER**  
INDIAN HEALTH SERVICE (DES)  
3200 CANYON LAKE DRIVE  
RAPID CITY, SD 57702

U.S. DEPARTMENT  
OF HEALTH AND  
HUMAN SERVICES  
INDIAN HEALTH SERVICE  
DIVISION OF ENGINEERING SERVICES  
SEATTLE / DALLAS



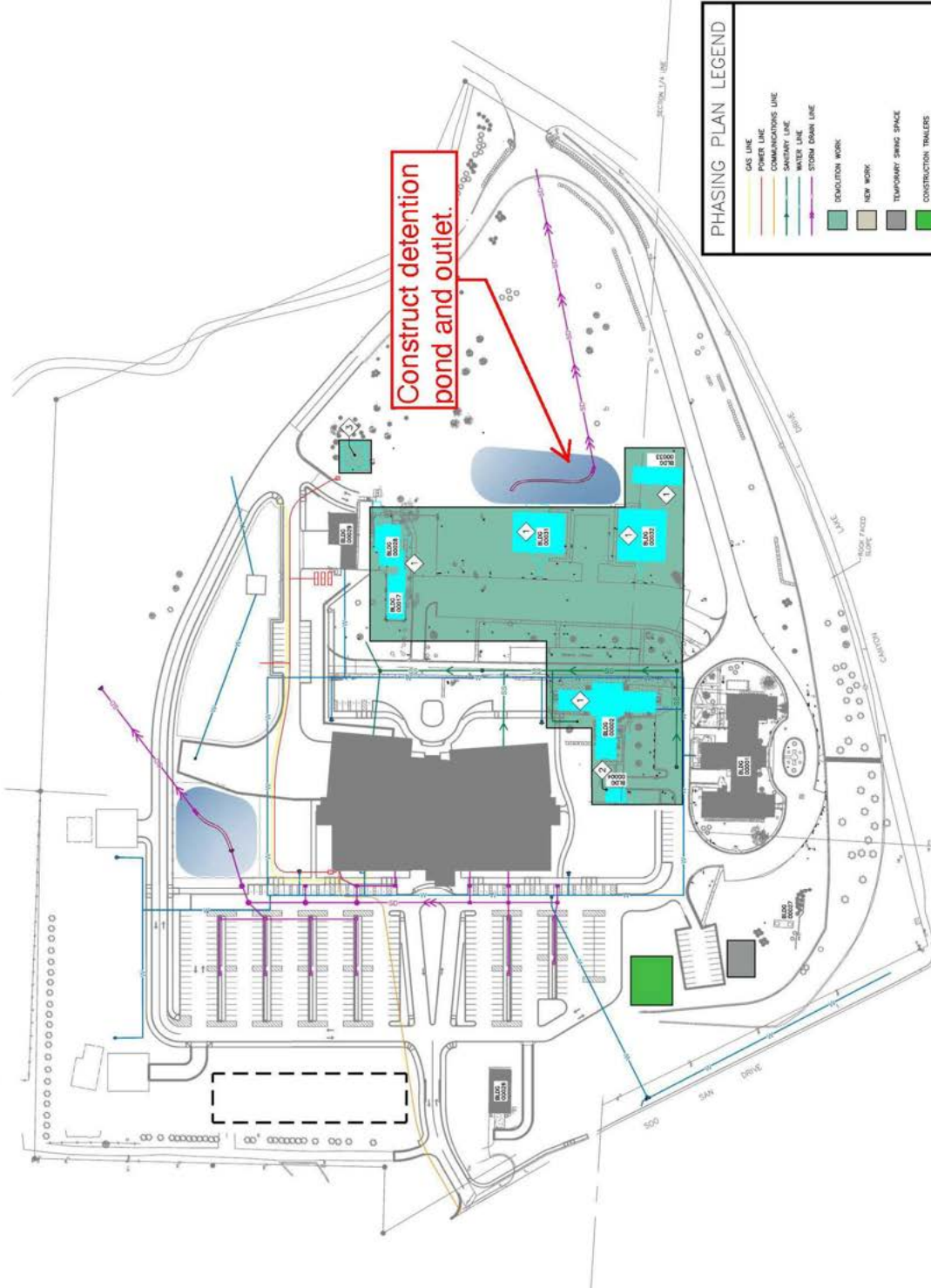
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APPROVED:	ES PROJECT MANAGER	DATE
	ES TRACER CHIEF	DATE
	CONCURRENCE	DATE
	AGENCY REPRESENTATIVE	DATE
TITLE		

REV	DATE	DESCRIPTION
1	JUNE 29, 2018	ISSUE DATE
2	JULY 16, 2017	CONTRACT NO. HHS1612077001B2
3	AUGUST 1, 2017	CONTRACT NO. HHS1612077001B2
4	AUGUST 1, 2017	CONTRACT NO. HHS1612077001B2
	DRAWN BY: E. PHILLIPS	
	CHECKED BY: J. BERG	
	SHEET TITLE	

**SITE PHASING PLAN  
PHASE 6**

G106

SHEET 11 OF 295



**Construct detention pond and outlet.**

**PHASING PLAN LEGEND**

- GAS LINE
- POWER LINE
- COMMODOROUS LINE
- SEWER LINE
- WATER LINE
- STORM DRAIN LINE
- DEMOLITION WORK
- NEW WORK
- TEMPORARY SPONG SPACE
- CONSTRUCTION TRAILERS
- LANDSCAPE AREA

**PHASE 6 NOTES**

- DEMOLISH OR RELOCATE STRUCTURES PER PRE-DESIGN POTENTIAL. RELOCATION OF BLDG 00072, BLDG 00001, THE HOSPITAL BUILDING, AND THE HOSPITAL OFFICE BUILDING LOCATIONS WITH HIS AND TRINA REFRIGERATORS.
- DEMOLISH REMAINING SECTION OF BUILDING 00004. REMOVE UNDERGROUND 800 GALLON FUEL TANK DURING DEMOLITION. REMOVE EXISTING WATER STORAGE TANK AND AMMOON WATER SUPPLY MAINS & VALVES.

**GENERAL NOTES**

- REMOVE TEMPORARY EROSION CONTROL PLAN TO INCLUDE DISTURBED AREA. CONTRACTOR TO DEVELOP & SUBMIT APPLICATION FOR THE SWPPP ASSOCIATED WITH THE EPA CDF.

**SIoux SAN SITE PLAN - PHASE 6**  
SCALE: 1" = 100'-0"



CONSULTANTS

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**RAPID CITY HEALTH CENTER**  
INDIAN HEALTH SERVICE (DES)  
3200 CANYON LAKE DRIVE  
RAPID CITY, SD 57702

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
INDIAN HEALTH SERVICE  
DIVISION OF ENGINEERING SERVICES  
SEATTLE / DALLAS

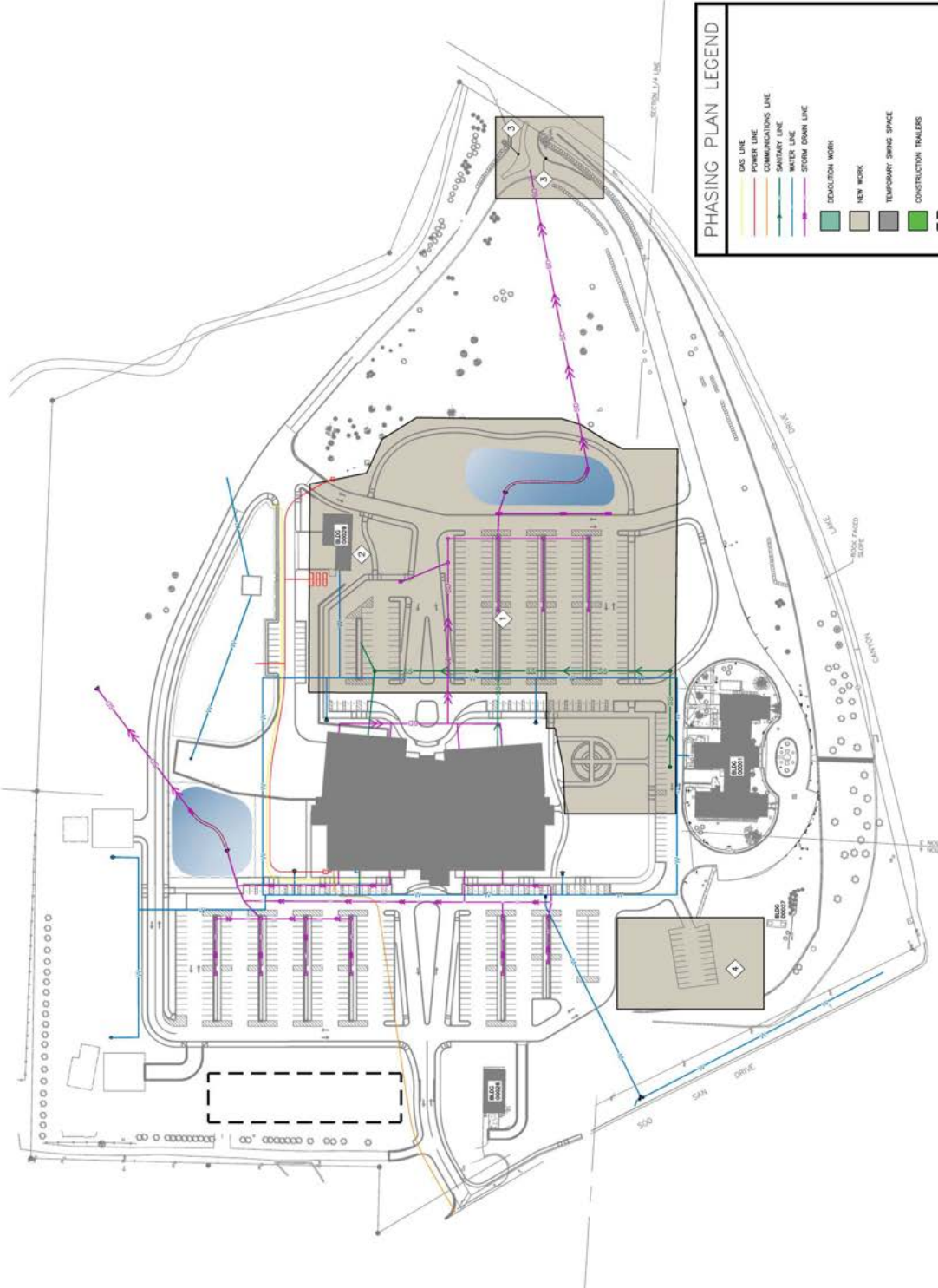


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APPROVED:		DATE
ES PROJECT MANAGER		DATE
ES BRANCH CHIEF		DATE
CONCURRENCE		DATE
AGENCY REPRESENTATIVE		DATE
TITLE		

REV.	DATE	DESCRIPTION
1	JUNE 29, 2018	ISSUE DATE
2	JUNE 29, 2018	CONTRACT NO. HHS1612017002.RC
3	JULY 11, 2018	CONTRACT NO. HHS1612017002.RC
4	AUGUST 17, 2018	CONTRACT NO. HHS1612017002.RC
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SITE PHASING PLAN  
PHASE 7

G107  
SHEET \_\_\_\_ OF \_\_\_\_



**PHASING PLAN LEGEND**

- GAS LINE
- POWER LINE
- COMMUNICATIONS LINE
- WATER LINE
- STORM DRAIN LINE
- DEMOLITION WORK
- NEW WORK
- TEMPORARY SWING SPACE
- CONSTRUCTION TRAILERS
- LANDSCAPE AREA

**PHASE 7 NOTES**

- CONSTRUCT PARKING LOT & STORM DRAIN SYSTEM. CONNECT STORM DRAIN SYSTEM TO EXISTING MAIN (E)
- RENOVATE BOILER PLANT - BLDG 0002
- REINSTALL CURB SWITCH ACCESS SPACES TO ONE-WAY TRAFFIC CONFIGURATION. REINSTALL CURB ISLAND W/PAVING TOP CURB & BULLET. REINSTALL CURB AND CONSTRUCTION TRAILER
- CONSTRUCTION TRAILER

NORTH  
SCALE: 1" = 100'-0"

CONSULTANTS

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**RAPID CITY HEALTH CENTER**  
INDIAN HEALTH SERVICE (DES)  
3200 CANYON LAKE DRIVE  
RAPID CITY, SD 57702



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
INDIAN HEALTH SERVICE  
DIVISION OF ENGINEERING SERVICES  
SEATTLE / DALLAS



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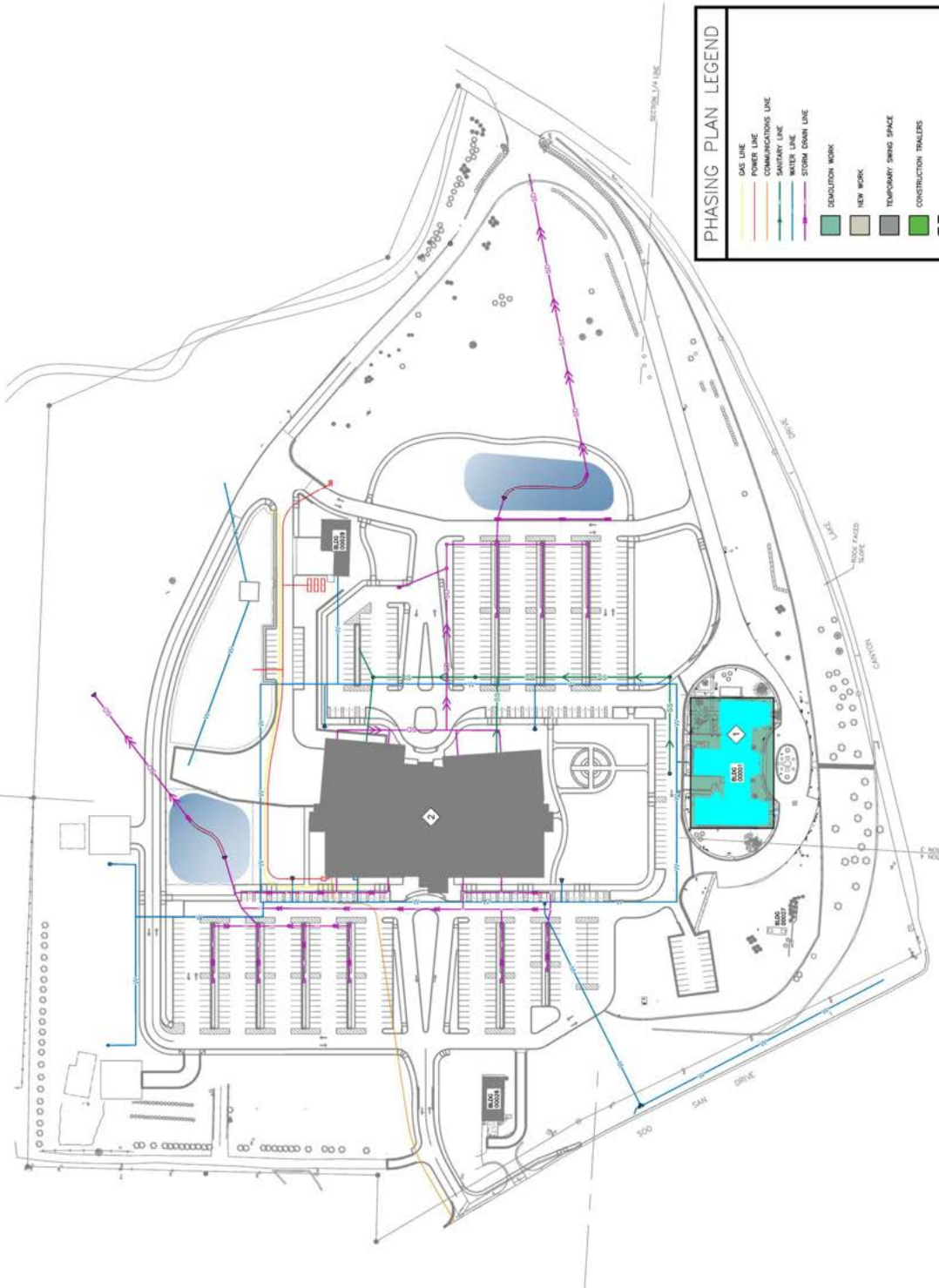
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EST BRANCH CHIEF	DATE
CONCURRENCE	DATE
AGENCY REPRESENTATIVE	DATE
TITLE	

REV.	DATE	DESCRIPTION
1	JUNE 29, 2018	ISSUE DATE
2	11/16/2017	CONTRACT NO. HHS16120170002.BC
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SITE PHASING PLAN  
PHASE 8

G108

SHEET 13 OF 206



**PHASING PLAN LEGEND**

- GAS LINE
- POWER LINE
- COMMUNICATIONS LINE
- FIRE LINE
- WATER LINE
- STORM DRAIN LINE
- DEMOLITION WORK
- NEW WORK
- TEMPORARY SWING SPACE
- CONSTRUCTION TRAILERS
- LYCORN AREA

**PHASE 8 NOTES**

- 1 ALTERNATE BID BUILDING 0001 TO BE DEMOLISHED.
- 2 NEW HEALTH CENTER CONSTRUCTION COMPLETE

**SIoux SAN SITE PLAN - PHASE 8**  
SCALE: 1" = 100'-0"



## **Appendix D – Historic Properties Programmatic Agreement**

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**PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

**WHEREAS**, the Great Plains Area Office of the Indian Health Service (IHS) proposes to construct the Rapid City IHS Health Center at the Sioux San Indian Hospital campus (undertaking), pursuant to the unique government-to-government relationship between the federal government and Indian Tribes that was originally established in 1787 through Article 1, Section 8 of the United States Constitution, the Snyder Act of 1921 (25 U.S.C. § 13), and the Indian Health Care Improvement Act, 25 U.S.C. § 1601 et seq.; and

**WHEREAS**, the undertaking consists of the demolition of 16 eligible properties, demolition or transfer out of federal control of one eligible property, retention in place and rehabilitation of three eligible properties, and construction of a new health care facility and associated infrastructure and utilities, all within the National Register of Historic Places-eligible Sioux San Hospital and Campus historic district; and

**WHEREAS**, the IHS is responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 306108) for the undertaking, and the IHS has considered alternatives to site selection and building demolition; and

**WHEREAS**, the IHS has defined the undertaking's area of potential effects (APE) pursuant to the requirements of 36 C.F.R. § 800.4(a)(1) as the area within which physical impacts to historic properties or changes to an historic property's setting could occur as a result of demolition, transfer out of federal control, rehabilitation, and land disturbance, and the APE is described and shown in Attachment 1 to this Agreement; and

**WHEREAS**, the IHS has conducted records searches, archaeological surface survey, and an historic building inventory to identify prehistoric and historic resources within the APE pursuant to the requirements of 36 C.F.R. § 800.4(b), and in consultation with the South Dakota State Historic Preservation Officer (SDSHPO) has evaluated the identified resources within the APE for their eligibility to the National Register of Historic Places (National Register) under 36 C.F.R. Part 63, pursuant to the requirements of 36 C.F.R. § 800.4(c); and

**WHEREAS**, the APE includes the Sioux San Hospital and Campus historic district, which has been determined eligible for listing on the National Register of Historic Places under Criterion A for its association with the activities of the Office of Indian Affairs as both an Indian school and sanatorium, and under Criterion C because the buildings and structures retain their architectural integrity and are representative of their period of construction; and

**WHEREAS**, the IHS has applied the criteria of adverse effect found in 36 C.F.R. § 800.5(a)(2) to historic properties within the APE in consultation with the SDSHPO and has determined that the undertaking would have an adverse effect on the Sioux San Hospital and Campus historic district, including 20 properties that are eligible properties to that district, and these properties are listed and shown in Attachment 2 to this Agreement; and

**WHEREAS**, the IHS has determined that (1) there is a need for further efforts within the APE to identify and evaluate buried archaeological deposits that may be eligible to the National Register and potentially affected by the undertaking, and has identified a phased approach to conducting these efforts, which is described in the stipulations to this Agreement, (2) the ultimate disposition of one eligible property (transfer out of federal control or demolition of eligible property Building 1) cannot be determined until after this Agreement is signed, and (3) the specific rehabilitation methods applied to three eligible properties cannot be finalized until after this Agreement is signed, and has determined in consultation with the SDSHPO that a Programmatic Agreement is the appropriate document to record the agreed-upon phased identification and resolution of adverse effects to historic properties from the undertaking pursuant to 36 C.F.R. § 800.14(b)(1); and

**WHEREAS**, the IHS has consulted with the SDSHPO on development of this Agreement and the SDSHPO is a Signatory to this Agreement under 36 C.F.R. § 800.6(c)(1)(ii); and

**WHEREAS**, the IHS has made efforts to identify, notify, and seek government-to-government consultation with federally-recognized Indian Tribes that have possible religious or cultural ties to the APE, or whose ancestors had historic or prehistoric religious or cultural ties to the APE, and may attach religious or cultural significance to historic properties that may be affected by the undertaking under 36 C.F.R. § 800.2(c)(2)(ii) through meetings, correspondence, e-mails, and telephone calls; and

**WHEREAS**, the IHS contacted the Cheyenne River Sioux Tribe, Rosebud Sioux Tribe, and Oglala (Pine Ridge) Sioux Tribe regarding the undertaking, and all three Tribes indicated to the IHS an interest to participate in consultation regarding the undertaking; and

**WHEREAS**, the IHS has consulted with the Cheyenne River Sioux Tribe, Rosebud Sioux Tribe, and Oglala Sioux Tribe regarding the effects of the undertaking on historic properties and the development of this Agreement, and each Tribe has been invited by the IHS to sign this Agreement as a Concurring Party under 36 C.F.R. § 800.6(c)(3); and

**WHEREAS**, the IHS has made an effort to seek consultation with the local government that retains jurisdiction over the area and has an interest in the undertaking pursuant to 36 C.F.R. § 800.2(c)(3), and has consulted with the Rapid City Historic Preservation Commission (Rapid City HPC) regarding the effects of the undertaking on historic properties and the development of this Agreement, and has invited the Rapid City HPC to sign this Agreement as a Concurring Party under 36 C.F.R. § 800.6(c)(3); and

**WHEREAS**, the IHS has made an effort to seek consultation with non-governmental organizations whose members attach historical significance to historic properties that may be affected by the undertaking under 36 C.F.R. § 800.2(c)(5), and has consulted with Historic Rapid City regarding the effects of the undertaking on historic properties and the development of this Agreement, and has invited Historic Rapid City to sign this Agreement as a Concurring Party under 36 C.F.R. § 800.6(c)(3); and

**WHEREAS**, the IHS has made efforts to involve the public by advertising in the local newspaper that an Agreement was being prepared and that a public meeting would be held at the IHS's Rapid City

facility, and conducting that meeting to notify them of the undertaking, provide information on the IHS's analysis and determination of the undertaking's effect on historic properties pursuant to the requirements of 36 C.F.R. § 800.2(d), and provide an opportunity for the public to give input on the development of this Agreement; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), the IHS has notified the Advisory Council on Historic Preservation (ACHP) of the undertaking's adverse effect on historic properties with specified documentation, and invited the ACHP to participate in the development of this Agreement per 36 C.F.R. § 800.6(a)(1)(i)(C), and the ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii);

**NOW, THEREFORE**, the IHS, SDSHPO, and ACHP agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account and resolve the effect of the undertaking on historic properties.

To aid the signatories of this PA, the stipulations are organized in the following order:

- I. Definitions
- II. Professional Requirements
- III. Roles and Responsibilities
- IV. Tribal Consultation Protocols
- V. Communication Among the Parties
- VI. Plan Development
- VII. Reports and Deliverables
- VIII. Mitigation: Historical
- IX. Mitigation: Architectural
- X. Identification and Mitigation: Archaeological
- XI. Mitigation: Public Interpretation and Education
- XII. Unanticipated Discoveries
- XIII. Historic Property Protection Procedures
- XIV. Curation of Recovered Cultural Materials, Human Remains, and Associated Records
- XV. Schedule for Implementation of Actions
- XVI. Performance Monitoring and Reporting
- XVII. Confidentiality
- XVIII. Changes to the Undertaking
- XIX. Anti-Deficiency Act Provisions
- XX. Term of Agreement
- XXI. Amendment
- XXII. Dispute Resolution
- XXIII. Termination
- XXIV. Execution and Completion of Section 106

## **STIPULATIONS**

The IHS shall ensure that the following stipulations are enforced and carried out:

### **I. DEFINITIONS**

Unless defined differently in this Agreement, all terms are used in accordance with 36 C.F.R. § 800.16.

“Cultural resource work” refers to efforts to research, identify, record, evaluate for eligibility, assess effects to, and treat resources through methods that are archaeological, architectural, ethnographic, or historical in nature.

“Days” refers to calendar days.

“Parties” refers to those entities who are Signatories to this Agreement, and those who were invited by the IHS to sign this Agreement as Concurring Parties.

“Tribes” refers to the three tribes invited to sign this Agreement as Concurring Parties, namely, the Cheyenne River Sioux Tribe, the Oglala Sioux Tribe, and the Rosebud Sioux Tribe.

### **II. PROFESSIONAL REQUIREMENTS**

#### **A. Professional Qualifications**

1. All cultural resource-related work, including plans, fieldwork, and reporting, carried out pursuant to this Agreement will be carried out by or under the direct supervision of qualified individuals meeting the federal qualifications in the discipline appropriate to the properties being treated, as established by the Secretary of the Interior and published in 36 C.F.R. Part 61, Appendix A.

#### **B. Laws and Regulations**

1. All cultural resource work carried out pursuant to this Agreement will be consistent with the NHPA (54 U.S.C. § 300101 et seq.).
2. Cultural resource work carried out pursuant to this Agreement will be consistent with the Archeological Resources Protection Act (ARPA) (16 U.S.C. § 470aa-mm; 36 C.F.R. Part 296). Qualified individuals shall hold the appropriate permit from the IHS to conduct such work.
3. If historic or prehistoric Native American human remains, associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony are discovered during activities implemented pursuant to this Agreement and during implementation of the undertaking, the IHS shall follow the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. § 3001 et seq.; 43 C.F.R. Part 10), as detailed in the Burial Plan of Action in Attachment 4 to this Agreement.

#### **C. Standards and Guidelines**

1. All cultural resource-related work, including plans, fieldwork, and reporting, carried

out pursuant to this Agreement will meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register 44,716 – 44,742, September 23, 1983) and Secretary of the Interior's Standards for the Treatment of Historic Properties (36 C.F.R. Part 68; 60 Federal Register 35,842 – 35,844, July 12, 1995).

2. Cultural resource work carried out pursuant to this Agreement will take into consideration the ACHP's guidance found in *Recovery of Significant Information from Archeological Sites*, the *ACHP Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects*, dated February 23, 2007, and the guidance found in the National Register Bulletin series published by the National Park Service.

### **III. ROLES AND RESPONSIBILITIES**

- A. All Signatories shall carry out their responsibilities and shall coordinate all actions required under this Agreement as specified herein.
- B. The IHS shall:
  1. Be responsible for administering this Agreement and overseeing the implementation of all mitigation actions contained herein.
  2. Comply with the stipulations, conditions, and mitigation actions set forth in this Agreement and any plans resulting thereof.
  3. Fund, support, assist, and conduct, either directly or through qualified consultants or contractors, the procedures as set forth in this Agreement, and ensure that all such activities are conducted in a professional manner, consistent with this Agreement and applicable Federal laws, regulations, South Dakota statutes, and rules.
  4. Fund and ensure the curation of all archaeological collections/recovered cultural materials resulting from the implementation of this Agreement, pursuant to Stipulation XIV of this Agreement.
  5. Consult with the Tribes in the event of a discovery of Native American human remains and/or funerary objects, sacred objects, or objects of cultural patrimony, and include these procedures in the appropriate treatment plans described in this Agreement. All burial sites, human remains, and funerary objects, regardless of affiliation, will be treated with dignity and respect at all times.
  6. Conduct all tribal government-to-government consultation, and coordinate all tribal consultation as described in this Agreement.
  7. Assemble and distribute information, notifications, documentation, plans, and reports to the Parties.
  8. Coordinate responses to review comments received from the Parties, and oversee incorporation of changes to deliverables.
  9. Review and issue appropriate permits for mitigation actions occurring on IHS land.

10. Maintain a contact list of the persons authorized to speak for the Parties and use this list when making notifications, requests, distributions, or other contact under this Agreement.

C. The SDSHPO shall:

1. Review and provide comment on plans, preliminary reports, and technical reports and other deliverables for mitigation actions included in this Agreement.
2. Advise and assist the IHS in carrying out its NHPA, Section 106 responsibilities with regard to this undertaking.

#### **IV. TRIBAL CONSULTATION PROTOCOLS**

- A. Tribal consultation that has been conducted under the NHPA Section 106 process for the proposed undertaking will continue under this Agreement.
- B. The IHS shall afford the Tribes, who are Parties to this Agreement, the opportunity to be involved in the development of treatment plans and the implementation of mitigation actions.
- C. The IHS shall afford the Tribes the opportunity to review and comment on all draft plans or reports associated with the undertaking, including but not limited to, documentation related to the identification and evaluation of historic properties, the assessment of effects, the evaluation of alternatives to avoid or minimize adverse effects, the development of appropriate mitigation actions, and the disposition and treatment of human remains and objects under NAGPRA.
- D. The Tribes may contact the IHS at any time to request government-to-government consultation and/or confidentiality regarding their concerns about the effects of the undertaking on properties of religious and cultural significance to the Tribes.

#### **V. COMMUNICATION AMONG THE PARTIES**

- A. Electronic mail (email) will serve as the official correspondence method for all communications regarding this Agreement and its provisions. Attachment 3 to this Agreement contains a list of contacts and email addresses for the Parties to this Agreement.
- B. Any Party may add to or change its authorized contact person(s) by providing written notice of the addition or change to the IHS. It is the responsibility of each Party to immediately inform the IHS of any change in name, address, email address, or phone number of their respective point-of-contact. Contact information may be updated as needed without an amendment to this Agreement.
- C. The IHS shall provide the current contact list to all Parties of this Agreement, and shall notify all Parties whenever contact information is added or changed as provided herein.

#### **VI. PLAN DEVELOPMENT**

- A. Unless described otherwise in Stipulations VIII, IX, X, or XI of this Agreement, development, consultation, review, and revision of plans prepared for the mitigation measures described in



those stipulations will abide by the following procedures:

1. The IHS shall develop each plan in consultation with the Parties.
  2. The IHS shall distribute a complete draft of each plan to the Parties for review and comment. The format for distribution will be hardcopy and electronic copy to the SDSHPO, and electronic copy to the other Parties. The time period for review and comment on each plan by the Parties will be 30 days. The Parties may submit their comments to the IHS in either electronic copy or hardcopy.
  3. The IHS shall determine, based on the extent and nature of comments received, how many review/revision cycles are needed for a particular plan. The IHS shall use its discretion to determine if a meeting is needed to address issues raised in the comments.
  4. The IHS shall take all comments into consideration. The IHS shall attempt to resolve any conflicting comments through continued consultation.
- B. The IHS shall notify the Parties of approval of any plan, and shall provide a copy of the final plan to the Parties. The format for distribution will be hardcopy and electronic copy to the SDSHPO, and electronic copy to the other Parties.

## **VII. REPORTS AND DELIVERABLES**

- A. Unless stipulated otherwise in Stipulations VIII, IX, X, or XI of this Agreement, development, consultation, review, and revision of reports and deliverables prepared for the mitigation measures described in those stipulations will abide by the following procedures:
1. The IHS shall prepare technical reports and other deliverables describing the results of mitigation measures as described in this Agreement according to the standards and permit guidelines appropriate to the type of resource and mitigation activity.
  2. The IHS shall distribute a complete draft of each report/deliverable to the Parties for review and comment. The format for distribution will be hardcopy and electronic copy to the SDSHPO, and electronic copy to the other Parties. The IHS shall determine, based on the complexity of the particular report/deliverable, if the review and comment period will be 30 days or 60 days in length. The Parties may submit their comments to the IHS in either electronic or hard copy.
  3. The IHS shall determine, based on the extent and nature of comments received, how many review/revision cycles are needed for a particular report/deliverable. The IHS shall use its discretion to determine if a meeting is needed to address issues raised in the comments.
  4. The IHS shall take all comments into consideration. The IHS shall attempt to resolve any conflicting comments through continued consultation per Stipulation XXII of this Agreement.
- B. The IHS shall notify the Parties of its “acceptance-as-final” of any report or deliverable. The IHS shall distribute the final version of all reports and deliverables to the Parties. The format

for distribution will be hardcopy and electronic copy to the SDSHPO, and electronic copy to the other Parties.

- C. The IHS shall distribute electronic copies of select final reports/deliverables produced as part of mitigation to facilitate organizations posting such products on their websites. The IHS shall conduct this distribution in accordance with Stipulation XI(D) of this Agreement.

## **VIII. MITIGATION: HISTORICAL**

### **A. Historic Context**

1. The IHS shall prepare a historic context of the Sioux San Hospital and Campus historic district and all of the eligible properties to that district. This effort, which will include archival research and collection of oral histories, will be aimed at documenting the development and operation of the property during both the Indian School and Sanatorium periods of significance, the broader regional and national contexts that influenced this development, and individual histories of each of the eligible properties.
  - a) The IHS shall conduct archival research at local and state archives, as well as federal archives located in Kansas City and Washington, D.C. The research will utilize existing primary and secondary resources.
  - b) Photographs, drawings, and maps will be collected and indexed. The IHS shall ensure that copies of these materials are curated with the South Dakota State Historic Society State Archives in accordance with Stipulation XIV of this Agreement.
  - c) The IHS shall collect oral histories from Rapid City residents for whom the Sioux San campus has been a local landmark for more than 100 years, as well as Native Americans both within Rapid City and on the reservations who had experiences with the educational and health care facilities. A plan for collecting and curating oral histories will be developed and undergo review in accordance with Stipulation VI of this Agreement.
2. The report will contain historic and contemporary photographs of the district and eligible properties, as well as drawings and plans where appropriate.
3. An appendix to the report will provide an annotated bibliography that presents information about the archives utilized and materials investigated.
4. The IHS shall prepare this report in accordance with Stipulation VII of this Agreement.

### **B. Re-Evaluation of Property Eligibility**

1. Upon completion of construction of the undertaking, the IHS shall evaluate the remaining individual properties to determine whether they remain eligible for listing in the National Register.

2. The IHS shall prepare the evaluation technical report in accordance with Stipulation VII of this Agreement.

## **IX. MITIGATION: ARCHITECTURAL**

### **A. Architectural Documentation**

1. The IHS shall conduct documentation of all of the eligible properties in the district.
  - a) Documentation will include recording of properties at a modified Historic American Buildings Survey (HABS) Level II or III, depending on the presence of existing drawings, that agrees with the SDSHPO requirements for architectural recording.
  - b) Documentation will consist of a report that includes complete building or structure descriptions, detailed histories of the buildings or structures, reproductions of existing drawings if found, sketch drawings, and photography that meets National Register standards.
2. The IHS shall prepare the report in accordance with Stipulation VII of this Agreement.
3. The SDSHPO shall donate the Final documentation to the South Dakota State Historical Society State Archives for curation. Documentation will not be submitted to the National Park Service or the Library of Congress.

### **B. Architectural Salvage**

1. Prior to demolition of properties for the undertaking, and to the extent practicable and allowed by government policy, the IHS may consider offering opportunities to the Parties for salvage of historic architectural features and materials from the buildings.
2. Salvage activities will be subject to IHS requirements regarding health and safety, liability, and maintenance of the demolition/construction schedule.
3. IHS will not be responsible for conducting the salvage activities or for the storage of salvaged features and materials.

### **C. Rehabilitation**

1. IHS shall rehabilitate three buildings and structures that are eligible to the National Register as part of the undertaking: the barn, the root cellar, and the rock retaining wall/staircase/entrance sign. Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.
2. The IHS shall develop a plan that specifies the rehabilitation activities that will be undertaken at each of these eligible properties.
  - a) The rehabilitation activities will conform to the Secretary of the Interior's

Standards for Rehabilitation (codified in 36 C.F.R. Part 67) to the extent practicable.

- b) The Standards will be applied to the specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
3. The IHS shall prepare the rehabilitation plan in accordance with Stipulation VI of this Agreement.
4. The IHS shall complete the rehabilitation activities within the initial term of this Agreement as described in Stipulation XX of this Agreement.

## **X. IDENTIFICATION AND MITIGATION: ARCHAEOLOGICAL**

### **A. Archaeological Testing**

1. The IHS shall prepare an archaeological testing plan to determine the presence of intact and significant archaeological deposits within the APE. The plan will include at a minimum:
  - a) The methods and techniques to be used during testing for field investigations, collections processing, laboratory analysis, data analysis, and reporting.
  - b) A suspension/termination plan that stipulates procedures to be implemented if the undertaking is halted during implementation of testing.
  - c) Provisions for the custody and curation of recovered cultural materials, in accordance with Stipulation XIV of this Agreement.
  - d) In the event that non-Native American human remains and associated funerary objects, or Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during testing activities, the IHS shall implement the procedures in the Burial Plan of Action (Attachment 4 of this Agreement). These procedures will ensure compliance with South Dakota Codified Laws, Title 34, Chapter 27, Sections 25, 26, 28, and 31 regarding discovery of burials and associated funerary objects in the state of South Dakota, and with NAGPRA (25 U.S.C. § 3001 et seq.; 43 C.F.R. Part 10). The IHS shall include this Burial Plan of Action in the archaeological testing plan.
2. The IHS shall prepare the testing plan in accordance with Stipulation VI of this Agreement.
3. Upon approval of the testing plan, the IHS shall implement the testing plan and report on the results of the investigations.
  - a) The IHS shall lead a field visit for the Parties to the APE during testing activities.

- b) Evaluations of National Register eligibility will be conducted by qualified personnel pursuant to Stipulation II(A) of this Agreement and in accordance with the appropriate agency review and permits per Stipulation II(B) of this Agreement. Evaluations will be conducted utilizing the National Register criteria (36 C.F.R. Part 63) and in accordance with 36 C.F.R. § 800.4(c).
- c) The IHS shall consult with the SDSHPO and the other Parties on the findings and its determinations through the report development process described in Stipulation VII of this Agreement.
  - i. If the Parties concur with the IHS's determination of eligibility, or if no written objections are received within the IHS-designated review period, the IHS may proceed.
  - ii. The IHS shall consult to resolve any objections received regarding determinations of eligibility received in writing within the review period. If the IHS cannot resolve the objection, the IHS shall refer the property in question to the Secretary of the Interior per 36 C.F.R. § 800.4(c)(2).
- d) The IHS shall prepare the testing report in accordance with Stipulation VII of this Agreement.

## **B. Archaeological Data Recovery**

- 1. If archaeological deposits are identified during testing in the APE that are subsequently determined by the IHS, in consultation with the Parties in accordance with Stipulation X(A)(3)(c) of this Agreement, to be eligible to the National Register, the IHS shall develop a data recovery plan and research design, including at a minimum:
  - a) A research design that specifies research questions appropriate to the properties affected and in the context of the culture history and knowledge of the area and current research gaps. The design will identify data needed to address the research questions, the data recovery approach, and the specific work proposed at the properties.
  - b) Archaeological excavation at standing architectural features where appropriate to collect materials associated with the built environment. Data resulting from these excavations can inform and compliment other information to more fully interpret these types of properties and features.
  - c) The methods and techniques to be used during field investigations, collections processing, laboratory analysis, data analysis, and reporting.
  - d) A suspension/termination plan that stipulates procedures to be implemented if the undertaking is halted during implementation of data recovery.
  - e) Provisions for incorporating Native American interpretations and input into the data recovery and reporting.

- f) Provisions for the custody and curation of recovered cultural materials, in accordance with Stipulation XIV of this Agreement.
  - g) In the event that non-Native American human remains and associated funerary objects, or Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during data recovery activities, the IHS shall implement the procedures in the Burial Plan of Action (Attachment 4 of this Agreement). These procedures will ensure compliance with South Dakota Codified Laws, Title 34, Chapter 27, Sections 25, 26, 28, and 31 regarding discovery of burials and associated funerary objects in the state of South Dakota, and with NAGPRA (25 U.S.C. § 3001 et seq.; 43 C.F.R. Part 10). The IHS shall include this Burial Plan of Action in the data recovery plan and research design.
2. The IHS shall prepare the data recovery plan and research design in accordance with Stipulation VI of this Agreement.
  3. Upon approval of the plan, the IHS shall implement the plan.
    - a) The IHS shall lead a field visit for the Parties to the APE during data recovery activities.
  4. The IHS shall prepare a preliminary report documenting the completion of fieldwork for data recovery.
    - a) The preliminary report will demonstrate the completion and sufficiency of excavation, or other procedures or site treatments, as described in the data recovery plan and research design.
    - b) The IHS shall distribute the preliminary report to the SDSHPO in hardcopy and electronic formats.
    - c) The SDSHPO will have 15 days to review the preliminary report and either concur that fieldwork is complete, or request and justify the need for additional fieldwork. If further work is deemed necessary in order to fulfill the objectives of the data recovery plan and research design, the IHS and SDSHPO shall consult to determine the nature and scope of that work.
    - d) Upon concurrence from the SDSHPO that fieldwork is complete, the IHS shall accept the preliminary report as final.
  5. The IHS shall prepare the data recovery technical report in accordance with Stipulation VII of this Agreement. The IHS shall submit the first draft technical report to the Parties for review and comment within 12 months of the completion of construction-related activities.
  6. The IHS shall complete the testing and/or data recovery fieldwork prior to the commencement of construction activities within 200 feet of an archaeological property. Completion of fieldwork is attained when all planned archaeological field

activities at the archaeological property, as detailed in the testing and/or data recovery plans, have been accomplished and the testing report and/or data recovery preliminary report for that work has been accepted as final by the IHS, as described in Stipulation VII(B) of this Agreement (for testing) or Stipulation X(B)(4) of this Agreement (for data recovery).

## **XI. MITIGATION: PUBLIC INTERPRETATION AND EDUCATION**

### **A. Pictorial Display**

1. The IHS shall develop and produce a pictorial display about the history of the Indian School and Sioux Sanatorium suitable for hanging in the lobby or hallways of the new health care facility.
  - a) The display will include 8-12 reproductions of photographs, maps, or drawings collected during other mitigation efforts described in this Agreement.
  - b) Each will be approximately 16 x 20 inches in size, individually matted and framed by a professional, and will have associated text.
2. The IHS shall develop the display and associated text in accordance with Stipulation VII of this Agreement.
3. The IHS shall install the display in the new health center upon completion of construction. The IHS shall maintain the display.

### **B. Interpretive Booklet**

1. The IHS shall develop an interpretive booklet that highlights the history of the Sioux San Hospital and Campus historic district and the mitigation work conducted for the undertaking.
  - a) The booklet will be approximately 30 pages, glossy print, 8.5 x 5.5 inches, and staple-bound. It will contain text, photos, and figures.
  - b) The booklet will be designed and produced professionally.
2. The IHS shall develop the booklet in accordance with Stipulation VII of this Agreement.
3. The IHS shall produce 1,000 copies of the booklet.
4. The IHS shall distribute the booklet to the new health center, other IHS facilities, the Tribes, area libraries, historic preservation organizations, relevant state and federal agencies, and others as appropriate.

### **C. Presentations**

1. The IHS shall prepare and conduct speaking presentations regarding the

archaeological and historical investigations conducted under this Agreement and their results.

- a) One presentation will be conducted for the public in Rapid City. IHS shall record this presentation for future viewing and make the recording available upon request.
- b) One presentation will be conducted at a state or regional professional meeting or conference focused on historic preservation (e.g., the South Dakota History Conference).
- c) One presentation will be conducted at a location or event to encourage attendance by tribal members.

2. The presentations will include a visual display, such as MS PowerPoint.

#### **D. Distribution of Deliverables**

1. The IHS shall distribute electronic copies of the historic context report prepared per Stipulation VIII.A of this Agreement and architectural documentation prepared per Stipulation IX.A of this Agreement to facilitate organizations posting such products on their websites.
  - a) The IHS shall offer the electronic copies to organizations at its discretion.
  - b) At a minimum, the IHS shall offer electronic copies to Historic Rapid City, the Rapid City Historic Preservation Commission, and each of the three consulting Tribes.
2. The IHS shall ensure that no sensitive information is released in these two documents.

### **XII. UNANTICIPATED DISCOVERIES**

- A. During construction activities, if previously unknown archaeological properties are discovered that may be historically significant, or unanticipated effects to historic properties are found, the IHS shall implement the Unanticipated Discoveries Plan included as Attachment 5 of this Agreement.
- B. In the event that non-Native American or Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during testing, data recovery, or construction activities, the IHS shall implement the procedures in the Burial Plan of Action (Attachment 4 of this Agreement). These procedures will ensure compliance with NAGPRA (25 U.S.C. § 3001 et seq.; 43 C.F.R. Part 10), and with South Dakota Codified Laws, Title 34, Chapter 27, Sections 25, 26, 28, and 31 regarding discovery of burials and associated funerary objects in the state of South Dakota.

### **XIII. HISTORIC PROPERTY PROTECTION PROCEDURES**

- A. The IHS shall implement procedures during construction of the undertaking to reduce the likelihood for inadvertent adverse effects to remaining historic properties.



1. The IHS shall implement erosion control methods and construction site fencing to minimize the potential for construction and other ground-disturbing activities to indirectly affect historic properties.
  2. The IHS shall ensure that all construction-related activities, including ground-disturbance, staging, laydown, parking, and driving of vehicles and equipment, occurs only in the APE for the undertaking.
- B. The IHS shall conduct an in-person Cultural Resource Sensitivity Training session for its employees, contractors, and subcontractors who will be onsite during construction of the undertaking.
1. The training will address: historical significance of the site, tribal concerns, restrictions on areas that personnel are allowed to access, recognizing unanticipated discoveries of cultural materials or human remains, recognizing unanticipated damage to historic properties, and procedures to follow in the event of a discovery.
  2. The training session will be video recorded for viewing by workers who join the construction project later.
  3. The training will be led by an archaeologist meeting the SOI standards. The IHS shall provide each of the three consulting Tribes an opportunity to present during the training.
  4. Discoveries of previously unrecorded archaeological resources or human remains will be treated by appropriate personnel (see Stipulation II(A) of this Agreement) in accordance with the Burial Plan of Action (Attachment 4) and the Unanticipated Discoveries Plan (Attachment 5) attached to this Agreement.
  5. The IHS shall include a clause regarding this Cultural Resource Sensitivity Training program, its requirements, and the ramifications of violations of procedures designed to protect historic properties in the APE in all relevant contract and subcontract documents issued for the undertaking. The clause will also state that contractors and subcontractors will be required to stop work if they discover cultural materials.
  6. The IHS shall require those viewing the training to sign a form documenting their training and their comprehension of the information presented, and shall keep records of the trainings.

#### **XIV. CURATION OF RECOVERED CULTURAL MATERIALS, HUMAN REMAINS, AND ASSOCIATED RECORDS**

- A. The following procedures will be followed for establishing the disposition and curation of cultural materials and associated records recovered as a result of implementation of mitigation actions contained in this Agreement. These procedures will not apply to Native American and non-Native American human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony as defined in NAGPRA (25 U.S.C. § 3001 et seq., and amendments; implementing regulations at 43 C.F.R. Part 10) or South Dakota Codified Laws, Title 34, Chapter 27, Sections 25, 26, 28, and 31.

1. All cultural materials and associated records, which do not fall under the purview of NAGPRA and South Dakota Codified Laws, will remain the custody of the U.S. government. The IHS shall give such materials and associated records to the Archaeological Research Center of the South Dakota State Historical Society for curation.
  2. The IHS shall consult with Tribes regarding decisions about appropriate long-term curation methods for cultural materials that embody special characteristics or functions that necessitate a specific process for ritual retirement. This consultation process and the associated decisions will be documented in writing, with copies submitted to the Tribes and the SDSHPO.
  3. The IHS shall give cultural materials and associated records to the Archaeological Research Center for curation within 6 months of acceptance of the final technical report that addresses the subject cultural materials. IHS shall cover the costs of the curation.
- B. The Burial Plan of Action in Attachment 4 of this Agreement includes specific provisions for determining and implementing the custody, treatment, disposition, and curation of Native American and non-Native American human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony in accordance with NAGPRA (25 U.S.C. § 3001 et seq., and amendments; implementing regulations at 43 C.F.R. Part 10), and South Dakota Codified Laws, Title 34, Chapter 27, Sections 25, 26, 28, and 31 regarding discovery of burials and associated funerary objects in the state of South Dakota. IHS shall implement these provisions.

#### **XV. SCHEDULE FOR IMPLEMENTATION OF ACTIONS**

- A. Within 60 days of the IHS's issuance of a Record of Decision for the undertaking that selects the action alternative, the IHS shall provide the Parties with a draft schedule that ensures that required mitigation actions are completed in a timely manner, while minimizing project delays and in compliance with the timelines contained in this Agreement. The Parties will have 15 calendar days to review the draft schedule and provide comment to the IHS.
- B. The IHS shall address the comments received, revise the schedule appropriately, and distribute the revised schedule to the Parties.
- C. The IHS shall not implement any construction activities for the undertaking that would restrict subsequent measures to avoid, minimize, or mitigate the adverse effects to historic properties, as agreed to in this Agreement.

#### **XVI. PERFORMANCE MONITORING AND REPORTING**

Each year following execution of this Agreement, until it expires or is terminated, the IHS shall provide all Parties to this Agreement a summary report detailing work undertaken pursuant to the terms of this Agreement. The IHS shall provide the report in writing within one (1) month of the annual anniversary of this Agreement. Such report will discuss mitigation efforts conducted and their results, any scheduling changes proposed, any problems encountered, and any disputes or objections received in the IHS's efforts to carry out the terms of this Agreement.

## **XVII. CONFIDENTIALITY**

Consistent with Section 304 of the NHPA, Section 9(a) of the Archaeological Resources Protection Act (16 U.S.C. § 470hh; 43 C.F.R. § 7.3), and all other applicable laws, regulations, and executive orders, cultural resources data from IHS-administered lands will be treated as confidential by all Parties. The Signatories to this Agreement shall determine what information may be released to the other Parties. Duplication or distribution of cultural resource data from IHS-administered lands by any Party will require written authorization from the IHS.

## **XVIII. CHANGES TO THE UNDERTAKING**

- A. If the IHS makes modifications, or additions, to the planned undertaking, the IHS shall review the proposed activities and the agency's responsibilities under Section 106 of the NHPA and the terms of this Agreement to determine if there is a need for changes to the APE or the possibility for additional effects to historic properties.
- B. The IHS shall consult in writing with the Parties on its determination and provide them 15 days to review and respond.
  1. IHS shall share all responses with all of the Parties.
  2. If the IHS determines, with the SDSHPO's concurrence, that no addition to the APE is needed and/or there is no change to the undertaking's effect on historic properties, the proposed activities may proceed.
  3. If the IHS determines, with the SDSHPO's concurrence, that an addition to the APE is required and/or that additional work is necessary to assess the effect of the proposed activities on historic properties, planning and reporting of the work will be conducted in accordance with Stipulations VI and VII of this Agreement.
    - a) If the IHS determines, with the SDSHPO concurrence, that no additional adverse effects to historic properties would occur from the proposed activities, the proposed activities may proceed.
    - b) If the IHS determines, with the SDSHPO concurrence, that additional adverse effects to historic properties would occur as a result of the proposed activities, the IHS shall resolve the additional adverse effects through development and implementation of a mitigation plan.
      - i. Development of the plan will be accomplished in accordance with Stipulation VI of this Agreement. Determination of when the proposed activities can proceed will be made explicit in the mitigation plan.
      - ii. Reporting of the work detailed in the plan will be accomplished in accordance with Stipulation VII of this Agreement.
- C. If the IHS and the SDSHPO cannot agree on a determination, the IHS shall follow the dispute resolution procedures found in Stipulation XXII of this Agreement.

- D. If at any time the IHS elects to not continue the undertaking, the IHS shall implement the termination procedures found in the archaeological testing plan or archaeological data recovery plan, as appropriate (see Stipulations X(A)(1)(b) and X(B)(1)(d) of this Agreement). The IHS shall notify the Parties of the decision in writing.
- E. The IHS shall continue to carry out those parts of the original undertaking that are not affected by the proposed change as consultation under this stipulation is conducted.

#### **XIX. ANTI-DEFICIENCY ACT PROVISIONS**

- A. The Anti-Deficiency Act (31 U.S.C. § 1341) prohibits employees of the federal government from making or authorizing expenditures that exceed an amount authorized by Congress or involve an obligation for payment before funding is appropriated by Congress.
- B. The IHS's obligations under this Agreement are subject to the availability of appropriated funds, and the stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act.
- C. The IHS shall make reasonable and good faith efforts to secure the necessary funds to implement this Agreement in its entirety.
- D. If compliance with the Anti-Deficiency Act alters or impairs the IHS's ability to implement the stipulations of this Agreement, the IHS shall consult with the Parties in accordance with the amendment and termination procedures found at Stipulations XXI and XXIII of this Agreement.

#### **XX. TERM OF AGREEMENT**

This Agreement will expire if its terms are not carried out within eight (8) years from the date of its execution, unless the Agreement is terminated earlier in accordance with Stipulation XXIII of this Agreement or amended to continue longer in accordance with Stipulation XXI of this Agreement.

#### **XXI. AMENDMENT**

- A. Any Signatory to this Agreement may request that the other Signatories consider amending the Agreement if circumstances change over time and warrant revision of the stipulations of this Agreement. Except in the case of amendments addressing resolution of disputes pursuant to Stipulation XXII of this Agreement, amendments will be executed in writing and will be signed by all Signatories in the same manner as the original Agreement.
- B. IHS shall consult with all Parties on proposed amendments and consider their input.
- C. The amendment will be effective on the date of the ACHP signature affixed to the amendment.
- D. During the amendment process, the undertaking will proceed and the existing Agreement will remain in force.

## **XXII. DISPUTE RESOLUTION**

- A. Should any Party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are being implemented, the IHS shall consult with such Party to resolve the objection. If the IHS determines that such objection cannot be resolved, the IHS shall:
  - 1. Forward all documentation relevant to the dispute, including the IHS's proposed resolution, to the ACHP. The ACHP shall provide the IHS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the IHS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the Parties, and provide them with a copy of this written response. The IHS shall then proceed according to its final decision.
  - 2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the IHS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the IHS shall prepare a written response that takes into account any timely comments regarding the dispute from the Parties, and provide them and the ACHP with a copy of such response.
- B. The IHS's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute will remain unchanged.

## **XXIII. TERMINATION**

- A. If any Signatory to this Agreement determines that its terms will not or cannot be carried out, that Signatory shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XXI of this Agreement. If within thirty (30) days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the Agreement upon written notification to the other Signatories.
- B. Once the Agreement is terminated, and prior to work continuing on the undertaking, the IHS shall either (a) execute a new Agreement pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The IHS shall notify the Parties as to the course of action it will pursue.

## **XXIV. EXECUTION AND COMPLETION OF SECTION 106**


- A. Execution of this Agreement by the IHS, SDSHPO, and ACHP and implementation of its terms evidence that the IHS has taken into account the effects of the undertaking on historic properties and afforded the ACHP an opportunity to comment, in accordance with Section 106 of the NHPA and its implementing regulations 36 C.F.R. Part 800, and has satisfied its NHPA Section 106 responsibilities for all actions associated with the undertaking.
- B. In witness whereof, the Parties to this Agreement, through their duly authorized representatives, have executed this Agreement on the dates set out below, and certify they have read, understood, and agreed to the terms and conditions of this Agreement as set forth herein.

- C. This Agreement may be signed by using counterpart signature pages. The IHS shall distribute copies of this Agreement and all signed pages to the ACHP, Signatories, and Concurring Parties once the Agreement is executed.
- D. The effective date of this Agreement is the date of the ACHP signature affixed to these pages.

**SIGNATURE**

**PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

INDIAN HEALTH SERVICE, GREAT PLAINS AREA *(Signatory)*

  
\_\_\_\_\_  
James Driving Hawk, Area Director

Date: 9/5/19

SIGNATURE

**PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER (*Signatory*)

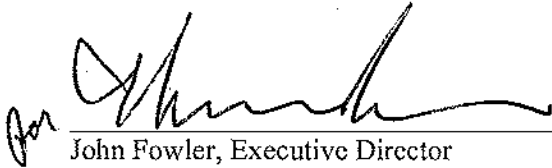
Jay D. Vogt Date: 09-04-2019  
Jay Vogt, South Dakota State Historic Preservation Officer



SIGNATURE

PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

ADVISORY COUNCIL ON HISTORIC PRESERVATION (*Signatory*)

A handwritten signature in black ink, appearing to read 'John Fowler', is written over a horizontal line. To the left of the signature, the word 'for' is written vertically in a smaller, cursive hand.

Date: 10/7/19

John Fowler, Executive Director

**SIGNATURE**

**PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

CHEYENNE RIVER SIOUX TRIBE (*Concurring Party*)

\_\_\_\_\_  
Harold C. Frazier, Chairman

Date: \_\_\_\_\_

**SIGNATURE**

**PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

OGLALA SIOUX TRIBE *(Concurring Party)*

\_\_\_\_\_  
Julian Bear Runner, President

Date: \_\_\_\_\_

**SIGNATURE**

**PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

ROSEBUD SIOUX TRIBE (*Concurring Party*)

\_\_\_\_\_ Date: \_\_\_\_\_  
Rodney Bordeaux, President

**SIGNATURE**

**PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

RAPID CITY HISTORIC PRESERVATION COMMISSION (*Concurring Party*)

\_\_\_\_\_  
Sarah Hanzel, AICP

Date: \_\_\_\_\_

**SIGNATURE**

**PROGRAMMATIC AGREEMENT  
AMONG  
GREAT PLAINS AREA OFFICE OF THE INDIAN HEALTH SERVICE,  
SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES  
FOR THE RAPID CITY IHS HEALTH CENTER,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

HISTORIC RAPID CITY *(Concurring Party)*

\_\_\_\_\_  
Jean O. Kessloff, President

Date: \_\_\_\_\_

## Attachment 1

### Rapid City IHS Health Center Area of Potential Effects

The IHS determined that the proposed Rapid City IHS Health Center undertaking would have the potential to adversely affect historic properties through direct physical impacts to such properties and from changes to the setting of historic properties arising from demolition, rehabilitation, transfer out of federal control, and construction activities.

The Area of Potential Effects (APE) for this undertaking includes the area within which construction, rehabilitation, and operation of the Rapid City IHS Health Center are planned to occur. The extent for these effects includes the area within the outer boundary of the IHS property, which also corresponds with the boundary of the Sioux San Hospital and Campus historic district. Figure 1 illustrates the APE.



**Figure 1. The Area of Potential Effects for the Rapid City IHS Health Center undertaking.**

## Attachment 2

### Historic Properties Affected by the Undertaking (also see Figure 2 on next page)

Identification Number	Description	Anticipated Adverse Effects
Building 1	Hospital	Demolition – physical destruction or Transfer out of federal control
Building 26	Barn	Change in setting from removal of other buildings Physical alteration from rehabilitation
Building 27	Root Cellar	Change in setting from removal of other buildings Physical alteration from rehabilitation
---	Rock Retaining Wall, Staircase, and Entrance Sign	Change in setting from removal of other buildings Physical alteration from rehabilitation
Building 2	Lakota Lodge	Demolition – physical destruction
Building 4	Maintenance	Demolition – physical destruction
Building 6	Quarters	Demolition – physical destruction
Building 7	Garage	Demolition – physical destruction
Building 8	Offices	Demolition – physical destruction
Building 9	Health Education	Demolition – physical destruction
Building 10	Garage	Demolition – physical destruction
Building 14	Garage	Demolition – physical destruction
Building 15	Storage	Demolition – physical destruction
Building 16	Garage	Demolition – physical destruction
Building 18	Social Services	Demolition – physical destruction
Building 22	Offices	Demolition – physical destruction
Building 23	Storage	Demolition – physical destruction
Building 24	Garage	Demolition – physical destruction
Building 28	Dental Clinic	Demolition – physical destruction
---	Water Tank	Demolition – physical destruction

Note: All of the historic properties that would be affected by or possibly affected by the undertaking are eligible properties and contribute to the eligibility of the Sioux San Hospital and Campus historic district under Criteria A and C.



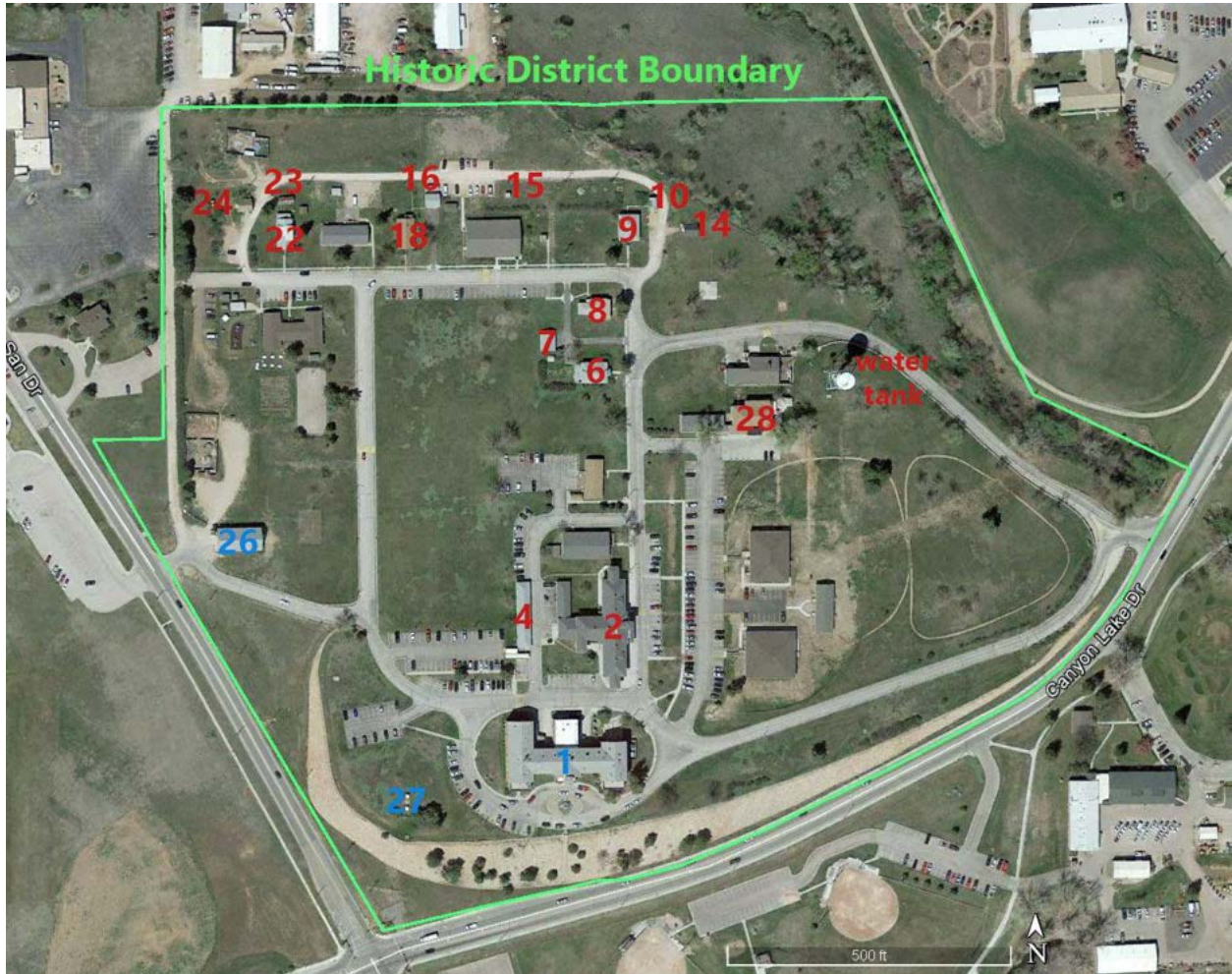


Figure 2. Locations of historic properties affected by the undertaking.

## Attachment 3

### Contact List for the Parties to this Agreement

#### Signatories

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#### Concurring Parties

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*Programmatic Agreement for the Rapid City IHS Health Center*

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(605) 341-5398  
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## Attachment 4

### BURIAL PLAN OF ACTION

#### **for Discoveries of Human Remains and/or Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony during Intentional Archaeological Excavations or during Demolition and Construction for the Rapid City IHS Health Center, Rapid City, Pennington County, South Dakota**

##### **Introduction**

The Great Plains Area Office of the Indian Health Service (IHS) plans to develop the Rapid City IHS Health Center at their campus in Rapid City, South Dakota. The land on which the campus sits is federally-administered by the IHS and the IHS is the project proponent. As such, the development of the health center is a federal undertaking subject to review as required by Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108) and the implementing regulations at 36 C.F.R. Part 800. A project-specific programmatic agreement (PA) has been developed to ensure the undertaking is implemented in compliance with Section 106. This Burial Plan of Action is part of this PA.

The PA stipulates that archaeological testing and data recovery investigations will be conducted at the campus prior to any development activities taking place. The undertaking itself includes demolition, construction, and rehabilitation activities. These intentional archaeological excavations, as well as the demolition and construction activities, have the potential to result in the discovery of Native American or non-Native American human remains, as well as associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony.

The IHS is committed to the protection and preservation of cultural resources, in accordance with federal and state laws. In particular, the IHS acknowledges the requirement for strict compliance with federal and state laws regarding the treatment of Native American or non-Native American human remains, associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony, should any be discovered. This plan describes the protocols that will be followed in the event that human remains and/or the above-listed objects are discovered during intentional archaeological excavations, or during demolition or construction activities, associated with the Rapid City IHS Health Center undertaking. It is intended to do the following:

- Comply with Stipulations X and XII of this *Programmatic Agreement among Great Plains Area Office of the Indian Health Service, South Dakota State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding Resolution of Adverse Effects to Historic Properties for the Rapid City IHS Health Center, Rapid City, Pennington County, South Dakota*. These stipulations call for the creation of a Burial Plan of Action to guide decisions and actions that will take place in the event that discoveries of human remains, funerary objects, sacred objects, or objects of cultural patrimony are made during intentional archaeological excavations or during demolition or construction activities associated with the IHS health center.

- Comply with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. § 3001 et seq.) and its implementing regulations (43 C.F.R. Part 10), which for this undertaking applies to the discovery of non-forensic Native American human remains, associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony.
- Comply with South Dakota Codified Law Title 34, Chapter 27, Sections 25, 26, 28, and 31, which for this undertaking applies to the discovery of forensic human remains (regardless of ethnicity) and associated funerary objects, and the discovery of non-forensic, non-Native American human remains and associated funerary objects.
- Describe for regulatory and review agencies the procedures that IHS or its representatives will follow to prepare for and deal with discoveries of human remains, associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony.
- Provide direction and guidance to project personnel and contractors on the proper procedures to be followed should a discovery of human remains, associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony be made.

### **Definitions**

**Associated funerary object:** items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. *Associated* refers to those funerary objects for which the human remains with which they were placed intentionally are also in the possession or control of a Federal agency. Associated funerary objects also means those funerary objects that were made exclusively for burial purposes or to contain human remains.

**Unassociated funerary object:** items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. *Unassociated* refers to those funerary objects for which the human remains with which they were placed intentionally are not in the possession or control of a Federal agency. Objects that were displayed with individual human remains as part of a death rite or ceremony of a culture and subsequently returned or distributed according to traditional custom to living descendants or other individuals are not considered unassociated funerary objects.

**Human remains:** the physical remains of the body of a person. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony, as defined here, must be considered as part of that item.

**Object of cultural patrimony:** items having ongoing historical, traditional, or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member. These objects are of such central importance that they may not be alienated, appropriated, or conveyed by any individual tribal or organization member. Such objects must have been considered inalienable by the culturally affiliated Indian tribe or Native Hawaiian organization at the time the object was separated from the group. Objects of cultural patrimony include items such as Zuni War Gods, the Confederacy Wampum Belts of the Iroquois, and other objects of similar character and significance to the Indian tribe or Native Hawaiian organization as a whole.

**Sacred object:** items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. While many items, from ancient pottery sherds to arrowheads, might be imbued with sacredness in the eyes of an individual, these regulations are specifically limited to objects that were devoted to a traditional Native American religious ceremony or ritual and which have religious significance or function in the continued observance or renewal of such ceremony. The term traditional religious leader means a person who is recognized by members of an Indian tribe or Native Hawaiian organization as: (i) being responsible for performing cultural duties relating to the ceremonial or religious traditions of that Indian tribe or Native Hawaiian organization; or (ii) exercising a leadership role in an Indian tribe or Native Hawaiian organization based on the tribe or organization's cultural, ceremonial, or religious practices.

## **Protocols**

The following protocols will be followed when human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during intentional archaeological excavations, or during demolition or construction activities, associated with the Rapid City IHS Health Center undertaking.

At all times, human remains will be treated with the utmost dignity and respect. Human remains, funerary objects, sacred objects, and objects of cultural patrimony will be left in place and not disturbed, collected, or removed – and protected and secured – until appropriate notifications and consultations have taken place and a plan has been developed and approved by the appropriate parties, as described below.

Upon inadvertent discovery of human remains or objects, the Archaeological Field Director or the construction contractor's Site Supervisor shall halt activities within a 150-foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. Protection measures may include: flagging or temporarily fencing the buffer zone around the discovery; keeping workers, press, and curiosity seekers away from the discovery; putting tarp over the discovery; prohibiting photography of the discovery unless requested by the IHS; or having an individual guard the discovery until a law enforcement officer arrives.

The IHS shall inform the Archaeological Field Director or construction contractor's Site Supervisor when activities can resume in the area of the discovery.

### **A. INITIAL NOTIFICATION AND RULING FOR HUMAN REMAINS**

1. When skeletal materials or other human remains are discovered, the following officials will be notified within 24 hours: the IHS, the Rapid City Police Department, the Pennington County Sheriff (who acts as Coroner for the County), the South Dakota State Historic Preservation Officer, and the South Dakota State Archaeologist. The Coroner will make the official ruling on the nature of the remains, as either forensic (medicolegal) or archaeological.
  - a) In the case of discovery during archaeological investigations, the Archaeological Field Director shall make the initial notification to the IHS, the IHS shall make notification to the other four parties, and the IHS shall ensure these agencies are aware of the medical examiner's official ruling.
  - b) In the case of discovery during demolition or construction, the

demolition/construction contractor's Site Supervisor shall make the initial notification to the IHS, the IHS shall make notification to the other four parties, and the IHS shall ensure these agencies are aware of the medical examiner's official ruling.

## **B. HUMAN REMAINS ARE FORENSIC**

1. If it is determined that the human remains are forensic, the IHS shall cooperate with the law enforcement investigation, and assist law enforcement personnel in obtaining necessary evidence without destruction of the site. The IHS shall resume archaeological investigations or demolition/construction activities once the remains have been recovered and law enforcement has communicated that such activities may resume in the vicinity of the discovery.

## **C. HUMAN REMAINS ARE ARCHAEOLOGICAL AND NATIVE AMERICAN**

1. If it is determined that the human remains are archaeological and Native American, the remains and any associated funerary objects will be left in place and protected until a specific plan for their recovery, treatment, and disposition can be generated in accordance with NAGPRA and its regulations.
  - a) The IHS shall develop the plan in consultation with the 17 tribes recognized as having a potential familial, cultural, or custodial relationship to the human remains: Cheyenne River Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Lower Brule Sioux Tribe, Crow Creek Sioux Tribe, Yankton Sioux Tribe, Sisseton-Wahpeton Sioux Tribe, Santee Sioux Tribe, Crow Tribe, Northern Cheyenne Tribe, Northern Arapaho Tribe of the Wind River Reservation, Eastern Shoshone Tribe of the Wind River Reservation, Assiniboine Tribe of the Fort Peck Reservation, Assiniboine of the Fort Belknap Reservation, Flathead Tribe, and the Cheyenne/Arapaho Tribes of Oklahoma. If the ethnicity of the remains cannot be determined, the remains will be assumed to be Native American and the procedures outlined herein will be followed.
  - b) Exhumation of the human remains and associated funerary objects will be conducted by personnel meeting appropriate professional qualifications, as described in Stipulation II(A) of this PA.
  - c) Exhumation of the human remains and associated funerary objects will be conducted in accordance with the regulations of the Archaeological Resources Protection Act (43 C.F.R. § Part 7); the Advisory Council on Historic Preservation's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (February 23, 2007); and excavation procedures described in the archaeological testing plan developed under Stipulation X(A)(1) of this PA for discoveries made during testing activities, and the data recovery plan and research design developed under Stipulation X(B)(1) of this PA for discoveries made during data recovery, demolition, and construction-related activities. If no data recovery efforts were conducted, then the procedures in the archaeological testing plan will prevail.
  - d) There will be no public exposure of the human remains and associated funerary objects. No images will be made other than those necessary as part of archaeological documentation. No actions will be taken to conserve or stabilize bone that might

prevent effective reburial. No destructive analyses of human remains and associated funerary objects will be undertaken without prior consultation with and approval by tribes that have expressed a relationship with or custodial interest in the remains.

2. Documentary reporting will conform to standards required by regulation.
  - a) Documentation of human remains and associated funerary objects that are recovered during testing or data recovery efforts will be confined to appendices of those technical reports, to facilitate easy removal to maintain confidentiality.
  - b) Documentation of human remains and associated funerary objects that are recovered during demolition or construction-related activities will be contained within appendices to the technical report developed for the data recovery effort. If no data recovery effort was undertaken, the remains and objects recovered will be reported in a stand-alone report prepared in accordance with Stipulation VII of the PA.
  - c) In situ photographic images of human remains will not be included in documentary reporting; reporting of field burial observations will be limited to drawings and textual descriptions only. Laboratory photographic images of human remains may be used in reporting, but only to document specific osteological conditions.
3. After non-intrusive archaeological analyses (e.g., measurements, observations of pathologies) are completed, the IHS shall retain all human remains, with their associated funerary objects, in respectful conditions pending the final outcome of the disposition consultations. The IHS shall make all required notifications of disposition per NAGPRA prior to disposition.
4. The IHS shall notify the SDSHPO and South Dakota State Archaeologist of the ultimate disposition of the human remains.

#### **D. HUMAN REMAINS ARE ARCHAEOLOGICAL AND NOT NATIVE AMERICAN**

1. If IHS determines that the human remains are archaeological, but not Native American, exhumation of the remains and any associated funerary objects shall happen as soon as practicable, to ensure their security, and in accordance with South Dakota Codified Laws, Title 34, Chapter 27, Sections 25, 26, 28, and 31 regarding discovery of burials and associated funerary objects in the state of South Dakota.
  - a) Exhumation of the human remains and associated funerary objects will be conducted by personnel meeting appropriate professional qualifications, as described in Stipulation II(A) of this PA.
  - b) Exhumation of the human remains and associated funerary objects will be conducted in accordance with the regulations of the Archaeological Resources Protection Act (43 C.F.R. Part 7); the Advisory Council on Historic Preservation's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (February 23, 2007); and excavation procedures described in the archaeological testing plan developed under Stipulation X(A)(1) of this PA for discoveries made during testing activities, and the data recovery plan and research design developed under Stipulation X(B)(1) of this PA for discoveries made during data recovery, demolition, and construction-related activities. If no data recovery efforts were



conducted, then the procedures in the archaeological testing plan will prevail.

- c) There will be no public exposure of the human remains and associated funerary objects. No images will be made other than those necessary as part of archaeological documentation. No actions will be taken to conserve or stabilize bone that might prevent effective reburial.
2. Documentary reporting will conform to standards required by regulation.
    - a) Documentation of human remains and associated funerary objects that are recovered during testing or data recovery efforts will be confined to appendices of those technical reports, to facilitate easy removal to maintain confidentiality.
    - b) Documentation of human remains and associated funerary objects that are recovered during demolition or construction-related activities will be contained within appendices to the technical report developed for the data recovery effort. If no data recovery effort was undertaken, the remains and objects will be reported in a stand-alone report prepared in accordance with Stipulation VII of the PA.
  3. After non-intrusive archaeological analyses (e.g., measurements, observations of pathologies) are completed, the IHS shall provide the human remains and any associated funerary objects, as well as any associated documentation, to the State Archaeologist for disposition. The State Archaeologist shall determine final disposition after consultation with the director of the South Dakota State Historical Society, per South Dakota Codified Law Title 34, Chapter 27, Section 31.

#### **E. UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND OBJECTS OF CULTURAL PATRIMONY**

1. When Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony (hereafter referred to as cultural items) are discovered, the following officials will be notified within 24 hours: the IHS, the South Dakota State Historic Preservation Officer, and the South Dakota State Archaeologist.
  - a) In the case of discovery during archaeological investigations, the Archaeological Field Director shall make the initial notification to the IHS, the IHS shall make notification to the other two parties.
  - b) In the case of discovery during demolition or construction, the demolition/construction contractor's Site Supervisor shall make the initial notification to the IHS, the IHS shall make notification to the other two parties.
2. The cultural items will be left in place and protected until a specific plan for their recovery, treatment, and disposition can be generated in accordance with NAGPRA and its regulations.
  - a) The IHS shall develop the plan in consultation with the 17 tribes recognized as having a potential cultural or custodial relationship to the cultural items: Cheyenne River Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Lower Brule Sioux Tribe, Crow Creek Sioux Tribe, Yankton Sioux Tribe, Sisseton-Wahpeton Sioux Tribe, Santee Sioux Tribe, Crow Tribe, Northern Cheyenne Tribe,

Northern Arapaho Tribe of the Wind River Reservation, Eastern Shoshone Tribe of the Wind River Reservation, Assiniboine Tribe of the Fort Peck Reservation, Assiniboine of the Fort Belknap Reservation, Flathead Tribe, and the Cheyenne/Arapaho Tribes of Oklahoma.

- b) Recovery of the cultural items will be conducted by personnel meeting appropriate professional qualifications, as described in Stipulation II(A) of this PA.
  - c) Recovery of the cultural items will be conducted in accordance with the regulations of the Archaeological Resources Protection Act (43 C.F.R. Part 7), and excavation procedures described in the archaeological testing plan developed under Stipulation X(A)(1) of this PA for discoveries made during testing activities, and the data recovery plan and research design developed under Stipulation X(B)(1) of this PA for discoveries made during data recovery, demolition, and construction-related activities. If no data recovery efforts were conducted, then procedures in the archaeological testing plan will prevail.
  - d) There will be no public exposure of the cultural items. No images will be made other than those necessary as part of archaeological documentation. No actions will be taken to conserve or stabilize materials that might affect the item. No destructive analyses of the cultural items will be undertaken without prior consultation with and approval by tribes that have expressed a relationship with or custodial interest in the items.
3. Documentary reporting will conform to standards required by regulation.
- a) Documentation of cultural items that are recovered during testing or data recovery efforts will be confined to appendices of those technical reports, to facilitate easy removal to maintain confidentiality.
  - b) Documentation of cultural items that are recovered during demolition or construction-related activities will be contained within appendices to the technical report developed for the data recovery effort. If no data recovery effort was undertaken, the objects will be reported in a stand-alone report prepared in accordance with Stipulation VII of the PA.
4. After archaeological analyses are completed, the IHS shall retain all cultural items in respectful conditions pending the final outcome of the disposition consultations. The IHS shall make all required notifications of disposition per NAGPRA prior to disposition.
5. The IHS shall notify the SDSHPO and South Dakota State Archaeologist of the ultimate disposition of the cultural items.

## Attachment 5

### UNANTICIPATED DISCOVERIES PLAN

#### **for Archaeological Resources Discovered during Demolition and Construction for the Rapid City IHS Health Center, Rapid City, Pennington County, South Dakota**

#### **Introduction**

The Great Plains Area Office of the Indian Health Service (IHS) plans to develop the Rapid City IHS Health Center at their campus in Rapid City, South Dakota. The land on which the campus sits is federally-administered by the IHS and the IHS is the project proponent. As such, the development of the health center is a federal undertaking subject to review as required by Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. §306108) and the implementing regulations at 36 C.F.R. Part 800. A project-specific programmatic agreement (PA) has been developed to ensure the undertaking is implemented in compliance with Section 106. This Unanticipated Discoveries Plan is part of this PA.

The undertaking itself includes demolition, construction, and rehabilitation activities. These activities have the potential to result in the discovery of prehistoric and historic archaeological resources within the Area of Potential Effect (APE). The IHS is committed to the protection and preservation of cultural resources, in accordance with federal law. This plan describes the protocols that will be followed in the event that archaeological resources are discovered during demolition or construction activities associated with the Rapid City IHS Health Center undertaking. It is intended to do the following:

- Comply with Stipulation XII of this *Programmatic Agreement among Great Plains Area Office of the Indian Health Service, South Dakota State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding Resolution of Adverse Effects to Historic Properties for the Rapid City IHS Health Center, Rapid City, Pennington County, South Dakota*. This stipulation calls for the creation of an Unanticipated Discoveries Plan to guide decisions and actions that will take place in the event that discoveries of archaeological resources (other than human remains, funerary objects, sacred objects, or objects of cultural patrimony) are made during demolition or construction activities associated with the IHS health center.
- Comply with the Archeological Resources Protection Act (16 U.S.C. §§ 470 aa-mm) and its implementing regulations (43 C.F.R. Part 7).
- Describe for regulatory and review agencies the procedures that IHS or its representatives will follow to prepare for and deal with unanticipated discoveries of archaeological resources.
- Provide direction and guidance to project personnel and contractors on the proper procedures to be followed should an unanticipated discovery of archaeological resources be made.

For discoveries of human remains, funerary objects, sacred objects, and objects of cultural patrimony during intentional archaeological excavations or during demolition and construction for the health center,

the protocols present in the Burial Plan of Action, which is Attachment 4 to this PA, will be followed.

### **Definitions**

**Artifact** – any object made, modified, or used by humans, usually movable.

**Archaeological resources** – those nonrenewable remains of human activity, occupation, or endeavor, including sites, structures, ruins, objects, features, or artifacts that were part of human events and are found on or below the current ground surface.

**Feature** – any nonportable remains of an archaeological resource that reflect distinct behavioral actions at that location which differentiate the remains from behavior exhibited in the rest of the area. Examples include hearths, bedrock mortars, middens, etc.

**Isolated occurrence** – defined by the presence of fewer than 10 artifacts or a single, undateable feature; frequently found to be redeposited material that lacks significant locational context and is not related to other nearby isolated occurrences or sites.

**Unanticipated discovery** – the discovery of an archaeological resource found on the ground surface or in subsurface contexts at a time other than during intentional archaeological investigation. Unanticipated discoveries may occur during ground-disturbing demolition or construction activities such as blading or trenching, but may also occur as a result of natural processes such as erosion.

### **Personnel**

**Cultural Resource Specialist (CRS):** IHS shall appoint one or more Cultural Resource Specialists (CRS) who will be responsible for the implementation of this plan. The CRS will be a professional archaeologist who meets the Secretary of the Interior’s standards codified in 36 CFR Part 61. A CRS will be on-call whenever ground-disturbing activities associated with demolition or construction of the undertaking are occurring and will be identified by name and immediate contact information to the Construction Management Representative (see below). It will be the responsibility of the CRS to determine the nature of any unanticipated discovery during these ground-disturbing activities that may warrant that demolition or construction cease for a sufficient period of time to permit the CRS to undertake further archaeological investigations necessary for evaluating the potential extent and significance of the discovery.

**Construction Management Representative (CMR):** IHS shall designate a staff Construction Management Representative (CMR) as responsible for coordinating with the CRS and contacting other construction team and IHS staff as appropriate in the event of an unanticipated discovery.

### **Cultural Resource Identification Training**

The identification of cultural resources requires basic training in order to recognize potential artifacts, features, and sites. Per Stipulation XIII(B) of this PA, IHS has committed to providing cultural resources sensitivity training to the demolition and construction workforce, including IHS personnel, contractors, and subcontractors. One of the purposes of this training will be to provide an overview of the types of cultural resources specific to the APE so that both construction contractors and IHS personnel will be aware of the types of unanticipated archaeological resources that may be encountered during their work. In addition to types of artifacts and features that could be encountered, the training will describe how to avoid inadvertent impacts to archaeological resources within the APE, exact procedures to be followed

(including notifications) in the event of an unanticipated discovery, and sensitivity to the concerns of Tribes. The training will be designed to ensure that IHS, contractor, and subcontractor personnel understand the extent of the concerns for archaeological resources and compliance with relevant law, regulations, and the PA.

## Protocols

The following protocols will be followed when unanticipated discoveries occur during demolition or construction activities associated with the Rapid City IHS Health Center undertaking.

### Step 1. Stop Activities and Protect the Discovery

A. When artifacts or features are uncovered during the demolition or construction activity, the construction crew shall stop all activity at the spot where the find was uncovered and not resume construction within 50 feet of the find until cleared to proceed by IHS's CMR.

- 1) Limited actions may be taken to protect life and property if strictly necessitated by safety concerns.
- 2) Once construction activity has stopped, the construction contractor's Site Supervisor shall notify the CMR immediately.

B. The CMR shall ensure that construction vehicles will not be moved until a qualified CRS can assess the situation and assure that such movement will not result in disturbance of potentially significant archaeological resources.

C. The CMR will contact the CRS immediately and do an initial review of the find with the CRS. If the find is determined to be archaeological, the CMR shall:

- 1) Mark the discovery location (such as with flagging or temporary fencing) as off-limits to ground-disturbing activities. In addition, the location will be made secure until recovery of the find has been completed. Appropriate means of providing security may include installation of fencing, a trench cover plate, posting of guards, etc.
- 2) Ensure that crews do not resume work until consultation with appropriate state and federal authorities has occurred and the determinations/dispositions required by law have been made.

D. The CMR shall notify the South Dakota State Historic Preservation Officer (SDSHPO) of the discovery via telephone or email within 24 hours of the discovery being made.

### Step 2. Assessment and Notifications

A. The CRS shall assess the discovery, evaluate its National Register eligibility, and recommend actions for recovery.

- 1) The CRS will conduct a physical review of the discovery. The objective of this archaeological investigation will be to record data quickly *in situ* in order for an evaluation of the find's nature, extent, and significance to be made. Of particular importance will be a determination of whether or not it is an isolated occurrence or is part of an archaeological site.

- 2) The CRS will make an evaluation of the eligibility of the find to the National Register and recommendations for recovery activities.

B. The CMR will use this information to make IHS's determinations of eligibility and potential effect for the discovery, and recommendations for recovery activities, if warranted.

- 1) If IHS determines the find is not eligible to the National Register, the IHS, with the assistance of the CRS, shall prepare a letter report that documents the find and the determination. The letter report will be provided to the SDSHPO for review and comment. Comments will be provided to the IHS within 7 days of receipt of the letter report.
- 2) If IHS determines the find is eligible to the National Register, the IHS, with the assistance of the CRS, shall prepare a letter report describing the discovery, the evaluation of its eligibility, the assessment of adverse effect, and the proposed actions to resolve the effect.
  - a. Discoveries shall be treated in accordance with the methods described in the data recovery plan and research design, or if no data recovery effort was conducted, in accordance with the archaeological testing plan.
  - b. The letter report will be distributed to the SDSHPO, the Advisory Council on Historic Preservation, and the Concurring Parties to this PA for review and comment. Comments will be submitted via email to the IHS within 15 days of receipt of the letter report.
  - c. IHS shall take into account all comments received in finalizing the actions to resolve the adverse effect. IHS shall notify the SDSHPO, the Advisory Council on Historic Preservation, and the Concurring Parties to this PA of the final actions to be implemented to resolve the adverse effect.

### **Step 3. Recovery**

- A. The CMR shall direct the CRS to undertake the final actions to resolve the adverse effect.
- B. IHS shall arrange for the investigations to be completed by professional archaeologists who meet the Secretary of the Interior's standards per 36 C.F.R. Part 61. All such efforts will be conducted under an active Archaeological Resources Protection Act permit.
- C. If data recovery is conducted, the CMR shall ensure that construction in the area of the archaeological discovery will not recommence until all archaeological fieldwork is completed and a preliminary report has been prepared and accepted per Stipulation X(B)(4) of this PA.
- D. Documentation of discoveries and treatment actions will be included in the technical report prepared for the data recovery effort. If no data recovery effort was undertaken, the discoveries will be reported together in a stand-alone report prepared in accordance with Stipulation VII of the PA.

### **Step 4. Recommence Construction**

- A. The CMR shall notify the construction contractor's Site Supervisor when construction activities in the area of the discovery may recommence.

**Appendix E – US Fish and Wildlife Service Consultation Letter**

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
South Dakota Ecological Services Field Office  
420 South Garfield Avenue, Suite 400  
Pierre, SD 57501-5408  
Phone: (605) 224-8693 Fax: (605) 224-9974  
<http://www.fws.gov/southdakotafieldoffice/>

In Reply Refer To:

November 05, 2019

Consultation Code: 06E14000-2020-SLI-0114

Event Code: 06E14000-2020-E-00255

Project Name: Rapid City IHS Health Center

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Migratory Bird Treaty Act (16 U.S.C. 703-712, as amended), as well as the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may benefit from the development of an Eagle Conservation Plan (ECP), see guidance at this website ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). An ECP can assist developers in achieving compliance with regulatory requirements, help avoid "take" of eagles at project sites, and provide biological support for eagle permit applications. Additionally, we recommend wind energy developments adhere to our Land-based Wind Energy Guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

We have recently updated our guidelines for minimizing impacts to migratory birds at projects that have communication towers (including meteorological, cellular, digital television, radio, and emergency broadcast towers). These guidelines can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>  
<http://www.towerkill.com>

According to National Wetlands Inventory maps, (available online at <http://wetlands.fws.gov/>) wetlands exist adjacent to the proposed construction corridor. If a project may impact wetlands or other important fish and wildlife habitats, the U.S. Fish and Wildlife Service (Service), in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and other environmental laws and rules, recommends complete avoidance of these areas, if possible. If this is not possible, attempts should be made to minimize adverse impacts. Finally if adverse impacts are unavoidable, measures should be undertaken to replace the impacted areas. Alternatives should be examined and the least damaging practical alternative selected. If wetland impacts are unavoidable, a mitigation plan addressing the number and types of wetland acres to be impacted, and the methods of replacement should be prepared and submitted to the resource agencies for review.

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Please check with your local wetland management district to determine whether Service interest lands exist at the proposed project site, the exact locations of these properties, and any additional restrictions that may apply regarding these sites. The Offices are listed below. If you are not sure which office to contact, we can help you make that decision.

U.S. Fish and Wildlife Service, Huron Wetland Management District, Federal Building, Room 309, 200 4th Street SW, Huron, SD 57350; telephone (605) 352-5894. Counties in the Huron WMD: Beadle, Buffalo, Hand, Hughes, Hyde, Jerauld, Sanborn, Sully.

U.S. Fish and Wildlife Service, Lake Andes Wetland Management District, 38672 291st Street, Lake Andes, South Dakota; telephone (605) 487-7603. Counties in the Lake Andes WMD: Aurora, Bon Homme, Brule, Charles Mix, Clay, Davison, Douglas, Hanson, Hutchinson, Lincoln, Turner, Union, Yankton.

U.S. Fish and Wildlife Service, Madison Wetland Management District, P.O. Box 48, Madison, South Dakota, 57042, telephone (605) 256-2974. Counties in the Madison WMD: Brookings, Deuel, Hamlin, Kingsbury, Lake, McCook, Miner, Minnehaha, Moody.

U.S. Fish and Wildlife Service, Sand Lake Wetland Management District, 39650 Sand Lake Drive, Columbia, South Dakota, 57433; telephone (605) 885-6320. Counties in the Sand Lake WMD: Brown, Campbell, Edmunds, Faulk, McPherson, Potter, Spink, Walworth.

U.S. Fish and Wildlife Service, Waubay Wetland Management District, 44401 134A Street, Waubay, South Dakota, 57273; telephone (605) 947-4521. Counties in the Waubay WMD: Clark, Codington, Day, Grant, Marshall, Roberts.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

You are welcome to visit our website (listed above) or to contact our office at the address or phone number above for more information.

Thank you.

Attachment(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
  - Migratory Birds
  - Wetlands
-

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**South Dakota Ecological Services Field Office**

420 South Garfield Avenue, Suite 400

Pierre, SD 57501-5408

(605) 224-8693

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## Project Summary

Consultation Code: 06E14000-2020-SLI-0114

Event Code: 06E14000-2020-E-00255

Project Name: Rapid City IHS Health Center

Project Type: DEVELOPMENT

Project Description: Demolition of existing buildings on the site, grading for site preparation, and construction of a new outpatient health care facility to serve Native Americans in the region.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/44.07521898225638N103.2710700204453W>



Counties: Pennington, SD

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## Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Birds

NAME	STATUS
Least Tern <i>Sterna antillarum</i> Population: interior pop. No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8505">https://ecos.fws.gov/ecp/species/8505</a>	Endangered
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	Endangered

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## **Critical habitats**

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## **USFWS National Wildlife Refuge Lands And Fish Hatcheries**

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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## Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
Brewer's Sparrow <i>Spizella breweri</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9291">https://ecos.fws.gov/ecp/species/9291</a>	Breeds May 15 to Aug 10

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NAME	BREEDING SEASON
<b>Golden Eagle <i>Aquila chrysaetos</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds Jan 1 to Aug 31
<b>Lark Bunting <i>Calamospiza melanocorys</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 10 to Aug 15
<b>Lesser Yellowlegs <i>Tringa flavipes</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Lewis's Woodpecker <i>Melanerpes lewis</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9408">https://ecos.fws.gov/ecp/species/9408</a>	Breeds Apr 20 to Sep 30
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Sprague's Pipit <i>Anthus spragueii</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8964">https://ecos.fws.gov/ecp/species/8964</a>	Breeds May 10 to Aug 31
<b>Willet <i>Tringa semipalmata</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see

below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### **Breeding Season (■)**

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### **Survey Effort (|)**

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### **No Data (—)**

A week is marked as having no data if there were no survey events for that week.

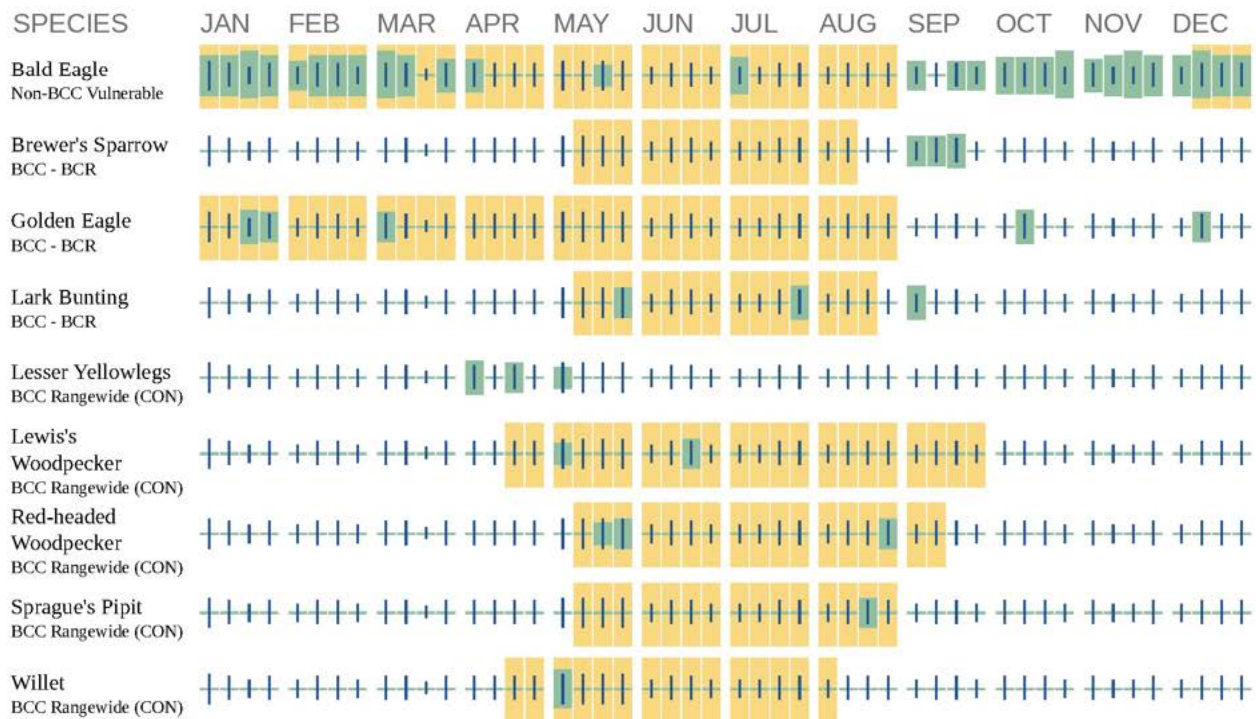
### **Survey Timeframe**

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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■ probability of presence   ■ breeding season   | survey effort   — no data

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Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

**What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
  2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
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3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell

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me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

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## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

### FRESHWATER EMERGENT WETLAND

- [PEM1C](#)
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