

Department of Transportation

Division of Operations

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February 26, 2020

Mr. Craig Smith, PE
Director of Operations
South Dakota Department of Transportation
Pierre, SD 57501

Subject: Request for Closing a Ditch to Off-Road Vehicles

South Dakota Codified Law 32-20-12.1, Ordinances prohibiting operation of off-road vehicles in ditches, allows the Transportation Commission to prohibit the operation of off-road vehicles in any highway ditch along any section of highway under its jurisdiction.

The department has received a request to close a section of the ditch along the west side of US Highway 385 in Lawrence County. This section of ditch is between Hideaway Lane and Nemo Road (see the Ditch Closure Map toward the end of this document). The request for closure is due to extensive damage by All-Terrain Vehicles (ATVs) and Utility Task Vehicles (UTVs) over the past several years.

The ditch to the north of the proposed closure, from Hideaway Lane to the Steel Wheel convenience store, has been designated an official ATV/UTV trail by the US Forest Service. The section of trail from the Steel Wheel to near Nemo Road is also Snowmobile Trail 7 as designated by the South Dakota Game Fish and Parks (see the map showing Trail #7 on the last page of this document). Most of this trail follows an old roadbed and does not impact the right-of-way ditch except in a few areas.

In January of this year, Bill Colburn, who owns the land adjacent to the highway in the affected area, called Shannon Percy from SD Game Fish & Parks (GFP) to lodge a complaint about the damage caused by the ATVs/UTVs. Mr. Colburn has also warned he will pull his permission to use his property for Snowmobile Trail 7 beginning next winter if the damage is not addressed and the ATVs/UTVs are not banned from this stretch of ditch. The snowmobile trail heads west onto Mr. Colburn's property prior to Nemo Road but the ATV/UTV trail continues in the ditch to Nemo Road.

The use of ATVs/UTVs in the ditch have also caused the degradation of a creek that flows under the highway (see the attachment Damage Along US 385). A lot of sediment is now flowing into the creek during the summer months. Farther south the trail is close to the shoulder of the road and there is a significant drop off from the shoulder that needs to be fixed. Repairs in this area have not worked because the ATVs and UTVs tear up the fix as soon as it is placed.

The snowmobiles that use these trails do not cause damage to the ditch because they are riding on top of the snow and do not disturb the grass and root system. The ATVs and UTVs, however, have establish a bare trail that can be seen from Google Maps when you look at this location.

The ditch along US Highway 385 just south of Nemo road was prohibited to off-road vehicles in 2010 due to damage to the highway right-of-way. The ditch along here has recovered well from the damage since the signs prohibiting off-road vehicles were installed.

This proposal would address the immediate need for repairing the highway right-of-way and drainage at this location. It would also prevent the denial of access to the snowmobile trail located outside the highway right-of-way in this area. Going forward, the department intends to pursue discussions with the GFP, the US Forest Service, and other stakeholders including the South Dakota ATV/UTV Association and the Off-Road Riders Association. The goal of the discussions would be a long-term solution for a connected and accessible trail for off-road vehicles.

Therefore, the department is requesting consideration and approval from the Transportation Commission to prohibit off-road vehicles from operating in the west ditch along US Highway 385 between Hideaway Lane and Nemo Road in Lawrence County. The following pages of this document include location maps for the ditch closure and trail, along with pictures of the damage that has occurred.

Sincerely,



Christina Bennett, PE
Operations Traffic Engineer
South Dakota Department of Transportation
Pierre, SD 57501

Ditch Closure Map



Damage Along US 385



Damage Along US 385



Area of Ditch Damage and Drainage Structure

Legend

- Approx. Trail #7
- Area of Ditch Damage
- Bill Colburn Property
- Ditch to be Closed

From: Scott Wittrock <wittrock.scott@gmail.com>
Sent: Monday, June 15, 2020 9:45 AM
To: Bergquist, Darin <Darin.Bergquist@state.sd.us>
Cc: Dave Hague <cdkdhague@rap.midco.net>; Melvin Fish <melfishcei@aol.com>
Subject: [EXT] Public Comments - Highway 385 Ditch Closure Proposed

To Whom it may concern;

I ask that this proposed ditch closure along State Highway 385 be denied for several reasons:

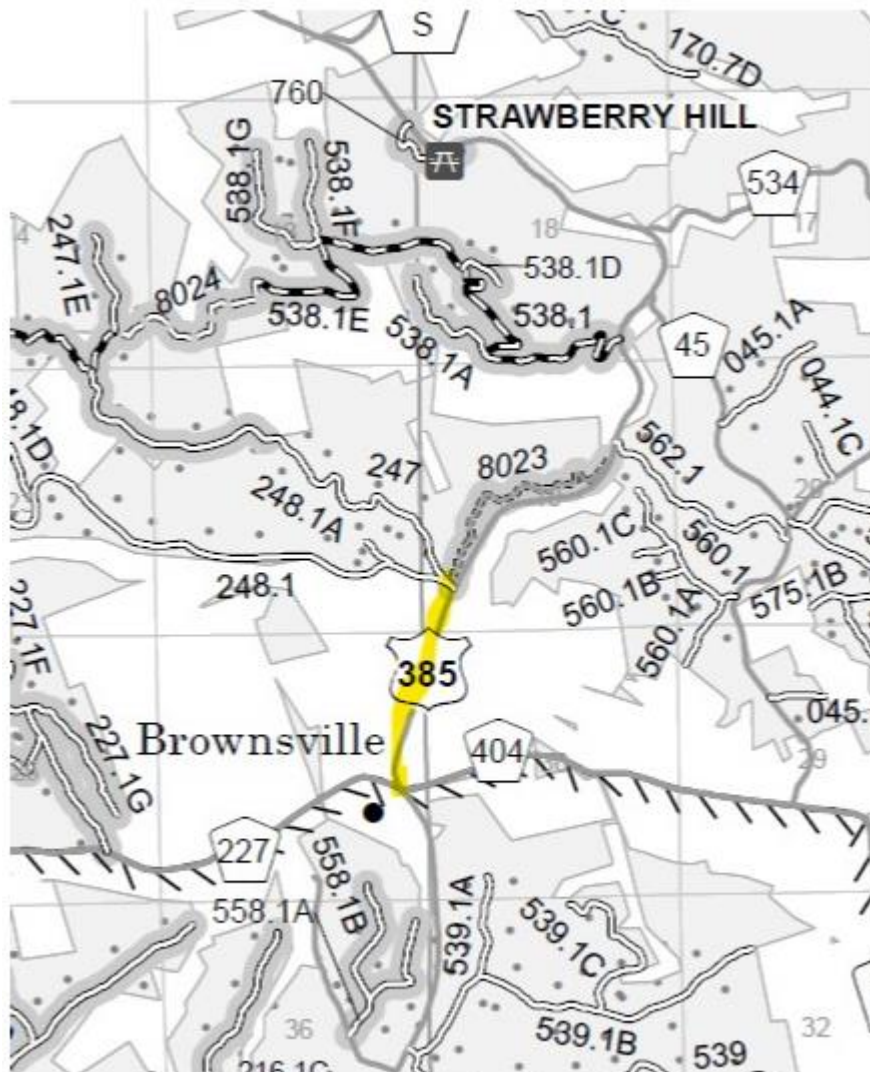
1. The information given in the notice is not accurate. There is no "designated trail away from the highway" in this area. The closure ends (going North) before that trail starts as seen in the attached map. The highlighted area is the proposed closure and as you can see there is no "trail" or alternate route in this area.
2. Because there is no trail in this area closing the ditch will force these ATVs and UTVs onto the road surface, many traveling at a much slower speed than the posted speed limit therefore causing a safety concern.
3. Many businesses (restaurants, campgrounds, and ATV/UTV Rental) are in that area and would be negatively impacted by this ditch closure.
4. The SD DOT should work with the Black Hills National Forest to develop and maintain a motorized trail in that ditch that is brought up to standards and maintained as part of the trail system in the Black Hills. RTP funds could be used to fund this trail as well.
5. An articulated concrete block solution would work well in this case to help eliminate damage to the creek where the trail crosses it.

Thank you for your attention to this matter.

Sincerely,

Scott Wittrock, President
South Dakota ATV/UTV Association

Attachment Scott Wittrock Email Dated June 15, 2020



carl

Scott Wittrock <wittrock.scott@gmail.com>
Mon 06/15/2020 5:06 PM

Mike,

I understand the concern of the landowner and agree there needs to be something done. However closure of a ditch at the threat of a landowner is not the solution. The State should work with all stakeholders in coming up with a solution. There are many groups the State could contact to discuss possible solutions, SD ATV/UTV Association, Off-Road Riders, Black Hills National Forest, ect. However publishing a notice of proposed closure with no contact to these groups and saying there is a "trail" in the area is misleading at best. A "route" is not a trail and riders don't want another road to ride on, they want a trail and unfortunately "closures" are very hard to enforce. Work with the off-road community instead of just making our hobby out to be the bad guy in these situations, we are easy to work with however we need to be given the chance.

I did not mention a bridge in my email (a bridge would not be a good solution), what I mention was an articulated concrete mat solution. This a "mat" of approximately 12" square concrete blocks that are connected together. These work great in areas as you describe in this ditch. These would keep people in the "trail" and off the in-slope/out-slope of the ditch as well. The Forest Service uses these in wet area and creek crossings. For even a better solution you could add a layer of geosynthetic fabric under the mat to stabilize the soil and provide separation between the soil and mat. To top it off there are RTP funds available to provide the money for this type of project. The project could also contain some buck rail fencing to keep ATVs/UTVs in the proper area if the project would dictate that. These fences blend into the Black Hills and are barely noticeable to the highway user.

Example of the mat



Scott

On Mon, Jun 15, 2020 at 3:24 PM Carlson, Mike <Mike.Carlson@state.sd.us> wrote:

Mr. Wittrock,

Thank you for your email addressing your concerns regarding the closing of the ditch from Hideaway Lane to Brownsville Road. The department recognizes competing users of our highways and tries to address those concerns as appropriate. Degradation of our highway ditches are a big concern for the department. Runoff from our ditches from storms and snow melt eventually run into our creeks and streams. When the right of way ditch is fully vegetated they become filters or water purifiers if you will and help keep the creeks and streams clean. Conversely, when are ditches have no grass or vegetation the runoff picks up additional sediment and deposits the sediment into the streams and creeks. If the quality of the water in the creeks and streams deteriorates, fish habit suffers.

This section of ditch has little vegetation and the department has received a complaint from a landowner in the vicinity of the ditch. This landowner also allows snowmobiles to use his land as a trail in the winter. Snowmobiles do not tear up the ditch and choke off the vegetation like heavy ATV and UTV use does. Also the designated snowmobile trail does not go all the way to Brownsville. Approximately one half mile south of Hideaway Road the snowmobile trail turns west away from the highway onto the landowner's property. He has threatened to close off the trail if something is not done to protect the ditch. If the trail is closed off then snowmobiles will have no trail south of the Steel Wheel convenience store. You did mention in your email a bridge to traverse the stream that has been impacted and that is a good idea, however a bridge has its own risks and those risks need to be mitigated. There is also a wetland that is impacted and this wetland is beyond the snowmobile trail. This wetland is caused by a natural spring. Some ATVs and UTVs love to ride through this wetland and slash mud and water and others try to drive around it and in both cases there are or potentially could be adverse impacts. By driving through the wetlands degradation is accruing more rapidly and cause more damage. Wetlands are nature's purification systems for our water supply. By driving around it the ATV or UTV will drive up the inslope causing the degradation of the inslope or depending on the experience of the driver an accident.

I agree with you in that ATVs and UTVs are a great way to see the Black Hills. In addition it is a great activity in today's coronavirus environment, where it is easy to social distance. The solution is at Hideaway Road on the north side and Brownsville road on the south side. Both county highways are designated ATV and UTV routes and are both very scenic. The Brownsville Road ends up at Englewood, which is a trailhead for the Mickelson Trail. This is a very beautiful part of the Black Hills. Hideaway Road ties into Yellow Creek Road and from there you can go to the back side of Lead or back to Englewood.

If you would like to discuss this further I can be reached at this email address or by phone at 605 396 1635. Also you are welcome to provide verbal comments at the commission meeting. I have attached the press release with the contact information

Thanks

Mike Carlson, Rapid City Area Engineer

From: Dave Hague <blackhillstrailvolunteers@gmail.com>
Sent: Sunday, June 14, 2020 11:17 AM
To: Bergquist, Darin <Darin.Bergquist@state.sd.us>
Subject: Fwd: [EXT] Ditch Closure

Darin,

I believe that if the interested parties put our heads together, we could rectify these problem areas without closing them, or issuing fines to people trying to stay off of the busy highways for safety reasons. If the BHNF were to help us with their credibility and comments, it would get us to a more viable solution to a obvious problem area.

SD DOT is proposing to close a ditch section of Hwy 385 due to damage from Dirt Bikes, ATV's & UTV's; which is the usual "Knee Jerk" reaction when our Governmental agencies notice a problem area when it comes to "user created" trails.

This is the WRONG approach...when there is obvious heavy use in an area...there is most likely a REASON for it; we, End User's and Governmental agencies need to take a clear eyed look at the area in question, figure out why it is happening, then work together towards a solution.

The best approach to this would be for the SD DOT to work with Black Hills National Forest to convert that section into a "connector route" to the existing trail system. Rehab the damage and improve the trail bed to sustainable standards, this can be accomplished without any cost to the tax payers; there is RTP grants available, some of the funding could come from our OHV permit fees, Black Hills Trail Volunteers could provide most of the labor.

Thank You for your time and helping us improve OUR trail system.

Dave Hague

ORA,

Trail Volunteer Coordinator

From: Marc Rasmussen <marc@marcrasmussenconsulting.com>
Sent: Friday, June 12, 2020 12:45 PM
To: Bergquist, Darin <Darin.Bergquist@state.sd.us>
Subject: [EXT] Highway 385 Ditch Closure Proposed – my 2 cents

Hi Darin,

Just wanted to put in my 2 cents on the topic. I understand the desire to keep nature looking like nature but I also understand the desire to experience nature by coming out to the Black Hills and enjoying it with friends and family and one of those increasing ways is by ATV and UTV. It's a wonderful way to spend time with loved ones and safely with all the covid distancing going on, it's a great way to be out in the open air and away from the masses. Not to mention the large amount of tourist dollars and jobs it brings to the area.

I think there's a way BOTH can be heard. Simply by putting gravel down and/or an attractive bridge over the water. Making it look nicer and practical. I fear if it's closed, people would just go up on the dangerous road or make other paths.

I'm for keeping the ditch open.

Thanks for your consideration.

Marc Rasmussen

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Marc Rasmussen

605-366-0225

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Summary of call with Mike Klamm on the Proposed Ditch Closure:

Mike Klamm wanted to voice his concern that all the ATVs will be pushed onto the road. He's scared of a bad crash happening if they are on the highways out here. He also said that signing for a ditch closure might won't help without enforcement, they just take the ditch anyway. The last thing he mentioned was that there was confusing signing out on this trail. Up by the Steel Wheel convenience store (north of Hideaway Lane, not in the proposed closure segment) he said there is a sign for the ATV trail. But then 100 feet away there is another sign saying a permit is required to use the trail. He feels out-of-state riders especially must be confused about what to do.

Christina Bennett, PE
Operations Traffic Engineer
South Dakota Department of Transportation
605-773-4759

From: Bonnie Stonefelt <bstonefelt@gmail.com>
Sent: Wednesday, June 17, 2020 11:15 AM
To: Bergquist, Darin <Darin.Bergquist@state.sd.us>
Subject: [EXT] Creek Bridge for All Users

Good Morning, Darin: After reading the article on the creek damage caused by ATV/UTV's near the Hideaway turnoff on 385, it makes me wonder why ATV and UTV's are forced to travel on highways to get from one trail or destination to another when they are not intended for highway use. Would it not be the safest and in the best interest of all to allow them to ride in the ditch rather than on the highway where they are endangering their lives and the lives of others?

Bonnie and David Stonefelt