

Appendix I – Section 4(f) & Section 6(f) Consultation

Babcock, Chad

From: Kittle, Randy
Sent: Wednesday, April 10, 2024 8:15 AM
To: Babcock, Chad
Cc: Ausen, Shannon; Al Murra; Ross D. Harris; Hight, Joanne
Subject: RE: SDDOT Exit 4_Tomar Park

Chad,

Thanks for sharing the proposal. If the appraisals work out, yes this parcel should satisfy the conversion of use. The city will also need to provide a development plan for this parcel, if that is part of the bigger plan previously shared or if they are looking at something specific for this lot.

Randy Kittle | *Grants Coordinator*
South Dakota Game, Fish and Parks
523 East Capitol Avenue | Pierre, SD 57501
605.773.5490 | randy.kittle@state.sd.us



From: Babcock, Chad <Chad.Babcock@state.sd.us>
Sent: Tuesday, April 9, 2024 1:47 PM
To: Kittle, Randy <Randy.Kittle@state.sd.us>
Cc: Ausen, Shannon <sausen@SIOUXFALLS.org>; Al Murra <amurra@sehinc.com>; Ross D. Harris <rharris@sehinc.com>; Hight, Joanne <Joanne.Hight@state.sd.us>
Subject: RE: SDDOT Exit 4_Tomar Park

Randy,

Attached is an updated figure. The 200 W Rose St lot is 0.37 acres. It is our intention to proceed with the appraisal and NEPA review in preparation of the conversion of use application. But, I wanted to pass the information along to you to ensure this will be a viable option.

Please let me know if you have questions or need additional information. Thanks



Chad Babcock
Environmental Manager | **South Dakota Department of Transportation**
Better Lives Through Better Transportation
700 E. Broadway Ave, Pierre SD 57501
O: 605.773.3721 | C: 605.321.1953 | dot.sd.gov

From: Kittle, Randy <Randy.Kittle@state.sd.us>
Sent: Monday, March 11, 2024 4:35 PM
To: Babcock, Chad <Chad.Babcock@state.sd.us>
Cc: Ausen, Shannon <sausen@SIOUXFALLS.org>; Al Murra <amurra@sehinc.com>; Ross D. Harris <rharris@sehinc.com>;

Hight, Joanne <Joanne.Hight@state.sd.us>

Subject: RE: SDDOT Exit 4_Tomar Park

Chad,

Just had a good meeting with NPS Compliance Team regarding the Exit 4 Conversion of Use and the Tomar Park potential replacement property.

SDDOT is converting 2 properties near Exit 4 that total about 0.25 acres. The yellow book appraisal rate for these properties will need to be established and then figure out what will be needed for replacement property, ideally, the lots between Twin Oaks and Rose would make the most sense, there don't appear to be any that are adjoining lots to make one larger parcel for an extension of Tomar Park. If a few lots would meet the appraisal value and acreage to satisfy the conversion of use, the city could offer those lots as an extension of Tomar Park and would be added to the encumbered boundary of Tomar Park. If a smaller area of replacement property is what is available at this time, we will need to provide a development plan for that property.

NPS asked what is the status with the parcels that do not have a color on the property? NPS also asked what the properties in pink mean as they are listed as Open on the map. It seemed that they were trying to determine how probable it is that the master for Tomar Park could be completed in the next few years. They do like the master plan concept for the Tomar Park expansion and would love to see that happen and encumber that entire parcel.

If the city doesn't encumber more lots than are needed to resolve this conversion and the additional buyout lots remain general city property and are not transferred to the Parks Department, those lots would be eligible for replacement property for the Exit 5, 6 project if replacement property will be needed for that project. Basically, it could be looked at as a land bank for additional city conversions in the near future. If that happens, those additional lots would be added to the encumbered Tomar Park boundary at that time. If the city owned all of the lots at this time, the property would all be used as replacement property to resolve this conversion even if the appraisals didn't dictate the need for that much replacement property. Since the city doesn't own it all at this time, we still have options. NPS would love to see the entire area encumbered, I reminded them that not everyone is as interested in encumbering more land under LWCF than is necessary.

NPS also asked if Federal funds would be used for this project? FHWA would be responsible for completing NEPA, etc for the replacement property.

Good discussion to keep this conversion moving forward.

Randy Kittle | *Grants Coordinator*
South Dakota Game, Fish and Parks
523 East Capitol Avenue | Pierre, SD 57501
605.773.5490 | randy.kittle@state.sd.us



From: Babcock, Chad <Chad.Babcock@state.sd.us>

Sent: Tuesday, February 27, 2024 4:35 PM

To: Kittle, Randy <Randy.Kittle@state.sd.us>

Subject: SDDOT Exit 4_Tomar Park

Randy,

I have attached some information provided by the City about the potential property adjacent to Tomar Park for use as replacement property for the Cliff Ave project.

Would you be available on Monday (March 4) after lunch for a quick meeting to discuss? Anytime 1-3:30 PM. Thanks



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

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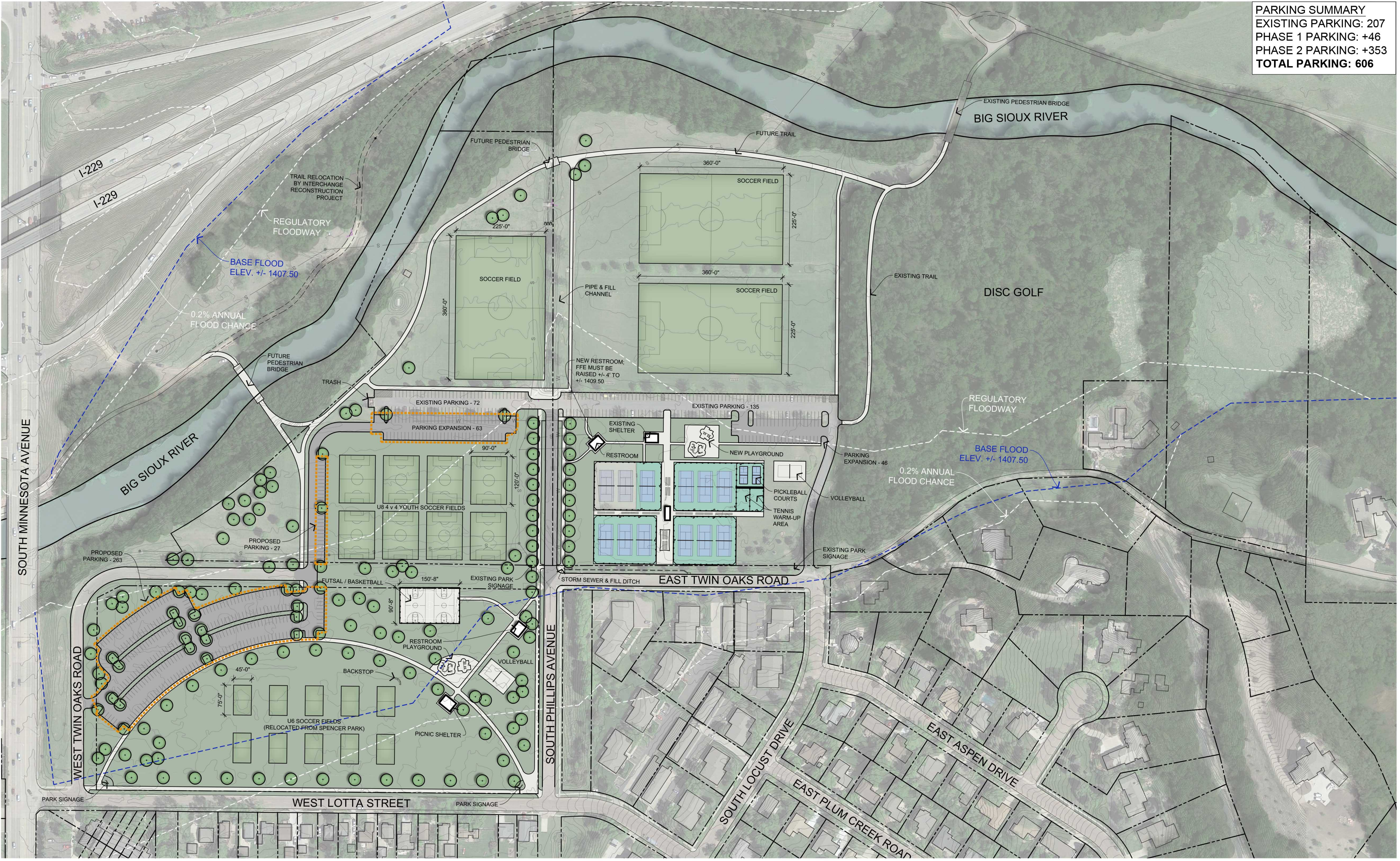
O: 605.773.3721 | C: 605.280.6035 | dot.sd.gov

PARKING SUMMARY
 EXISTING PARKING: 207
 PHASE 1 PARKING: +46
 TOTAL PARKING: 253

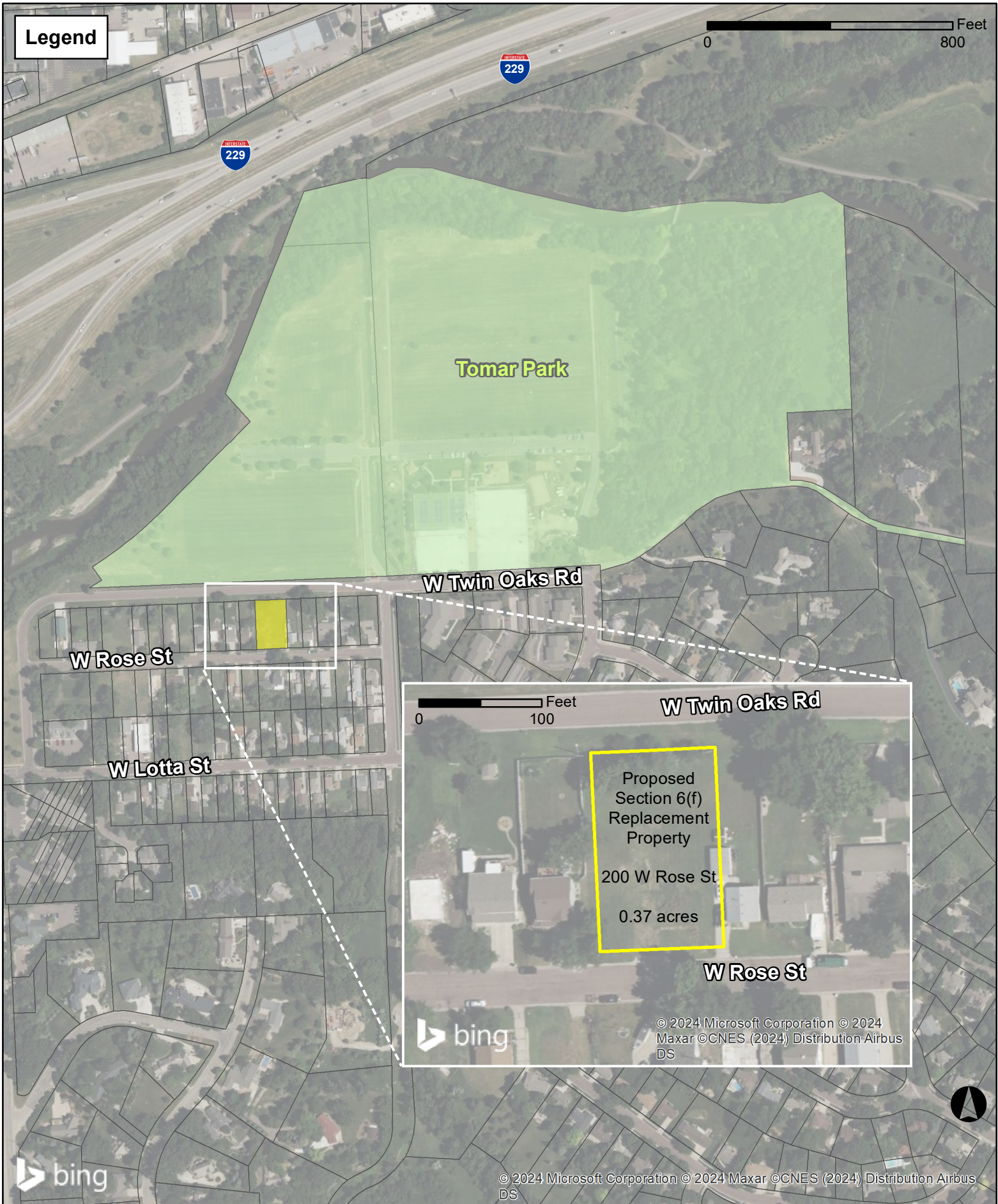


Site Plan - Phase 1
 Tomar Park Master Plan

PARKING SUMMARY
 EXISTING PARKING: 207
 PHASE 1 PARKING: +46
 PHASE 2 PARKING: +353
TOTAL PARKING: 606



Site Plan - Phase 2
Tomar Park Master Plan



Legend

0 800 Feet

Tomar Park

W Twin Oaks Rd

W Rose St

W Lotta St

W Twin Oaks Rd

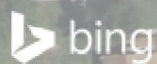
0 100 Feet

Proposed
Section 6(f)
Replacement
Property

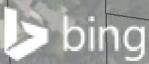
200 W Rose St

0.37 acres


W Rose St



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	<p>401 East 8th Street Suite 309 Sioux Falls, SD 57103 (605) 330-7000</p>	<p>Source: Bing Maps, Map by: mfalk Projection: State Plane South Dakota S</p>	<p align="center">Proposed Section 6(f) Replacement Property <i>I-229 Exit 4 (Cliff Avenue) Interchange</i> <i>Minnehaha County, SD</i></p>
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From: [Ross Harris](#)
To: [Marty Falk](#)
Subject: FW: I-229 Exit 4 Section 6(f)
Date: Thursday, November 9, 2023 4:14:24 PM
Attachments: [image001.png](#)
[Section 4\(f\) and 6\(f\)- Exit 4.pdf](#)
[Project Location Map - Exit 4.pdf](#)
[Section 6\(f\) Coordination- Exit 4.pdf](#)
[46-00621 Narrative.pdf](#)
[46-00888 info.pdf](#)
Importance: High

From: Babcock, Chad <Chad.Babcock@state.sd.us>
Sent: Thursday, November 9, 2023 3:48 PM
To: Kittle, Randy <Randy.Kittle@state.sd.us>
Cc: Ross Harris <rharris@sehinc.com>; Al Murra <amurra@sehinc.com>; Hight, Joanne <Joanne.Hight@state.sd.us>
Subject: I-229 Exit 4 Section 6(f)
Importance: High

Randy,

I have attached a coordination letter and associated maps showing the project location for the Exit 4 Interchange project. I have also attached the previous information you have provided about 6(f) resources (Sioux Falls Bike Path) in the project study area. There will be no permanent use of bike path. The project will tie in a new section of bike trail to the existing but there is not expected to be temporary use or detour necessary to complete the tie in. I am requesting your comment of Sections 6(f) impacts resulting from the project.

I would appreciate your review as soon as feasible as we plan to finalize the Environmental Assessment on Monday, November 11. Thank you for your assistance!



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

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From: [Babcock, Chad](mailto:Chad.Babcock@siouxfalls.gov)
To: dkearney@siouxfalls.org
Cc: [Shannon R. Ausen \(shannon.ausen@siouxfalls.gov\)](mailto:Shannon.Ausen@siouxfalls.gov); [Lehmkuhl, Tom \(FHWA\)](mailto:Lehmkuhl.Tom@siouxfalls.gov); [Marty Falk](mailto:Marty.Falk@siouxfalls.gov); [Al Murra](mailto:Al.Murra@siouxfalls.gov); [Ross Harris](mailto:Ross.Harris@siouxfalls.gov)
Subject: RE: IM-B 2292(101)4, PCN 05HN - IM 2292(105)3, PCN 07CY - Sioux Falls CIP #11100 - Sioux Falls Bike Plan #7 (2023 Bike Plan) - De Minimis Intent
Date: Wednesday, July 17, 2024 12:04:24 PM
Attachments: [image001.png](#)
[I229 Exit 4 Draft Plans EA 6f 07-10-2024.pdf](#)
[Project Location Map - exit 4.pdf](#)
[Minn05HN Borrow Map.pdf](#)
[Section 6\(f\) Replacement.pdf](#)
[19184 Tomar Park 2020-01-06.pdf](#)

Mr. Kearney,

The purpose of this email is to update the City of Sioux Falls of SDDOT's and FHWA's intent to pursue a Section 4(f) de minimis finding for impacts to Tuthill Park and Spencer Park associated with the reconstruction of the I229 Exit 4 Interchange (Cliff Avenue) Project. The above referenced project includes SDDOT Project #IM 2292(101), PCN 05HN, The City of Sioux Falls improvements to Cliff Avenue (CIP #11100) and bike path construction (#7 2023 Sioux Falls Bike Plan). Since initial notice below, a potential borrow site was identified which may be used during construction of this project (inside the I229 Louise Avenue Interchange loop) and IM 2292(105)3, PCN 07CY, interim improvements to I229 to maintain traffic during construction was removed from the I229 Exit 4 Interchange Project. I have attached a copy of the I229 Exit 4 Draft Plans identifying park impacts, as you requested below. I have also attached the Exit 4 Project Map and map of the proposed borrow site for your reference.

In addition, through coordination with SDGF&P, it was determined that both Tuthill Park and Spencer Park are encumbered by LWCF funds making them Section 6(f) properties. The I229 Exit 4 Interchange Project is proposed to require a small amount of unavoidable permanent acquisition of land in each park (about 0.25 acre total). This will result in a 6(f) Conversion of Use in each park. As you are aware, we have consulted with the City of Sioux Falls to identify a replacement property for impacts to these Section 6(f) resources. The proposed replacement property is located at 200 W Rose St and falls outside the initial study area for the project. We are working with the City of Sioux Falls and SDGF&P to complete a Section 6(f) Conversion of Use application for approval by the National Park Service to mitigate the I229 Exit 4 Interchange Project Section 6 (f) impacts. The application is proposed to include encumbering the 200 W Rose St parcel as a Section 6(f) property for inclusion into Tomar Park as part of the City's Tomar Park Master Plan. I have attached a map detailing the 200 W Rose location as well as the Tomar Park Master Plan for reference.

Per 23 CFR 774.5(b)(2), the SDDOT is informing the City of Sioux Falls of our intent to make a de minimis impact finding for the Tuthill Park and Spencer Park. The City of Sioux Falls is the official with jurisdiction (OWJ) over the these Section 4(f) resources. The public will have an opportunity to comment on the de minimis finding at an upcoming public meeting for Exit 4. Following the public review comment period and after consideration of any comments received from the public, the OWJ must then concur in writing that the project will not adversely affect the activities, features, and attributes that make property eligible for Section 4(f) protection.

Please let me know if you have questions.



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

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O: 605.773.3721 | C: 605.321.1953 | dot.sd.gov

From: Kearney, Don <DKearney@siouxfalls.org>
Sent: Tuesday, November 14, 2023 3:42 PM
To: Babcock, Chad <Chad.Babcock@state.sd.us>
Cc: Lehmkuhl, Tom (FHWA) <tom.lehmkuhl@dot.gov>
Subject: RE: [EXT] IM-B 2292(101)4, PCN 05HN - IM 2292(105)3, PCN 07CY - Sioux Falls CIP #11100 - Sioux Falls Bike Plan #7 (2023 Bike Plan) - De Minimis Intent

Thanks Chad. Do you have the latest plans for these projects you can share as they relate to the park impacts?

Thanks!

From: Babcock, Chad <Chad.Babcock@state.sd.us>
Sent: Thursday, November 9, 2023 3:07 PM
To: Kearney, Don <DKearney@siouxfalls.org>
Cc: Lehmkuhl, Tom (FHWA) <tom.lehmkuhl@dot.gov>
Subject: IM-B 2292(101)4, PCN 05HN - IM 2292(105)3, PCN 07CY - Sioux Falls CIP #11100 - Sioux Falls Bike Plan #7 (2023 Bike Plan) - De Minimis Intent

External email - use caution when clicking on links or attachments.

Dear Mr. Kearney:

The purpose of this email is to inform the City of Sioux Falls of SDDOT's intent to pursue a Section 4(f) de minimis finding for impacts to Tuthill Park and to Spencer Park associated with the reconstruction of the I-229 Exit 4 Interchange (Cliff Avenue). The purpose of this project is to replace the current interchange with a Single Point Urban Interchange (SPUI) and realign 41st Street to improve intersection spacing to meet design standards with the proposed new interchange. The project also includes related projects for interim improvements to I-229 to maintain traffic during construction (PCN 07CY), expansion of Cliff Avenue (CP #11100), and a proposed trail underpass of I-229 (Sioux Falls Bike Plan #7) with a connection to the Sioux Falls Bike Trail.

Per 23 CFR 774.5(b)(2), the SDDOT is informing the City of Sioux Falls of our intent to make a de minimis impact finding for the Tuthill Park and Spencer Park. The City of Sioux Falls is the official with jurisdiction (OWJ) over the these Section 4(f) resources. The public will have an opportunity to

comment on the de minimis finding at an upcoming public meeting for Exit 4. Following the public review comment period and after consideration of any comments received from the public, the OWJ must then concur in writing that the project will not adversely affect the activities, features, and attributes that make property eligible for Section 4(f) protection.

Please let me know if you have questions.



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

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From: [Babcock, Chad](#)
To: dkearney@siouxfalls.org
Cc: tom.lehmkuhl@dot.gov
Subject: IM-B 2292(101)4, PCN 05HN - IM 2292(105)3, PCN 07CY - Sioux Falls CIP #11100 - Sioux Falls Bike Plan #7 (2023 Bike Plan) - De Minimis Intent
Date: Thursday, November 9, 2023 3:07:00 PM
Attachments: [image001.png](#)

Dear Mr. Kearney:

The purpose of this email is to inform the City of Sioux Falls of SDDOT's intent to pursue a Section 4(f) de minimis finding for impacts to Tuthill Park and to Spencer Park associated with the reconstruction of the I-229 Exit 4 Interchange (Cliff Avenue). The purpose of this project is to replace the current interchange with a Single Point Urban Interchange (SPUI) and realign 41st Street to improve intersection spacing to meet design standards with the proposed new interchange. The project also includes related projects for interim improvements to I-229 to maintain traffic during construction (PCN 07CY), expansion of Cliff Avenue (CP #11100), and a proposed trail underpass of I-229 (Sioux Falls Bike Plan #7) with a connection to the Sioux Falls Bike Trail.

Per 23 CFR 774.5(b)(2), the SDDOT is informing the City of Sioux Falls of our intent to make a de minimis impact finding for the Tuthill Park and Spencer Park. The City of Sioux Falls is the official with jurisdiction (OWJ) over these Section 4(f) resources. The public will have an opportunity to comment on the de minimis finding at an upcoming public meeting for Exit 4. Following the public review comment period and after consideration of any comments received from the public, the OWJ must then concur in writing that the project will not adversely affect the activities, features, and attributes that make property eligible for Section 4(f) protection.

Please let me know if you have questions.



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

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From: [Babcock, Chad](#)
To: [Ross Harris](#)
Cc: [Al Murra](#); [Marty Falk](#)
Subject: RE: I-229 Exit 4/Lincoln HS Response
Date: Thursday, November 9, 2023 3:12:47 PM

Looks good. That should definitely tie up the coordination w/ Lincoln HS. Thanks. Chad

From: Ross Harris <rharris@sehinc.com>
Sent: Thursday, November 9, 2023 3:05 PM
To: Babcock, Chad <Chad.Babcock@state.sd.us>
Cc: Al Murra <amurra@sehinc.com>; Marty Falk <mfalk@sehinc.com>
Subject: FW: [EXT] I-229 Exit 4/Lincoln HS Response

Chad, here is the response received from the OWJ of Lincoln High School's outdoor recreation facilities. We were referred to Jeff Kreiter by the school principal (Laura Raeder).

We will save this as an attachment in EA Appendix I (Section 4(f) / 6(f) Coordination) and reference it in the EA narrative.

Ross

From: Kreiter, Jeffrey R <Jeffrey.Kreiter@k12.sd.us>
Sent: Thursday, November 9, 2023 2:22 PM
To: Al Murra <amurra@sehinc.com>
Cc: Raeder, Laura L <Laura.Raeder@k12.sd.us>
Subject: I-229 Exit 4/Lincoln HS Response

Al Murra,

Please see our response below in regard to the outdoor recreational facilities at Lincoln High School in relation to the upcoming I-229 Exit 4 Interchange reconstruction project.

-
Tennis Courts:

The tennis courts are open 24/7

1. Yes, I believe this qualifies as a 4(f) resource.
2. As the Official With Jurisdiction (OWJ), both the Lincoln High School's Principal and I understand there will be project related improvements to the parking lot along Cliff Ave, but we do not feel there will be any impacts to this resource because of the project.

-
Track/field:

HS Tracks will only be open during the weekdays that schools have custodial staff on duty (custodial staff are not on duty during holidays). The time the track will be open is from 6 AM to 10 PM. In the spring or fall the track may be closed earlier due to darkness when the appropriate use of the field is no longer safe. The track and field cannot be used during the academic school day or on days when extra-curricular activities are taking place before or after school. The facility will not be open on the weekends

or when custodial staff are not on-duty. The middle school tracks are accessible during a greater number of days for use by the public.

3. The facilities are open at specific times to the public so this could qualify as a 4(f) resource.
4. As the Official With Jurisdiction (OWJ), both the Lincoln High School's Principal and I understand there will be project related improvements to the parking lot along Cliff Ave, but we do not feel there will be any project related impacts to this resource.

The District believes the proposed improvements to the exit will benefit not only Lincoln High School but the entire area.

Jeff Kreiter

Senior Director of Operational Services

605-367-7965

From: [Babcock, Chad](#)
To: [Ross Harris](#); [Marty Falk](#); [Al Murra](#)
Subject: FW: I229 Exit 4 Interchange Project_IM-B-CR 2292(101)3
Date: Monday, August 5, 2024 4:51:37 PM
Attachments: [image001.png](#)
[230908003F - Federal Concur NHPA-NAE 11.13.2023.pdf](#)
[230908003F Exit 4- Federal Concur NHPA-NAE 07.18.2024.pdf](#)
[I229 Exit 4 Interchange FHWA No Use Concurrence 11.6.2023.pdf](#)

Below is the updated Section 4(f) No Use determination for Site 39MH2000. Please ensure the FHWA Concurrence (November 6, 2023) is identified in the EA and include this updated coordination in the attachments.



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

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700 E. Broadway Ave, Pierre SD 57501

O: 605.773.3721 | C: 605.321.1953 | dot.sd.gov

From: Babcock, Chad
Sent: Monday, August 5, 2024 2:35 PM
To: tom.lehmkuhl@dot.gov
Cc: Lamfers, Jozef <Jozef.Lamfers@state.sd.us>
Subject: I229 Exit 4 Interchange Project_IM-B-CR 2292(101)3

Tom,

On November 6, 2023, you concurred with a Section 4(f) No Use determination associated with Site 39MH2000 (historic Burlington Northern Railroad grade) because the segment which will be impacted by the I229 Exit 4 Interchange Project has been impacted by prior construction activity and no longer contributes to the eligibility of the historic site (copy attached).

The I229 Exit 4 Interchange Project includes SDDOT Project #IM 2292(101), PCN 05HN, the City of Sioux Falls improvements to Cliff Avenue (CIP #11100) and bike path construction (#7 2023 Sioux Falls Bike Plan), and a State Furnished Borrow site located at the I229 Louise Ave Exit Ramp. An Environmental Assessment is currently in development for this project.

On November 6, 2023, SHPO provided continued concurrence of a Section 106 determination of No Adverse Effect for the project (copy attached). SDDOT re-coordinated the project because the I229 Exit 4 Interchange project is an individual federal action and prior project Section 106 coordination included both the I229 Exit 4 Interchange Project and the I229 Exit 3 Interchange Project as one single action.

On July 18, 2024, SHPO provided a continued concurrence of a Section 106 determination of No Adverse Effect for the project (copy attached). SDDOT re-coordinated the project to update the description of the I229 Exit 4 Interchange Project to include the project description provided above.

The impacts to Site 39MH2000 remain the same, as described in the November 6, 2023, coordination with you based on the current project design and associated connected City of Sioux Falls project actions (described above). Therefore, I am requesting your continued concurrence that the segment of 39MH2000, impacted by the I229 Exit 4 Interchange Project, is not a 4(f) resource and there is no associated Section 4(f) use.

I have copied Jozef Lamfers, SHPO, to clarify that the I229 Exit 4 Interchange Project Impacts to the non-contributing segment of site 39MH2000 will constitute a Section 4(f) No Use based on the details discussed above. SDDOT erroneously included a statement to the SHPO in September 2023 coordination indicating an intent to make a Section 4(f) De Minimis finding regarding site 39MH2000.



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

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July, 18, 2024

Chad Babcock
SDDOT
700 E Broadway
Pierre, SD 57501

SECTION 106 PROJECT CONSULTATION

Project: 230908003F – IM 2292(101), PCN 05HN, Minnehaha County & Sioux Falls CIP #11100, Sioux Falls (#7 2023 Bike Plan) , Minnehaha County; I229 Exit 4 Interchange
Location: Minnehaha
FHWA - Federal Highway Administration

Dear Chad,

Thank you for the opportunity to comment on the above referenced project pursuant to 54 U.S.C. 306108, also known as Section 106 of the National Historic Preservation Act of 1966 (as amended). The South Dakota Office of the State Historic Preservation Officer (SHPO) concurs with your determination regarding the effect of the proposed undertaking on the non-renewable cultural resources of South Dakota.

On June 17, 2024, SHPO received your letter, maps showing the APE, and project plans. This project has been previously consulted on under SHPO# 190424003F and SHPO #230908003F. The information received on June 17, 2024 indicated that this proposed undertaking is composed of separate federal actions and that project updates required additional consultation.

Based upon the information provided, the proposed undertaking is for improvements to be made to the I229 Exit 4 Interchange, Cliff Avenue Improvements, bike path construction (#7 2023 Bike Plan), and the Louise Interchange borrow site. This resubmission indicates that work will remain within the same APE as previously consulted on. Previous consultation concurred with a determination of "No Adverse Effect" for potential effects to the National Register Eligible rail grade 39MH2000. SDDOT Project #IM 2292(101), PCN 05HN, The City of Sioux Falls improvements to Cliff Avenue (CIP #11100), bike path construction (#7 2023 Sioux Falls Bike Plan) and the Louise Interchange borrow site represent one federal action.

After reviewing the updated information, SHPO continues to concur with the determination of "No Adverse Effect" for the proposed undertaking, provided that the work remains within the area surveyed.

Changes in the location and/or nature of activities from those identified in your request will require the submission of additional documentation pertaining to the identification of historic properties, as described in 36 C.F.R. § 800.4, and/or the undertaking's effects on historic properties, as described in 36 C.F.R. § 800.11.

Concurrence of the SHPO does not relieve the federal agency official from consulting with other appropriate parties, as described in 36 C.F.R. § 800.2(c).

If historic properties are discovered or unanticipated effects on historic properties are found after the agency official has completed the Section 106 process, the agency official shall avoid, minimize or mitigate the adverse effects to such properties and notify the SHPO and Indian tribes that might attach





religious and cultural significance to the affected property within 48 hours of the discovery, pursuant to 36 C.F.R. § 800.13.

Should you require any additional information, please contact Jozef Lamfers at Jozef.Lamfers@state.sd.us or at 605-773-6004. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,
Benjamin F. Jones, PhD
Interim State Historic Preservation Officer

A handwritten signature in black ink that reads "Jozef Lamfers". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jozef Lamfers
Review & Compliance Archaeologist

CC:

Cassie Vogt - Archaeological Research Center
Lynn Griffin - Archaeological Research Center
Megan Ostrenga Fabricius - Archaeological Research Center





November 13, 2023

Chad Babcock
SDDOT
700 E Broadway
Pierre, SD 57501

SECTION 106 PROJECT CONSULTATION

Project: 230908003F – IM 2292(84)2, PCN 000S; NH 2115(46), PCN 08DN; IM-B 2292(101)4, PCN 05HN; IM2292(105)3, PCN 07CY; IM 2292(106)2, PCN 07CX, Minnehaha County
Location: Minnehaha
FHWA - Federal Highway Administration

Dear Chad,

Thank you for the opportunity to comment on the above referenced project pursuant to 54 U.S.C. 306108, also known as Section 106 of the National Historic Preservation Act of 1966 (as amended). The South Dakota Office of the State Historic Preservation Officer (SHPO) concurs with your determination regarding the effect of the proposed undertaking on the non-renewable cultural resources of South Dakota.

On September 8, 2023, SHPO received your letter, maps of the Area of Potential Effects (APE), and a report titled "A Class III Cultural Resources Survey for South Dakota Department of Transportation Projects IM 2292(84)2 and IM-B-CR 2292(101)3, PCNs 000S and 05HN, Interstate 229 Exits 3 & 4, Lincoln and Minnehaha Counties, South Dakota" prepared by Fidel Martinez-Greer and Joes B. Jones of the Archaeological Research Center. Included in this report were efforts to identify cultural resources, maps showing the APE, and photographic overviews of the project area.

Based upon the information provided, the proposed undertaking is for interchange modifications, crossovers, and improvements. This project had been previously coordinated un SHPO# 190424003F. In the letter dated June 12, 2019 SHPO concurred with a determination of "No Adverse Effect". Since that time, revisions to the project design have necessitated additional consultation. According to the information submitted, the site 39MH2000 lies within the APE. This railroad is considered Eligible for listing in the National Register of Historic Places. Due to its heavily disturbed condition within the APE, it is considered not integral to the site's overall eligibility.

On November 13, 2023, additional information was received which indicated that the previously-coordinated proposed undertaking constituted two separate federal actions and should be coordinated as such. This submission is specifically for improvements to be made to the I229 Exit 4 Interchange (PCN 05HN), crossover (PCN 07CY), Cliff Avenue Improvements (CIP #11100), and bike path construction (#7 2023 Sioux Falls Bike Plan). This resubmission indicates that work will remain within the same APE as previously consulted on. No additional Historic Properties were identified within the APE. Therefore, SHPO concurs with your determination of "No Adverse Effect" for the proposed undertaking, provided that the work remains within the area surveyed.

Changes in the location and/or nature of activities from those identified in your request will require the submission of additional documentation pertaining to the identification of historic properties, as described





in 36 C.F.R. § 800.4, and/or the undertaking's effects on historic properties, as described in 36 C.F.R. § 800.11.

Concurrence of the SHPO does not relieve the federal agency official from consulting with other appropriate parties, as described in 36 C.F.R. § 800.2(c).

If historic properties are discovered or unanticipated effects on historic properties are found after the agency official has completed the Section 106 process, the agency official shall avoid, minimize or mitigate the adverse effects to such properties and notify the SHPO and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery, pursuant to 36 C.F.R. § 800.13.

Should you require any additional information, please contact Jozef Lamfers at Jozef.Lamfers@state.sd.us or at 605-773-6004. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,
Jenna Carlson Dietmeier
Interim State Historic Preservation Officer

A handwritten signature in black ink that reads "Jozef Lamfers". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jozef Lamfers
Review & Compliance Archaeologist

CC:

Cassie Vogt - Archaeological Research Center
Lynn Griffin - Archaeological Research Center
Megan Ostrenga Fabricius - Archaeological Research Center



From: [Lehmkuhl, Tom \(FHWA\)](#)
To: [Babcock, Chad](#)
Cc: [Marty Falk](#); [Ross Harris](#)
Subject: RE: I229 Exit 4 EA_Section 4(f) No Use
Date: Monday, November 6, 2023 5:03:43 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

As the impacted segment associated with the I-229 Exit 4 has been determined by SHPO as non-contributing to the eligibility of Site 39MH2000 (historic Burlington Northern Railroad grade) then FHWA agrees with your determination that there is no direct use of the historic property by the I-229 Exit 4 project for purposes of Section 4(f).

Identified in the Section 106 documents SharePoint link you provided is the Sept. 8, 2023, project submittal to SHPO which states that a Section 4(f) De Minimis finding to Site 39MH2000 would be pursued. I assume that this needs to be rescinded now if Exit 4 project will constitute no direct 4(f) Use to Site 39MH2000. That is unless the De Minimis finding to Site 39MH2000 is applicable to the Exit 3 project undertaking.

With that said – I discerned from the 9.8.2023 SHPO submittal and in SHPO's 9.12.2023 concurrence that the Project undertaking for the purpose of the Section 106 determination of effect was established to consist of projects: Exit 4 (PCN 05HN), Exit 3 (PCN 000S), Minnesota Ave (PCN 08DN), Modify Crossovers, Temporary Structures (PCN 07CY), and deleted project (PCN 07CX). As Exit 3 and Exit 4 {plus their associated tied projects) are two separate Federally funded project undertakings, I would suggest speaking with SHPO on the effects of the two actions (Exit 4 & Exit 3) as not constituting one Federal action. In addition, discuss with SHPO the feasibility of amending the separate submittals to incorporate the now recently identified projects associated with Exit 4 and those tied to Exit 3 as each a separate undertaking. My outlook is that the separation of these two distinct undertakings would then align each individual Project's Section 106 coordination with the National Environmental Policy Act more consistently with the provisions of 36 CFR 800.8.

Please contact me if you would like to discuss this further. Thank you.

Tom Lehmkuhl

Environmental Protection Specialist

FHWA – SD Division

116 E. Dakota Ave, Suite A

Pierre, SD 57501

Ph: 605.776.1012

tom.lehmkuhl@dot.gov

Pronouns: he, him, his

From: Babcock, Chad <Chad.Babcock@state.sd.us>

Sent: Wednesday, November 1, 2023 12:00 PM

To: Lehmkuhl, Tom (FHWA) <tom.lehmkuhl@dot.gov>

Cc: Marty Falk <mfalk@sehinc.com>; Ross D. Harris <rharris@sehinc.com>

Subject: I229 Exit 4 EA_Section 4(f) No Use

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Tom,

I have attached a figure showing the 4(f) resources identified for the I229 Exit 4 project. The figure identifies the 0.48 acre area associated with site 39MH2000 (historic Burlington Northern railroad grade) which will be permanently incorporated into the project. In August 2023, ARC completed a CRS which included this segment of 39MH2000, and determined the segment is no longer integral to the overall eligibility of site 39MH2000. SHPO concurred with this recommendation on September 12, 2023. I have included the language from the cultural resource report for this segment below. The report and SHPO coordination are available for your review in the SharePoint folder: [☐ Section 106 documents](#).

Because the segment of site 39MH2000, impacted by this project, is not integral to the overall eligibility of site 39MH2000 I am requesting your concurrence that the segment is not a 4(f) resource, as discussed in 4(f) Policy Paper Question 2A and there is no associated 4(f) use.

2. Historic Sites

Question 2A: How is Section 4(f) significance of historic sites determined?

Answer: *Historic site* is defined in 23 CFR 774.17. For purposes of Section 4(f), a historic site is significant only if it is on or eligible for the NR. Pursuant to the NHPA, FHWA in cooperation with the applicant consults with the SHPO and/or THPO, tribes that may attach religious and cultural significance to the property, and when appropriate, with local officials to determine whether a site is eligible for the NR. In case of disagreement between FHWA and the SHPO/THPO or if so requested by the ACHP, FHWA shall request a determination of eligibility from the Keeper of the NR (36 CFR 800.4(c)(2)). Any third party may also seek the involvement of the Keeper by asking the ACHP to request that the Federal agency seek a determination of eligibility.

If a site is determined not to be on or eligible for the NR, FHWA still may determine that the application of Section 4(f) is appropriate when an official (such as the Mayor, president of the local historic society, etc.) formally provides information to indicate that the historic site is of local significance. In rare cases such as this, FHWA may determine that it is appropriate to apply Section 4(f) to that property. In the event that Section 4(f) is found inapplicable, the FHWA Division Office should document the basis for not applying Section 4(f). Such documentation might include the reasons why the historic site was not eligible for the NR.

SITE 39MH2000

Site 39MH2000 is associated with the BN Railroad. The BN was the product of a merger in 1970 of five railroads: the Chicago, Burlington & Quincy; the Great Northern; the Northern Pacific; the Spokane, Portland, and Seattle; and the Pacific Coast Railroad (BNSF 2023). The BN quickly became the dominant railroad throughout the upper Midwest and Northwest regions of the country, including South Dakota, following the merger (Hufstetler and Bedeau 2007). Since the BN's merger with the Atchison, Topeka & Santa Fe Railway in 1995, the BN has come to be known

as

the Burlington Northern Santa Fe Railway (BNSF) becoming the largest rail network in North America (BNSF 2023).

There are two previously recorded segments of site 39MH2000 within Area 2 located east and west of S. Minnesota Ave. that were identified and revisited during the survey on May 23, 2003.

The segment located east of the intersection of S. Minnesota Ave. & W. 49th St. consists of a grass-covered but otherwise open section of maintained ROW between two commercial lots (Figures 9 and 10). The previously recorded segment along W. 49th St. between the intersection

with Duluth Ave. to S. Minnesota Ave. has been previously graded and covered over with concrete

paving (Figure 11).

A previously unrecorded segment of 39MH2000 was identified and recorded within Area 1 north

of 41st St. and west of Cliff Ave. (Figure 12). This segment was identified based on the BN railroad

illustrated on the USGS 7.5' Sioux Falls East Quadrangle. The visible component consists of a grass-covered but otherwise open section of linear grade extending between commercial and residential lots north of 41st St. (Figures 13 and 14). **Based on plans from the City of Sioux Falls**

provided by SDDOT, this newly recorded segment of 39MH2000 was previously graded and recontoured in 2006 to control drainage. There were no artifacts or features associated with 39MH2000 at either of the two previously recorded segments in Area 2 or at the newly recorded

segment in Area 1. Although site 39MH2000 has been determined Eligible for the NRHP, the three

segments identified during the current investigation in Areas 1 and 2 have been previously disturbed to the extent that they are no longer integral to the overall eligibility of site 39MH2000

for the NRHP.



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

Better Lives Through Better Transportation

700 E. Broadway Ave, Pierre SD 57501

O: 605.773.3721 | C: 605.280.6035 | dot.sd.gov



September 12, 2023

Chad Babcock
SDDOT
700 E Broadway
Pierre, SD 57501

SECTION 106 PROJECT CONSULTATION

Project: 230908003F – IM 2292(84)2, PCN 000S; NH 2115(46), PCN 08DN; IM-B 2292(101)4, PCN 05HN; IM2292(105)3, PCN 07CY; IM 2292(106)2, PCN 07CX, Minnehaha County
Location: Minnehaha
FHWA - Federal Highway Administration

Dear Chad,

Thank you for the opportunity to comment on the above referenced project pursuant to 54 U.S.C. 306108, also known as Section 106 of the National Historic Preservation Act of 1966 (as amended). The South Dakota Office of the State Historic Preservation Officer (SHPO) concurs with your determination regarding the effect of the proposed undertaking on the non-renewable cultural resources of South Dakota.

On September 8, 2023, SHPO received your letter, maps of the Area of Potential Effects (APE), and a report titled "A Class III Cultural Resources Survey for South Dakota Department of Transportation Projects IM 2292(84)2 and IM-B-CR 2292(101)3, PCNs 000S and 05HN, Interstate 229 Exits 3 & 4, Lincoln and Minnehaha Counties, South Dakota" prepared by Fidel Martinez-Greer and Joes B. Jones of the Archaeological Research Center. Included in this report were efforts to identify cultural resources, maps showing the APE, and photographic overviews of the project area.

Based upon the information provided, the proposed undertaking is for interchange modifications, crossovers, and improvements. This project had been previously coordinated un SHPO# 190424003F. In the letter dated June 12, 2019 SHPO concurred with a determination of "No Adverse Effect". Since that time, revisions to the project design have necessitated additional consultation. According to the information submitted, the site 39MH2000 lies within the APE. This railroad is considered Eligible for listing in the National Register of Historic Places. Due to its heavily disturbed condition within the APE, it is considered not integral to the site's overall eligibility . No additional Historic Properties were identified within the APE. Therefore, SHPO concurs with your determination of "No Adverse Effect" for the proposed undertaking, provided that the work remains within the area surveyed.

Changes in the location and/or nature of activities from those identified in your request will require the submission of additional documentation pertaining to the identification of historic properties, as described in 36 C.F.R. § 800.4, and/or the undertaking's effects on historic properties, as described in 36 C.F.R. § 800.11.

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Sincerely,
Jenna Carlson Dietmeier
Interim State Historic Preservation Officer

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Jozef Lamfers
Review & Compliance Archaeologist

CC:

Cassie Vogt - Archaeological Research Center

Lynn Griffin - Archaeological Research Center

