

APPENDIX A- Section 4(f) Documentation

Section 1. Mickelson Trail

Dockter, Daryn

From: Baker, Rebecca
Sent: Tuesday, November 17, 2015 8:06 AM
To: Dockter, Daryn
Subject: FW: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review
Attachments: CatExChecklist & Environmental Commitments [March 2015].docx
Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Rebecca (Becky) Baker

Environmental Lead

HDR

6300 S. Old Village Place
Sioux Falls, SD 57108
D 605.977.7756 M 605.690.2190
rebecca.baker@hdrinc.com

hdrinc.com/follow-us

From: Whitebird, Alice [mailto:Alice.Whitebird@state.sd.us]
Sent: Thursday, November 12, 2015 7:42 AM
To: Marion.Barber@dot.gov; Baker, Rebecca
Cc: Whitebird, Alice
Subject: FW: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

Good Morning Marion & Becky,

Please see Shannon Percy's email below regarding impacts to the Mickelson Trail and note that GFP would like to see additional permanent signing to warn motorists of the pedestrian crossing. My rationale for 4(f) exemption is in my email below. I have attached the most recent version of the our CE checklist for filling out so we can get the CE approved.

Alice Whitebird
Environmental Scientist III
SDDOT Office of Project Development
605-773-3309

From: Percy, Shannon
Sent: Tuesday, November 10, 2015 10:30 AM
To: Whitebird, Alice
Cc: Garry-Reiprich, Dana; Snyder, Matt
Subject: RE: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

Alice,

As I see it there is no adverse effect to the Mickelson but I would like to add that Pennington County needs to add additional permanent signage to reflect a pedestrian crossing on the roadway. Right now there is no signs reflecting a crossing at all on the roadway.

Thanks, Shannon

From: Whitebird, Alice
Sent: Monday, November 09, 2015 2:29 PM
To: Percy, Shannon
Cc: Whitebird, Alice
Subject: FW: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

Hi Shannon,

I was wondering if you've had time to take a look at this & would concur with item #6 in my below email. If you need additional information, let me know & I'll send you whatever you need.

Thanks,
Alice Whitebird
SDDOT Environmental Scientist III
773-3309

From: Whitebird, Alice
Sent: Friday, October 23, 2015 11:01 AM
To: Percy, Shannon
Cc: Whitebird, Alice
Subject: FW: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

I just realized that in my previous email, I addressed you by your last name!

From: Whitebird, Alice
Sent: Friday, October 23, 2015 10:55 AM
To: Percy, Shannon
Cc: Whitebird, Alice
Subject: SDDOT Project BRF 6403(09) PCN 02JT Pennington County - Mickelson Tail Section 4(f) Review

Hi Shannon,

The South Dakota Department of Transportation (SDDOT) and Pennington County Commission propose to replace Structure No. 52-162-272 and grade its approaches. The bridge is located 0.6 miles west and 0.1 mile south of Rochford; it carries S. Rochford Road over Rapid Creek (see attached aerial map and bridge layout plan sheet). The bridge was originally constructed in 1940; it is a 29' L x 23' W single-span timber stringer with timber a deck and abutments. The bridge's substructure is in poor condition due to decayed wooden members and weight restrictions have been placed on the bridge due to its deficiencies. The SDDOT and Commission has determined that the bridge needs to be replaced to maintain the safety and continuity of the Pennington County highway system.

As we discussed by phone a few days ago, the Mickelson Trail crosses S. Rochford Road approximately 180' south of the S. Rochford/Rochford Road intersection. The Mickelson Trail qualifies for protection under Section 4(f) regulations as a publically owned recreation trail and as an historic resource, therefore, the SDDOT is conducting a Section 4(f) review of the project's impact to the Mickelson Trail. Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 which provided for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development.

The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, applies only to the U.S. Department of Transportation (U.S. DOT) and is implemented by the Federal Highway Administration (FHWA) and the Federal Transit Administration through the regulation [23 Code of Federal Regulations \(CFR\) 774](#).

Under Section 4(f), a transportation project is exempt from Section 4(f) under 23 CFR § 773.13: Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f), when the following criteria are met:

1. Duration of work at the Mickelson Trail/Rochford Road intersection will be temporary. [The Mickelson Trail crossing will remain open to trail traffic during the replacement of the bridge and grading of the bridge approaches. Temporary detours will be implemented to route trail traffic around construction work that occurs at the S. Rochford Road/Mickelson Trail intersection.](#)
2. There will be no change in ownership of the trail.
3. The scope of work will be minor & the nature & magnitude of the changes to the 4(f) property will be minimal. [There will be no change to the Mickelson Trail in the project area and the location of the trail crossing will not change.](#)
4. There will be no permanent adverse physical impacts to the trail nor will there be interference with the protected activities, features & attributes that make the property eligible for Section 4(f) protection.
5. The land being used will be fully restored & returned to its original condition or better.
6. Officials with jurisdiction over the Section 4(f) property agree that the project impacts are temporary and there will be no impacts to the features of the Mickelson Trail that qualify it for protection under Section 4(f).

Based on the above, I am requesting your concurrence that this bridge replacement project meets the criteria set forth in 23 CFR § 773.13(2)(d), and is therefore exempt from Section 4(f) regulations.

If you need additional information on the project, please let me know.

Alice Whitebird
Environmental Scientist III
SDDOT Office of Project Development
605-773-3309

From: Bren, Ron
Sent: Tuesday, October 20, 2015 12:26 PM
To: Whitebird, Alice
Subject: FW: S. Rochford Road Bridge Replacement

From: Nick Hoffman [<mailto:Nick.Hoffman@interstateeng.com>]
Sent: Tuesday, October 20, 2015 12:25 PM
To: Bren, Ron
Subject: S. Rochford Road Bridge Replacement

Hello Ron,

The Mickelson Trail will not be closed at anytime during the construction of the new S. Rochford Road Bridge. Temporary detours will be implemented during times when area of the intersection of S. Rochford Road and the Mickelson Trail is being worked on.

Nick Hoffman, PE

Office Manager / Senior Project Engineer

Interstate Engineering

123 E. Jackson Blvd Suite 1

PO Box 226

Spearfish, SD 57783

Phone: 605.642.4772

Cell: 605.645.1984

Fax: 605.642.4773

nick.hoffman@interstateeng.com

Professionals you need, people you trust.

Section 2. Forest Service Management Area 8.2



Department of Transportation
Office of Project Development
Environmental Office
700 E Broadway Avenue
Pierre, South Dakota 57501-2586
605/773-3268 Fax: 605/773-6608

June 23, 2016

Ruth Esperance, Mystic Ranger District
Black Hills National Forest
Mystic Ranger District
8221 S. Hwy 16
Rapid City, SD 57702

RE: Section 4 (f) *De Minimis* Finding for South Rochford Road Environmental Assessment, P-BRF 6403(6), PCN 00CL, Pennington County, SD

Dear Ms. Esperance:

Thank you for your continued coordination throughout the NEPA process for the South Rochford Road EA (the Project). The purpose of this letter is:

- 1) to provide the Forest Service with the public comments received during the period of public availability for the *Environmental Assessment and Draft Section 4(f) Evaluation for South Rochford Road*,
- 2) to inform the Forest Service of the intent to make a *de minimis* finding for the impacts to Section 4(f) property that is under your jurisdiction for the Project, and
- 3) to request your concurrence in writing that the Project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).

The *de minimis* impact finding is based on previous coordination with your office, and evaluations documented in the EA. The following describes the properties identified and the alternatives analysis completed for the Project.

Section 4(f) Properties Identified

Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303), declares that it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

The following Section 4(f) properties are owned by the Forest Service and were identified within the Project Area for Alternatives 1 and 2 (see Figures 1-1, 1-2, 2-1, and 2-2):

- **Developed Recreation Complex (Management Area 8.2)** is shown on Figure 3-1. The Project Area for Alternative 1 and 2 contains a portion of the Deerfield Lake Recreation Area. A number of campgrounds are located within the Deerfield Lake Recreation Area near Deerfield Lake: Dutchman Campground, Gold Run Campground, Custer Trail Campground, and White Tail Peak Campground (see Figure 3-2). These campgrounds offer mountain bicycle trails, fishing, hiking trails, nature viewing, and camping areas.

Custer Trail Campground is the only campground that is accessed via South Rochford Road; the other campgrounds are accessed via Deerfield Road.

There are a variety of trails in the recreation area. Deerfield Lake is circumscribed by the Deerfield Lake Loop Trail. The lake and trail are outside of the Project Areas. North Shore Trailhead is accessed by South Rochford Road, although the trailhead can be accessed by users of Deerfield Trail. The area surrounding Deerfield Lake is within USFS's Management Area 8.2 – Developed Recreation Complexes, which is managed for recreational opportunities and visual qualities.

Build Alternatives Analysis

After the identification of Section 4(f) properties adjacent to the Project, the SDDOT analyzed the build alternatives carried forward for further consideration for the Project. Section 4(f) specifies that the Secretary of Transportation may only approve the use of Section 4(f) property only if:

(a) The Administration, for this Project would be the Federal Highway Administration (FHWA) determines:

- (1) There is no feasible and prudent avoidance alternative to the use of land from the property; and
- (2) The action includes all possible planning to minimize harm to the property resulting from such use; or

(b) The FHWA determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), will have a *de minimis* impact on the property.

During the NEPA process, two build alternatives were carried forward for detailed evaluation. Please see Figures 1-1, 1-2, 2-1, and 2-2, attached. Avoidance of Section 4(f) properties was not possible due to the nature of the Project, since South Rochford Road currently lies within the designated recreation area. At this point in the EA process, Alternative 1 has been recommended as the preferred alternative, and will be finalized in the FONSI. The following discusses the impacts of Alternative 1 to Forest Service Section 4(f) property, as well as avoidance and minimization efforts:

- Both build alternatives would require right-of-way for the roadway improvements. Right-of-way in the recreation area would be adjacent to the existing roadway and acquisition is not anticipated to modify the aesthetic, educational, historical, recreational, and/or scientific qualities of the recreational sites. Based on an estimated 50 feet on either side of the proposed centerline, approximately 4.3 acres of Forest Service Management Area 8.2 would be converted into ROW for Alternative 1.
- Bicyclists would be accommodated on the roadway, allowing an opportunity to connect the existing Mickelson Trail to the Deerfield Recreation Area via a South Rochford Road and Deerfield Road.
- Measures to minimize harm incorporated into the project include:
 - Access to Custer Trail Campground within the Deerfield Lake Recreational Complex would be maintained with phased construction of either build alternative.
 - Construction of the Project would be phased to allow traffic continuous access to the area and campground.

The public comment period for the EA was completed on May 16, 2016, and your department is being provided the draft responses to comments and questions received (see attached), which includes all public comments that were received for the Project. Now that the public comment period has ended, we are requesting written concurrence that the Forest Service agrees the Project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

If there are any questions, please contact me at (605) 773-3309.

Sincerely,



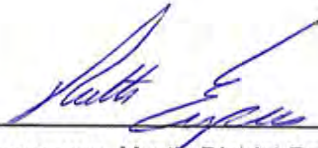
Alice Whitebird
SDDOT Project Manager

Attachments

Figure 3-1, Land Use
Figures 1-2 and 1-2, Alternative 1
Figures 2-1 and 2-2, Alternative 2
Figure 3-2, Deerfield Lake Recreation Area
Draft Responses to Comments and Questions Received
Department of the Interior - EA Review Comments

Cc: Marion Barber, FHWA
Becky Baker, HDR

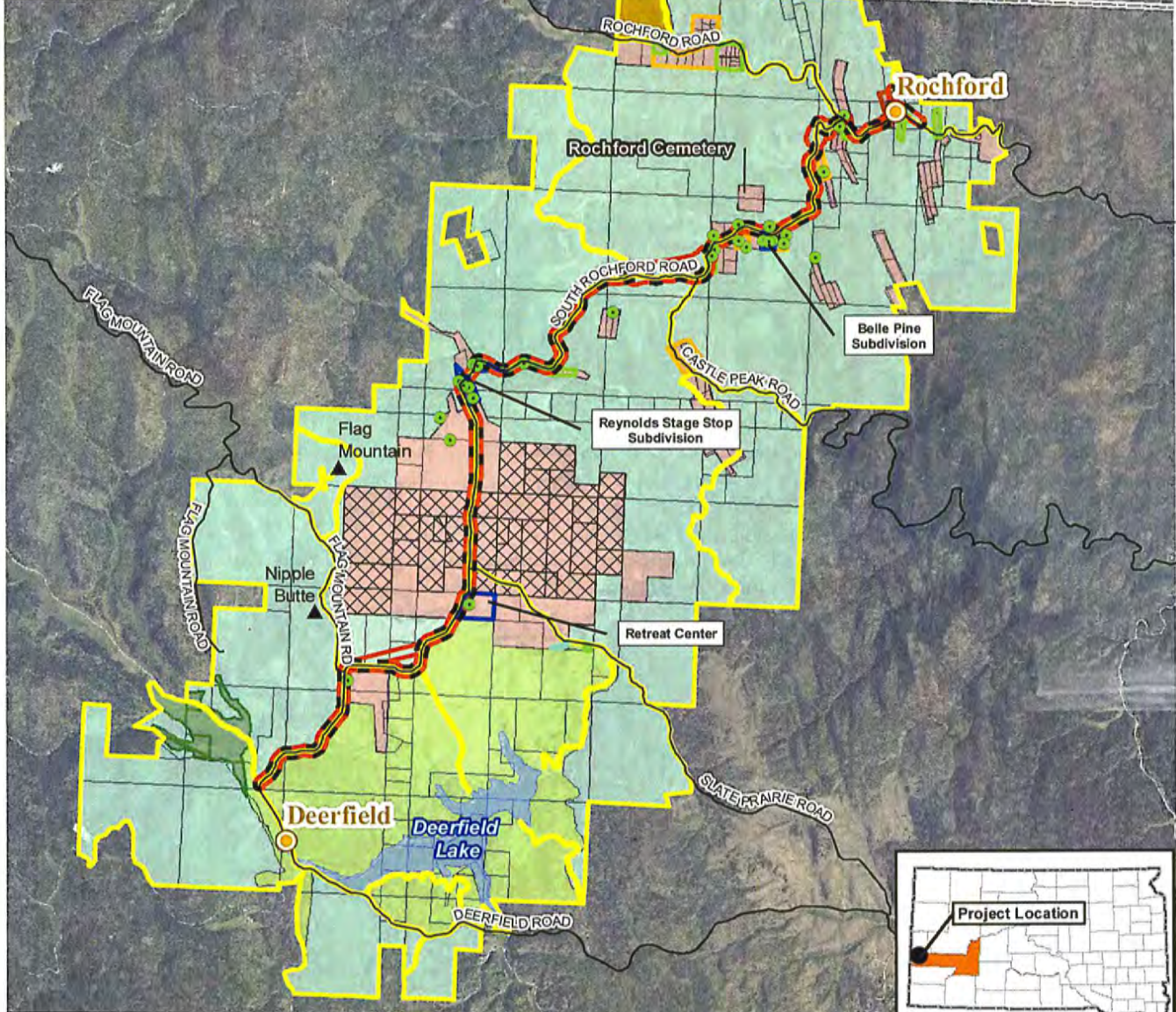
Concurrence:



Date:

6/24/16

Ruth Esperance, Mystic District Ranger
US Forest Service



Data Sources:
 USDA-FSA, 2012, NAIP Image.
 Pennington County Planning and Zoning Department, 2014, Parcel Shapefile.
 USFS, 1997, Forest Management Plan Areas, Black Hills National Forests.



Legend

- Alternative 1 Project
- Alternative 2 Project
- Land Owned by Tribes
- Rural Residence

Pennington County Zoning

- General Agriculture
- Limited Agriculture
- General Commercial District
- Highway Service District
- Low Density Residential District
- Planned Unit Development District
- Suburban Residential District

USFS Management Areas

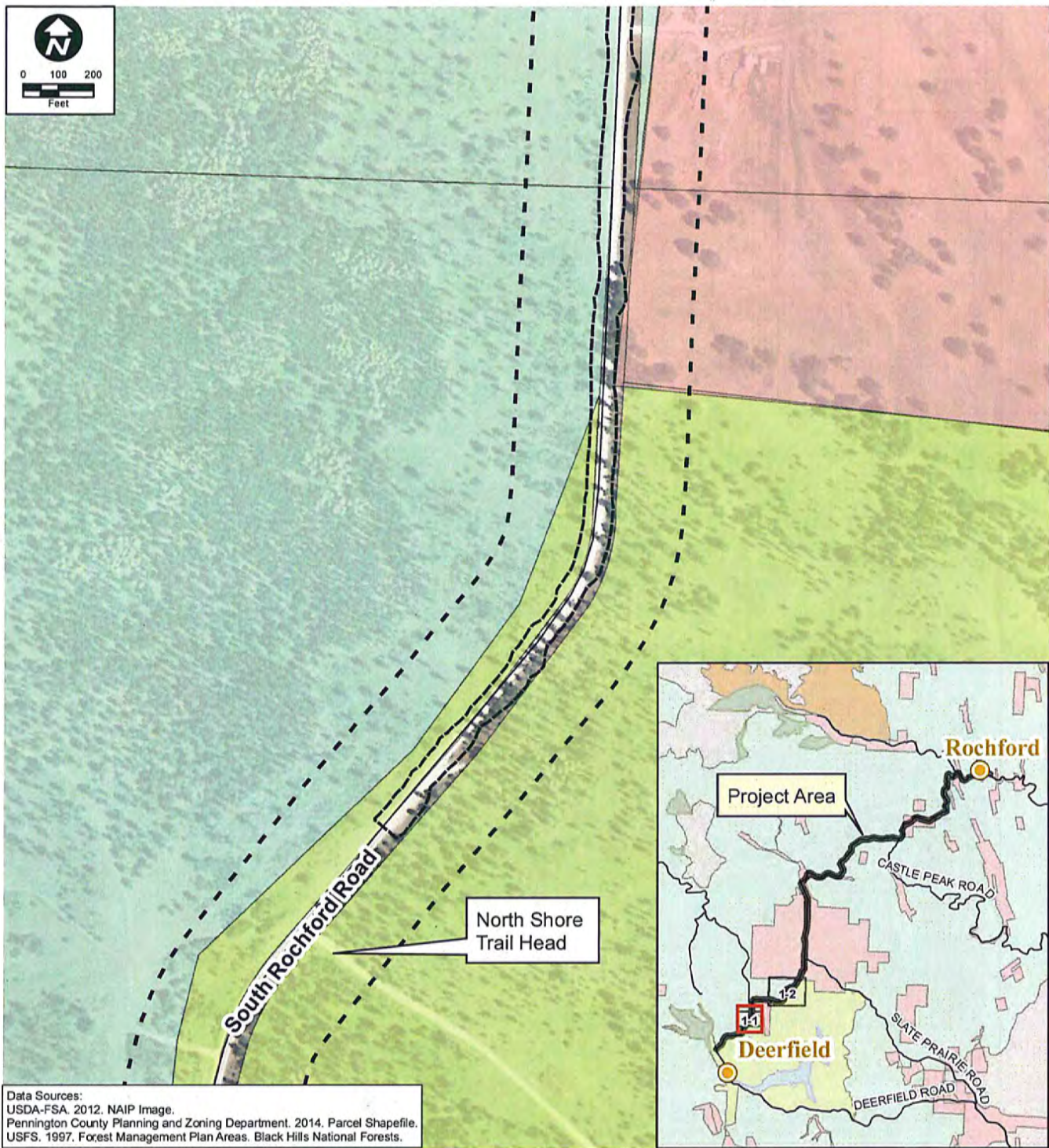
- Botanical Areas
- Limited Motorized Use and Forest Product Emphasis
- Resource Production Emphasis (Management Area)
- Developed Recreation Complexes (Management Area)
- Private
- Water



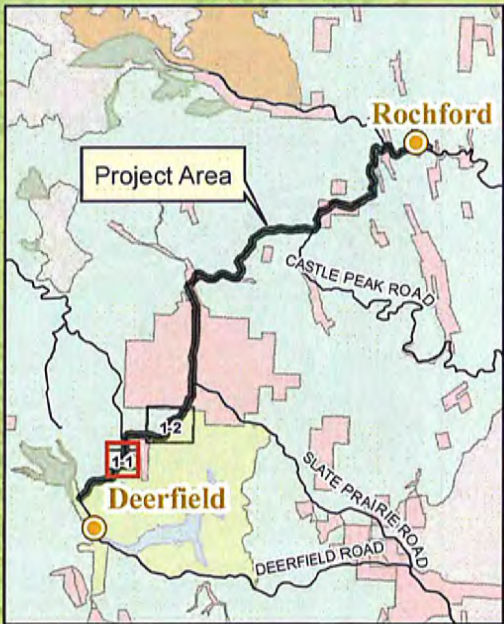
Land Use

South Rochford Road EA
 Pennington County, South Dakota

FIGURE 3-1



Data Sources:
 USDA-FSA, 2012, NAIP Image.
 Pennington County Planning and Zoning Department, 2014, Parcel Shapefile.
 USFS, 1997, Forest Management Plan Areas, Black Hills National Forests.



Legend

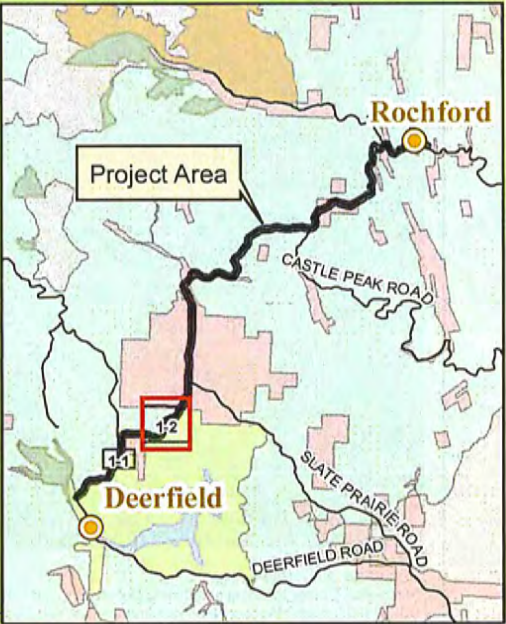
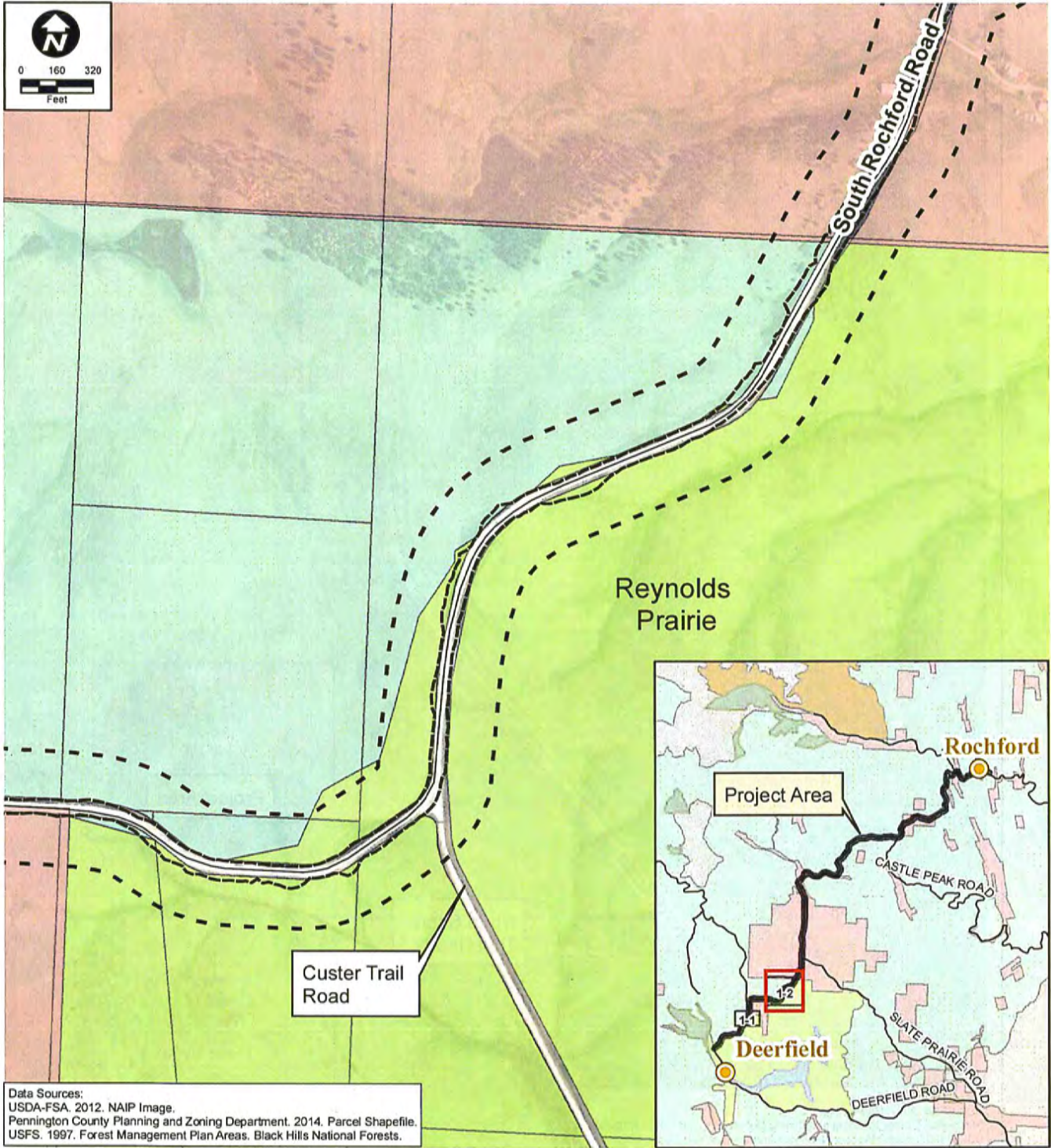
- | | |
|------------------------------|--|
| Alternative 1 Grading Limits | USFS Management Areas |
| Alternative 1 Project Area | Resource Production Emphasis (Management Area 5.1) |
| | Developed Recreation Complexes (Management Area 8.2) |
| | Private |



**Section 4(f)
 Alternative 1**

South Rochford Road EA
 Pennington County, South Dakota

FIGURE 1-1



Data Sources:
 USDA-FSA, 2012, NAIP Image.
 Pennington County Planning and Zoning Department, 2014, Parcel Shapefile.
 USFS, 1997, Forest Management Plan Areas, Black Hills National Forests.

Legend

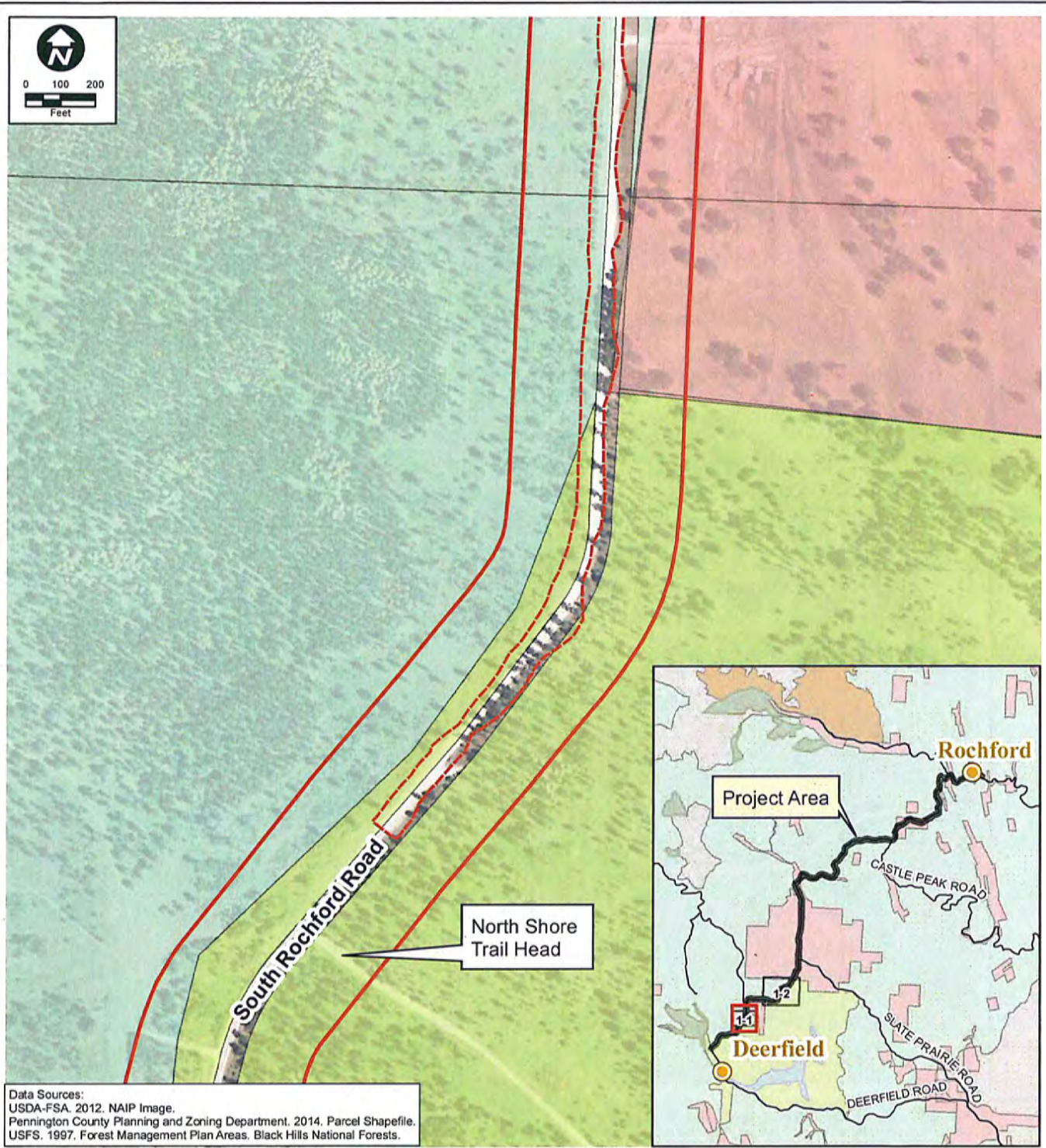
- Alternative 1 Grading Limits
- Alternative 1 Project Area
- USFS Management Areas
Resource Production Emphasis (Management Area 5.1)
- Developed Recreation Complexes (Management Area 8.2)
- Private



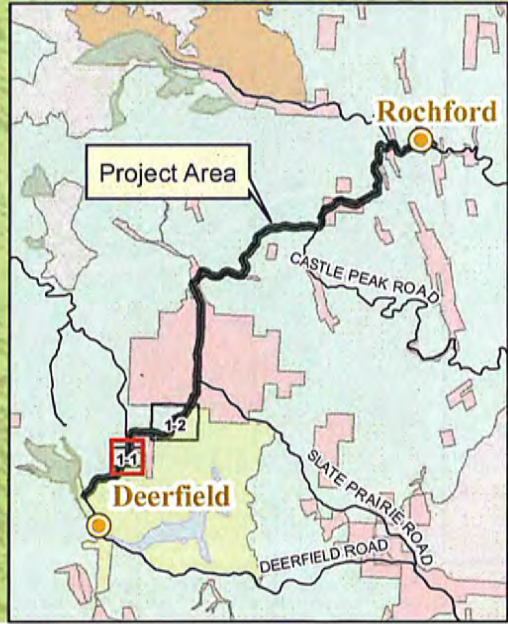
**Section 4(f)
 Alternative 1**

South Rochford Road EA
 Pennington County, South Dakota





FIGURE 1-2



Data Sources:
 USDA-FSA, 2012, NAIP Image.
 Pennington County Planning and Zoning Department, 2014, Parcel Shapefile.
 USFS, 1997, Forest Management Plan Areas, Black Hills National Forests.



Legend

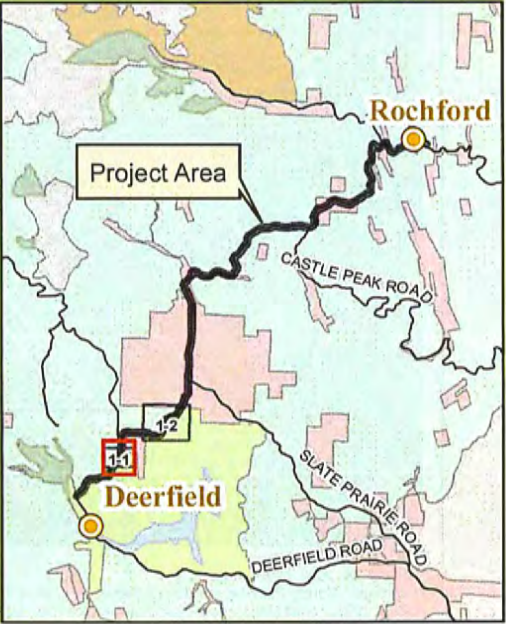
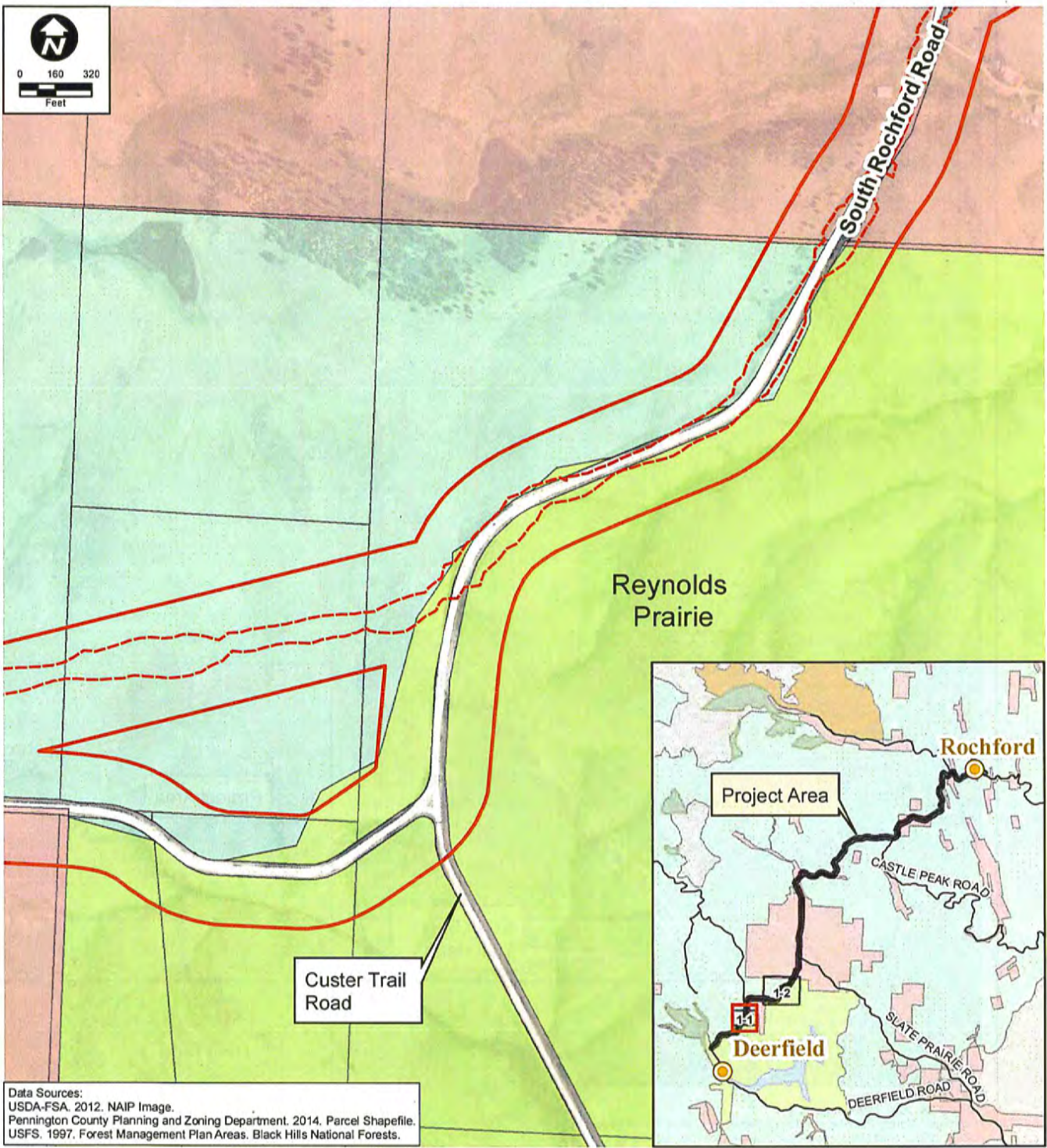
- | | |
|--|--|
|  Alternative 2 Grading Limits | USFS Management Areas |
|  Alternative 2 Project Area |  Resource Production Emphasis (Management Area 5.1) |
| |  Developed Recreation Complexes (Management Area 8.2) |
| |  Private |



**Section 4(f)
 Alternative 2**

South Rochford Road EA
 Pennington County, South Dakota

FIGURE 2-1



Data Sources:
 USDA-FSA. 2012. NAIP Image.
 Pennington County Planning and Zoning Department. 2014. Parcel Shapefile.
 USFS. 1997. Forest Management Plan Areas. Black Hills National Forests.

Legend

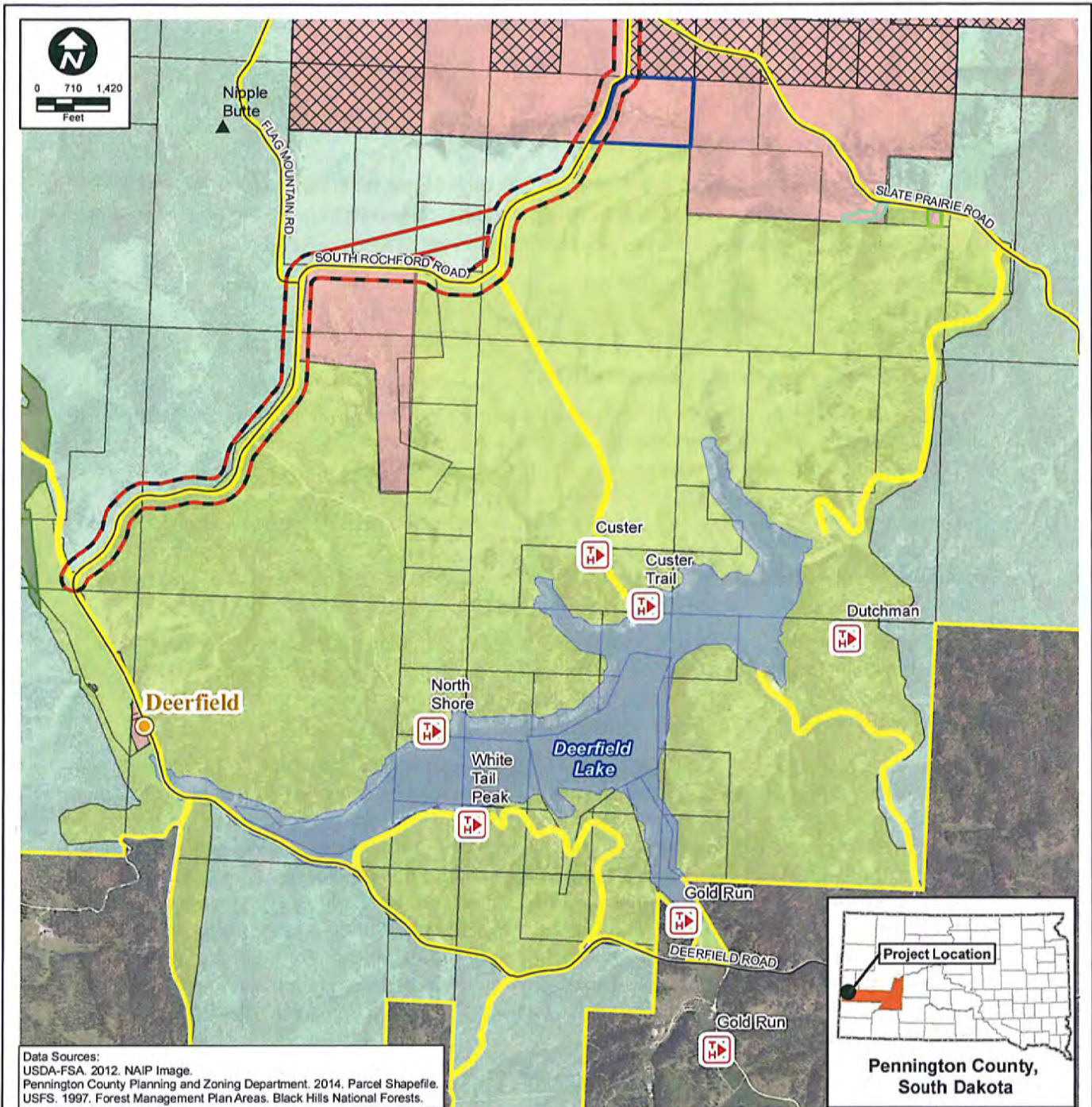
- Alternative 2 Grading Limits
- Alternative 2 Project Area
- USFS Management Areas
- Resource Production Emphasis (Management Area 5.1)
- Developed Recreation Complexes (Management Area 8.2)
- Private



**Section 4(f)
 Alternative 2**

South Rochford Road EA
 Pennington County, South Dakota

FIGURE 2-2



Legend	Pennington County Zoning	USFS Management Areas
Trail head	General Agriculture District	Botanical Areas
Alternative 1 Project Area	Highway Service District	Resource Production Emphasis (Management Area 5.1)
Alternative 2 Project Area	Low Density Residential District	Developed Recreation Complexes (Management Area 8.2)
Land Owned by Tribes	Planned Unit Development District	Private
		Water

Deerfield Lake Recreation Area
 South Rochford Road EA
 Pennington County, South Dakota

FIGURE 3-2



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007

May 9, 2016

9043.1
ER 16/0193

Ms. Virginia Tsu
Division Administrator
Federal Highway Administration
South Dakota Division
116 East Dakota Avenue, Suite A
Pierre, South Dakota 57501

Dear Ms. Tsu:

The Department of the Interior (Department) has reviewed the Environmental Assessment/Section 4(f) Evaluation for the South Rochford Road in the western half of Pennington County, South Dakota. The Department offers the following comments and recommendations for your consideration:

Section 4(f) Comments

This document considers effects to properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303§ 771.135) associated with the South Rochford Road project. The South Rochford Road project area is an existing gravel road that extends ten miles between the Town of Rochford and its intersection with Deerfield Road. The proposed project intends to reduce Pennington County's roadway maintenance costs; replace a structurally deficient bridge crossing at Rapid Creek; correct deficiencies in curves, slopes, drainage, and stormwater management along the roadway; and provide improved linkage to the rest of the county road system.

The Section 4(f) evaluation, prepared by the Federal Highway Administration (FHWA) and South Dakota Department of Transportation (SDDOT), considered the impacts to a recreational trail (Mickelson Trail), a recreational complex (U.S. Forest Service Management Area 8.2), and 55 archaeological and historic sites. A total of five build alternatives, as well as the no action alternative, were under consideration; two alternatives follow the existing alignment and three of the build alternatives would be outside the existing alignment but leave the existing alignment for local use. Those alternatives outside the alignment were characterized as avoidance alternatives, but FHWA dismissed them as not being responsive to the project's purpose and need.

The project would require the temporary occupancy of the Mickelson Trail during the period of construction. The Trail, which crosses the project area at the Rapid Creek Bridge that will be replaced as part of this project, would remain available for users. Such temporary occupancy would not constitute a Section 4(f) use. U.S. Forest Service Management Area 8.2 (Deerfield Lake Recreation Complex) is

directly adjacent to South Rochford Road. The proposed improvements would require a maximum of 4.3 acres for transportation use under the preferred alternative. The FHWA has determined that this impact is at the *de minimis* level. However, there is no evidence in this document that the U.S. Forest Service (USFS) has concurred with that determination. Should the USFS agree with the determination, the Department of the Interior would not comment further on the *de minimis* determination.

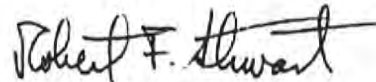
The FHWA determined that the project would have an adverse effect on properties eligible for the National Register of Historic Places. Properties include Traditional Cultural Properties, archaeological sites, and historic structures. Of the original 55 sites known for the project area, it appears that at least six sites will be adversely affected by the preferred alternative.

The Department would concur with the FHWA on a determination that there is no feasible or prudent alternative to the preferred alternative. We would not concur that all measures to minimize harm to the historic property have been included. The final evaluation would need to provide evidence that the USFS agrees with the *de minimis* determination, and include a fully executed memorandum of agreement for the historic properties affected. The Department would likely concur on the measures to minimize harm if those two elements are completed.

The Department has a continuing interest in working with the FHWA and the SDDOT to ensure impacts to resources of concern to the Department are adequately addressed. For issues concerning section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone (402) 661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,



Robert F. Stewart
Regional Environmental Officer

cc: Marion Barber



United States Department of the Interior

Office of the Secretary
Office of Environmental Policy and Compliance
1849 C Street, NW – MS 2462-MIB
Washington, D.C. 20240

JUL 18 2016

9043.1
PEP/NRM

ER16/0193

Ms. Virginia Tsu
Division Administrator
Federal Highway Administration
South Dakota Division
116 East Dakota Avenue, Suite A
Pierre, South Dakota 57501

Dear Ms. Tsu:

The Department of the Interior (Department) has reviewed the final submission from the Section 4(f) Evaluation on the South Rochford Road proposed project in the western half of Pennington County, South Dakota. The Department offers the following comments and recommendations for your consideration.

Section 4(f) Comments

This documentation considers effects to properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303) associated with the South Rochford Road proposed project. The South Rochford Road proposed project area is an existing gravel road that extends 10 miles between the Town of Rochford and its intersection with Deerfield Road. The proposed project intends to reduce Pennington County's roadway maintenance costs; replace a structurally deficient bridge crossing at Rapid Creek; correct deficiencies in curves, slopes, drainage, and stormwater management along the roadway; and provide improved linkage to the rest of the county road system.

The Section 4(f) Evaluation, prepared by the Federal Highway Administration (FHWA) and South Dakota Department of Transportation (SDDOT), considered the impacts to a recreational trail (Mickelson Trail), a recreational complex (U.S. Forest Service Management Area 8.2), and 55 archaeological and historic sites. A total of five build alternatives, as well as the no action alternative, were under consideration; two alternatives follow the existing alignment and three of the build alternatives would be outside the existing alignment but leave the existing alignment for local use. Those alternatives outside the alignment were characterized as avoidance alternatives, but FHWA eliminated them as not being responsive to the project's purpose and need.

U.S. Forest Service Management Area 8.2 (Deerfield Lake Recreation Complex) is directly adjacent to South Rochford Road. The proposed improvements would require a maximum of 4.3 acres for transportation use under the preferred alternative. The FHWA has determined that this impact is *de minimis*. The FHWA has provided supplemental information with evidence the U.S. Forest Service has concurred with that determination.

The FHWA determined that the project would have an adverse effect on properties eligible for the National Register of Historic Places. With this final supplemental information, the FHWA provided a

TRANSMITTED ELECTRONICALLY – NO HARDCOPY TO FOLLOW

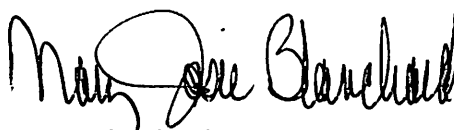
copy of a fully executed memorandum of agreement that indicates the State Historic Preservation Officer agrees with the mitigation provided for the impacts to eligible resources.

The Department would concur with the FHWA on a determination that there is no feasible or prudent alternative to the preferred alternative. We would also concur that all measures to minimize harm to the historic property have been included.

The Department has a continuing interest in working with the FHWA and the SDDOT to ensure impacts to resources of concern to the Department are adequately addressed. For issues concerning Section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Josie Blanchard". The signature is fluid and cursive, with the first name "Mary" and last name "Blanchard" being the most legible parts.

Mary Josie Blanchard
Acting Director, Office of Environmental Policy
and Compliance

cc: Marion Barber, FHWA – email
Nick Chevance, NPS – email

Section 3. Archeological and Historic Resources

MEMORANDUM OF AGREEMENT
Among
THE FEDERAL HIGHWAY ADMINISTRATION,
THE SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
To
RESOLVE ADVERSE EFFECTS REGARDING
THE SOUTH ROCHFORD ROAD PROJECT IN PENNINGTON COUNTY
PROJECT NUMBER EM-BRF 6403(06), PCN 00CL

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA), as lead federal agency, plans to provide funding for the South Rochford Road Project in Pennington County, South Dakota, pursuant to the Federal-Aid Highway Program as described in Title 23 USC§101 et seq.; and

WHEREAS, the South Dakota Department of Transportation (SDDOT) and Pennington County, propose to carry out reconstruction of approximately 10 miles of the existing South Rochford Road in Pennington County to provide an all-weather surface with improved drainage structures (Project); and

WHEREAS, FHWA has determined that the Project is an undertaking, as defined in 36 CFR § 800.16(y), and is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 52 USC § 306108 and its implementing regulations, 36 CFR § 800, and

WHEREAS, FHWA, in coordination with the SDDOT and Pennington County, has consulted with the South Dakota State Historic Preservation Officer (SHPO), interested and affected Indian tribes (tribes), and other consulting parties with a demonstrated interest in the effects of the Project on historic properties pursuant to 36 CFR § 800.2; and

WHEREAS, FHWA, in coordination with the SDDOT and Pennington County, has consulted with the SHPO, the tribes, and other consulting parties, and defined the undertaking's area of potential effects (APE) for physical effects (Figure 1) as an area subject to physical effects that is generally 500 feet wide, or 250 feet on either side of the proposed centerline along with isolated areas of curve realignments extending beyond the 500 feet corridor to encompass the limits of disturbance; and

WHEREAS, FHWA, in coordination with the SDDOT and Pennington County, has consulted with the SHPO and the tribes, and defined the undertaking's APE for visual and audible effects (Figure 1) as the 'Pe'Sla Cultural Landscape' identified in the Traditional Cultural Properties Ethnographic Report dated March 31, 2014 (TCPE Report); and

WHEREAS, FHWA formally invited 33 federally recognized resident and non-resident tribes identified as having religious and cultural ties to the Black Hills of South Dakota to consult regarding the undertaking and its potential to affect historic properties of religious and cultural significance; and

WHEREAS, FHWA has consulted with the following 14 tribes that responded and actively participated in some or all of the consultation through meetings, correspondence, and contractual arrangements (consulting tribes):

Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Crow Nation, Fort Peck Assiniboine and Sioux Tribes, Northern Arapaho Tribe, Northern Cheyenne Tribe, Oglala Sioux Tribe, Omaha Tribe of Nebraska, Rosebud Sioux Tribe, Sac and Fox Nation of Missouri in Kansas and Nebraska, Sisseton Wahpeton Oyate, Standing Rock Sioux Tribe, Yankton Sioux Tribe and Chippewa Cree Tribe; and

WHEREAS, the consulting tribes designated Ben Rhodd with the Rosebud Sioux Tribe as the point of contact for conducting the traditional cultural properties survey and preparing the TCPE Report; and

WHEREAS, FHWA, in coordination with SDDOT and Pennington County has caused to be conducted an intensive archaeological site and historic structure survey of the APE (ASHS Report); and

WHEREAS, FHWA, in consultation with the SHPO, has determined that the undertaking will have an adverse effect on Pe'Sla (an eligible traditional cultural landscape) and 5 historic properties identified as contributing to Pe'Sla, all of which are eligible for listing in the National Register of Historic Places (National Register) and the 5 properties include 39PN3546, 39PN2538, 39PN0654/KSE-3, 39PN2852, DZ-13; and

WHEREAS, FHWA, in coordination with SDDOT and Pennington County completed a revision of the design by reducing the roadway width in order to avoid 11 historic properties, all of which are eligible for listing in the National Register of Historic Places (National Register) and the 11 properties include RC-10, RC-17, DV-1, JCE-12, 39PN1256/KSE-25, KSE-16 located within the site boundary of 39PN0645, BR-28/DV-4 located within 39PN3546, DL-15, KSE-14, DL-3, DL-2; and

WHEREAS, FHWA and SHPO also reached consensus on May 15, 2015 that site 39PN2000, the Burlington Northern Railroad/Mickelson Trail, a National Register eligible property will not be adversely affected by the undertaking; and

WHEREAS, FHWA has invited each of the consulting tribes to be invited signatories to the MOA with the understanding that a signature does not indicate that the party has a particular view regarding support for the Project, but rather indicates the desire of such parties to remain involved in implementation of the terms of this Agreement; and

WHEREAS, FHWA has consulted with and was designated as lead federal agency by the United States Department of Agriculture Black Hills National Forest (BHNF) on March 27, 2012. BHNF administers some lands within the APE and has been invited to sign this Agreement as invited signatory; and

WHEREAS, FHWA has consulted with and was designated as lead federal agency by the US Army Corp of Engineers (USACE) on August 20, 2015. USACE has permitting authority under Section 404 of the Clean Water Act regarding the effects of the undertaking on historic properties and has been invited to sign this Agreement as invited signatory; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen to participate in a letter dated May 7, 2015, and pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

NOW, THEREFORE, FHWA, SHPO, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA, in coordination with SDDOT, shall ensure that the following measures are carried out:

I. CONSTRUCTION SCHEDULING TO PREVENT CONFLICTS WITH CEREMONIAL ACTIVITIES

- A. The SDDOT will consult with tribes that are parties to this Agreement to implement measures that limit construction noise and traffic control during ceremonies scheduled along the Project.
- B. Ceremonial scheduling provisions:
 - 1. The SDDOT will provide the consulting tribes a written or electronic notice of the scheduled pre-bid meeting date. The name and contact information of the SDDOT's point of contact will also be provided, in order for tribes to coordinate ceremonial events that could be disrupted by construction noise or traffic control.
 - 2. In order to limit construction-related disturbances during ceremonial events, the tribes shall provide a written or electronic notification to the SDDOT's point of contact. The notification shall include the location, date(s), start and stop times, and contact information regarding the ceremony.
 - 3. All tribes that are parties to this Agreement concur in good faith to:
 - a. Coordinate and schedule those ceremonies planned to be held on properties adjacent to the Project between Stations 10+00 and Station 230+00 (Figure 1);
 - b. Coordinate and schedule only those ceremonies that would be disrupted by construction noise or traffic control, taking into consideration the location and type of ceremony;

- c. Limit ceremonial activities, dates and times to the extent possible as to not unduly impede the construction schedule.
4. The SDDOT's point of contact will coordinate with the person that notified the SDDOT of the ceremony to establish boundaries for restricting construction activities. These boundaries will not extend beyond Station 10+00 to Station 230+00 (Figure 1).
5. For those ceremonies scheduled prior to the pre-bid meeting date, the SDDOT will ensure that the construction contract includes provisions to temporarily cease construction activities within the established boundaries.
6. For ceremonies scheduled after the pre-bid meeting date and at least one week prior to the ceremony, the SDDOT will work with the contractor to minimize disruption from construction noise and traffic control activities to the extent possible. However, honoring such requests cannot be guaranteed due to contractual constraints.
7. Minimally, construction accommodations will be planned for three known Tribal ceremonies. These known ceremonies are held up to 4 days around the time of April 25, June 21, and September 21. Since these are seasonally based ceremonies, it will be necessary for the tribes to provide the specific dates and times of these events to the SDDOT's point of contact prior to the pre-bid meeting date for these ceremonies to be included in the construction contract provisions.

II. TRADITIONAL CULTURAL PROPERTY TREATMENT PLAN (TCP TREATMENT PLAN)

SDDOT is responsible for the preparation, implementation and monitoring of a TCP Treatment Plan designed to ensure the Project's adverse effects on traditional cultural properties determined eligible for listing in the National Register are avoided, minimized or mitigated. The TCP Treatment Plan shall:

- A. Define and specify the sites and features associated with the TCP that are vulnerable to damage from the construction activities (i.e. those sites and features identified in the Preamble of this Agreement).
- B. Identify mitigation measure(s) to be used at each of the sites. Where appropriate and feasible, one of the following measures will be selected.
 1. Avoidance of pre-identified sites and features situated within the APE from physical effects, when such sites and features can be avoided. Sites and features targeted for avoidance will be designated as avoidance areas for construction equipment and personnel within the construction plans. Exclusion fencing will be used as needed to ensure equipment and personnel avoid these areas.

2. Avoidance of sites and features through Project's engineering design by constraining construction activities in the vicinity of the sites and features.
 3. Burial of features under a protective soil cap sufficient to prevent damage. The decision to bury a feature will be determined by SDDOT in consultation with FHWA, and based on the results of the geotechnical studies and any comments received by the tribes. For a period of 5 years, the SDDOT will conduct a review every 2 years (years 1, 3, and 5) to assure site stability in accordance with measures specified in the TCP Treatment Plan.
 4. If avoidance or protection of a Native American cultural feature within the limits of ground disturbing activities is not feasible, SDDOT and FHWA will consult with the consulting tribes to determine whether archaeological excavation and removal of features and cultural remains or destruction without archaeological removal is preferable.
 - a. If the tribes recommend that destruction without removal is preferable to archaeological excavation and removal of sites and features that retain traditional religious and cultural importance, the features and cultural remains will be destroyed consistent with the wishes of the tribes.
 - b. If archaeological removal is preferable, the excavation and removal of such remains will be conducted under the direct supervision of an archaeologist meeting the Secretary of Interior's professional qualification standards.
- C. The TCP Treatment Plan will include but not be limited these four components:
1. Schedule in which mitigation activities will take place.
 2. Parties responsible for carrying out the mitigation activities.
 3. Provisions for a TCP Treatment Plan Annual Completion Report to be provided to the signatory or concurring parties to this Agreement by January 30 of each year until all mitigation is complete.
 4. Include the ASHS Report dated April 1, 2014 and the TCPE Report dated March 31, 2014 by reference for a description of the Project, sites and sensitive areas, natural and cultural setting of sites and sensitive areas, geomorphology of the area, and previous archaeological investigations conducted.
- D. The TCP Treatment Plan will be reviewed as follows:
1. FHWA and the SDDOT will circulate a draft of the TCP Treatment Plan to the consulting parties. The consulting parties will be provided 30 days to review and submit their comments.
 2. FHWA and SDDOT will work with any consulting parties to resolve comments received.

3. Concerns and objections will be resolved in accordance with Stipulation VIII.
4. FHWA will ensure that the Traditional Cultural Property Treatment Plan is implemented after concerns and objections have been resolved.

III. TRIBAL MONITORING

- A. As part of the monitoring effort under Stipulation IV, tribal monitors will be employed to monitor avoidance measures at identified TCPs to ensure avoidance. The Monitoring Plan of Stipulation IV will specify roles and responsibilities of the tribal monitors.
- B. Monitors designated by THPOs will be used to monitor construction activities within designated site boundaries to ensure avoidance measures are met.
- C. A SDDOT's point of contact will coordinate with the consulting tribes to select Tribal monitors and to coordinate all:
 1. Tribal monitor activities; and
 2. Discoveries and ceremonial activities that may be deemed appropriate by the Tribes prior to disturbance or removal of TCP features; and
 3. Address tribal concerns.

IV. MONITORING FOR DISCOVERIES

FHWA, SDDOT and Pennington County, in consultation with the ACHP, SHPO, tribes and consulting parties will prepare a Monitoring for Discoveries Plan to be implemented during Project construction. This Monitoring for Discoveries Plan will be combined as a section of the TCP Treatment Plan to eliminate duplications.

- A. The Monitoring for Discoveries Plan will include the following provisions:
 1. In the event that the Contractor discovers, finds, locates, or becomes aware of any previously unrecorded historic properties which may be affected by the Project, including properties of religious and cultural significance, the contractor will immediately suspend operations at the site or sites and contact SDDOT Engineer immediately in accordance with Section 7.21A of the SDDOT's Road and Bridge Specifications. Work in all other areas of the Project may continue.
 2. The SDDOT point of contact shall notify the FHWA, SHPO, ACHP, and the consulting parties to this Agreement within two (2) working days of the discovery.

3. Within two working days of notifying the consulting parties, the SDDOT's point of contact will ensure that an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (Stipulation VI), in coordination with the tribes, investigates the work site and the resource and provide an assessment of its NRHP eligibility (36 CFR 60.4). The SDDOT's point of contact shall forward via electronic mail to the consulting parties the assessment of its NRHP eligibility and proposed treatment actions to resolve any adverse effects on historic properties. The consulting parties to this Agreement shall respond within five (5) working days of receipt of the email notification to the SDDOT's assessment of NRHP eligibility and proposed action plan. The SDDOT, in consultation with the FHWA, shall take into account the recommendations from consulting parties regarding NRHP eligibility of the resource and the proposed treatment actions, and then carry out the appropriate actions. Any concerns and objections will be resolved in accordance with Stipulation VIII.
4. The SDDOT will ensure that construction work within the affected area does not proceed until the appropriate treatment actions are developed and implemented or the determination is made that the located resource is not eligible for inclusion on the NRHP.

B. The Monitoring for Discoveries Plan will:

1. Specify procedures for addressing all types of discovery situations; and
2. Specify the construction activities and site locations where tribal monitors will be required; and
3. Include provisions for resolving unanticipated design alterations or construction activities that would have an effect on eligible or unevaluated properties that FHWA and SHPO previously determined would not be affected by the Project. FHWA, in consultation with the SHPO, determined there are additional eligible and unevaluated historic properties located within the APE that will not be affected by the Project. These include 13 sites (RC-10, RC-17, DV-1, JCE-12, 39PN1256/KSE-25, KSE-16 located within the site boundary of 39PN0645, BR-28/DV-4 located within 39PN3546, DL-15, KSE-14, DL-3, DL-2, 39PN3547, and 39PN3554) identified as contributing to the Pe'Sla Cultural Landscape and 9 historic sites which are eligible or unevaluated properties (39PN0460, 39PN0461, 39PN2082, 39PN2843, 39PN2845, 39PN3561, 39PN3080, PN00000889, and PN038 Complex) not associated with Pe'Sla. The FHWA, ACHP, and SHPO agree to resolve any unforeseen affects to these properties, should they occur; and
4. Include procedures for Treatment of Human Remains (see Stipulation V); and

5. Include procedures for handling, curating, and returning artifacts and materials located on roadway Right-of-Way, Forest Service property, and private property; and
 6. Include procedures for notifying landowners regarding archaeological discoveries on their property, and requesting they donate any artifacts that may be recovered from their property to an appropriate repository.
- C. Monitoring for Discoveries Plan acceptance:
1. The consulting parties will be provided a final draft of the Monitoring for Discoveries Plan and 30 days to review and submit their comments.
 2. FHWA and SDDOT will resolve any concerns or objections in accordance with Stipulation VIII.
 3. FHWA will ensure the Monitoring for Discoveries Plan is implemented after concerns and objections have been resolved.

V. TREATMENT OF HUMAN REMAINS

- A. Procedures for consideration of discovered human remains in accordance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001) (NAGPRA) or State burial law, as appropriate. These procedures will be specified in the Monitoring for Discoveries Plan.
- B. In the event of an inadvertent discovery of human remains or funerary objects the following steps shall be taken pursuant to South Dakota Codified Law Chapter 34-27-25, 34-27-28, and 34-27-31. If found on Forest Service property, then NAGPRA regulations at 43 CFR Section 10 will be followed:
1. The Contractor shall immediately halt construction activities within a 150 foot radius from the point of discovery and implement measures to protect the discovery from looting and vandalism. No digging, collecting or moving of human remains or other items shall occur after the initial discovery. Protection measures will include the following:
 - a. Flag the buffer zone around the find spot.
 - b. Keep workers, press, and curiosity seekers, away from the find spot.
 - c. Tarp the find spot.
 - d. Prohibit photography of the find unless requested by an agency official.
 - e. Have an individual stay at the location to prevent further disturbance until a law enforcement officer arrives.

2. SDDOT's point of contact will law enforcement, the State Archaeologist, and the Forest Service, if applicable to review the discovery to confirm they are human remains and to determine the likelihood of whether they are of Native American origin.
 - a. If local law enforcement determines the human remains encountered are likely to be of Native American origin, and not associated with a crime, the SDDOT shall notify the consulting tribes during this same 48 hour period.
- C. If the FHWA and SDDOT through coordination with the State Archaeologist determine that disturbance cannot be avoided,
 1. The State Archaeologist will determine the acceptable procedures for removal, treatment and disposition of the burial or remains.
 2. The SDDOT shall notify the tribes and make allowances for the participation of spiritual leaders to conduct appropriate ceremonies when Native American human remains or funerary objects (within the meaning of Section 2 of NAGPRA), and property of religious and cultural importance to tribes are encountered.
- D. The SDDOT shall notify the contractor that they may resume construction activities in the area of the discovery upon completion of the plan authorized by the State Archaeologist.
- E. The SDDOT shall make all reasonable efforts to ensure that the general public is excluded from viewing any Native American gravesites and associated funerary objects.

VI. PROFESSIONAL QUALIFICATIONS

All historical, archaeological, and architectural work carried out pursuant to this Agreement shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9, September 29, 1983) in the appropriate discipline. FHWA acknowledges that in accordance with 36 CFR Section 800.4(C)(1), the tribes possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance.

VII. PREPARATION AND REVIEW OF DOCUMENTS

- A. The ACHP, SHPO, tribes and consulting parties to this Agreement agree to provide comments to the FHWA and SDDOT on all plans, technical materials, findings, and other documentation arising from this Agreement within thirty (30) calendar days of receipt, unless otherwise specified in this Agreement. If no comments are received the SDDOT may assume that the non-responding party has no comment. The FHWA and SDDOT shall take into consideration all comments received in writing within the thirty (30) calendar day review period.

- B. By January 30 of each year following the execution of this Agreement until its expiration or termination, the SDDOT will provide all parties to this Agreement a summary email detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems, disputes, and objections received during the year along with actions taken by the FHWA and SDDOT in order to carry out the terms of this Agreement.
- C. The SDDOT shall provide for the preparation of a Summary Report of all mitigation and protection activities conducted under the TCP Treatment Plan and Monitoring for Discoveries Plan. The Summary Report will be completed within 6 months of completion of the Project.
- D. The SDDOT shall provide the Signatories and Invited Signatories a copy of the final Summary Report (in Adobe Acrobat format), and copies to the Concurring Parties upon request.

VIII. DISPUTE RESOLUTION

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

- B. Should any member of the public object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FHWA shall consult with such party to resolve the objection.

IX. AMENDMENTS

This Agreement shall be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

X. TERMINATION

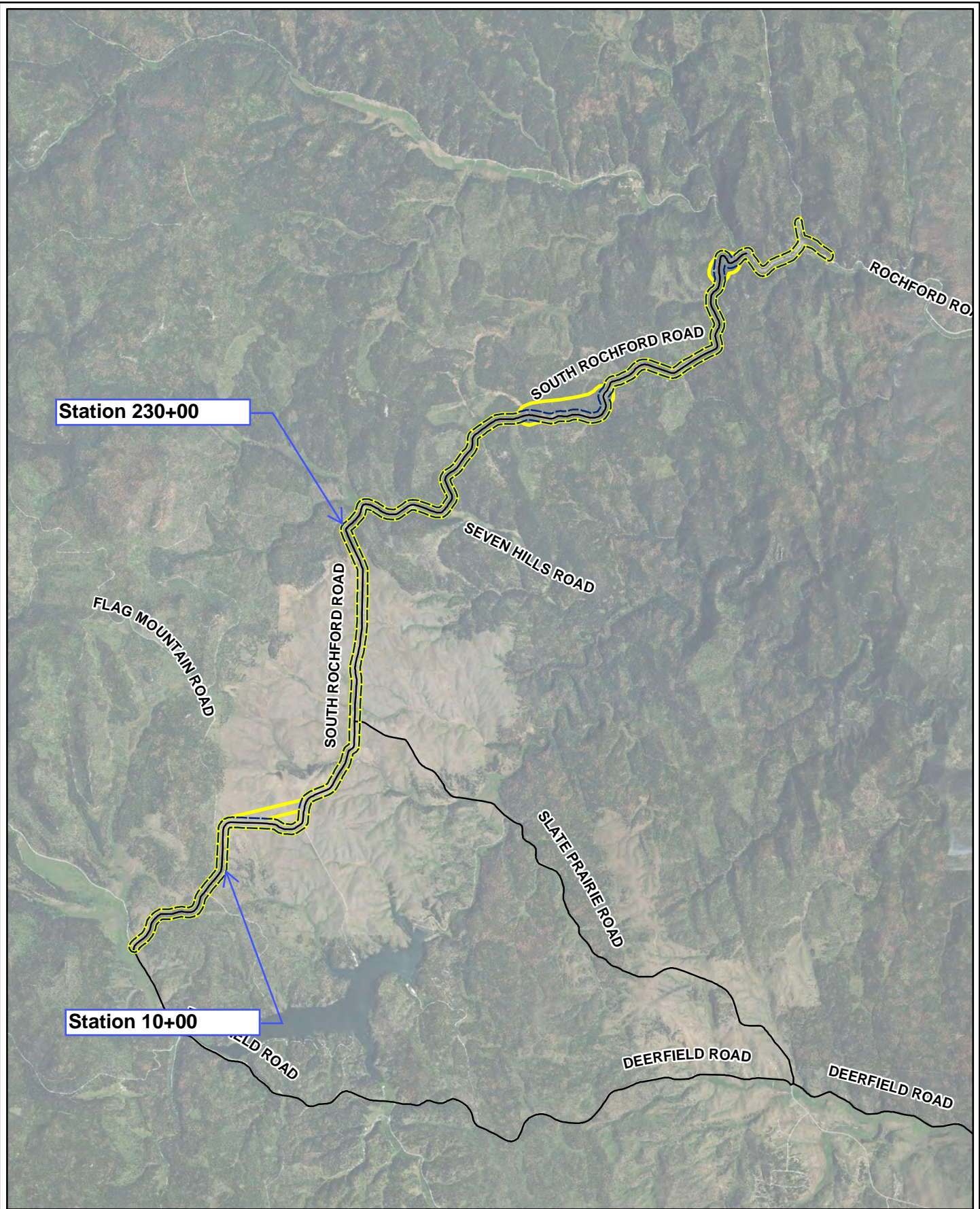
- A. If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within 30 days, agreement on an amendment cannot be reached, any signatory 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, FHWA must either (a) execute an 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. FHWA shall notify the signatories as to the course of action it will pursue.

XI. DURATION

This Agreement shall continue in full force and effect until five (5) years after the date of the last signature of a Signatory. At any time in the six (6)-month period prior to such date, the FHWA may request that the Signatories and Invited Signatories consider an extension or modification of this agreement. No extension or modification shall be effective unless all Signatories and Invited Signatories to the Agreement have concurred with it in writing. If FHWA requests an extension or modification and does not receive unanimous agreement among the Signatories and Invited Signatories, FHWA must allow the Agreement to expire and may pursue a new agreement or seek the comments of the ACHP in accordance with Stipulation X.B.

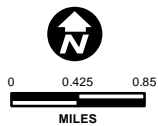
XII. EXECUTION OF AGREEMENT

- A. This Agreement may be executed in counterparts, with a separate page for each signatory. Separate pages may also be provided for each Concurring Party. The FHWA shall ensure that each Signatory, Invited Signatory, and Concurring Party is provided with a copy of the fully executed Agreement.
- B. Execution of this Agreement by the FHWA, the ACHP, and SHPO, and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.



Station 230+00

Station 10+00



Legend	
	Alternative 1 APE
	Alternative 2 APE

Area of Potential Effect (APE)

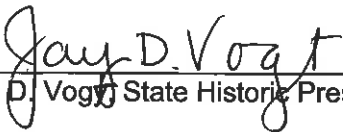
South Rochford Road EIS
 Pennington County, South Dakota

FIGURE 1

MOA AGREEMENT REGARDING THE SOUTH ROCHFORD ROAD PROJECT,
PENNINGTON COUNTY, SOUTH DAKOTA

SIGNATORIES:

South Dakota State Historic Preservation Officer


Jay D. Vogt, State Historic Preservation Officer

02-03-2016
Date

Federal Highway Administration


Marion Barber, Environmental Engineer

2/2/2016
Date

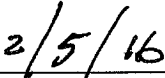
MOA AGREEMENT REGARDING THE SOUTH ROCHFORD ROAD PROJECT,
PENNINGTON COUNTY, SOUTH DAKOTA

SIGNATORY:

Advisory Council on Historic Preservation



John Fowler, Executive Director



Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORIES

South Dakota Department of Transportation



Michael Behm, Project Development Engineer

3/02/16
Date

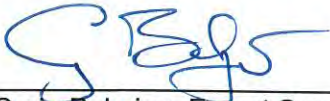
Pennington County



Thomas Wilsey, Pennington County Highway Department

2/26/16
Date

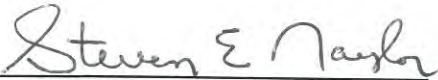
USDA Forest Service Black Hills National Forest



Craig Bobzien, Forest Supervisor

2-16-16
Date

U.S. Corps of Engineers



Steven E. Naylor, Regulatory Program Manager, South Dakota

3-3-2016
Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Cheyenne River Sioux Tribe

Harold Frazier

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Crow Creek Sioux Tribe

Roxanne Sazue

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Crow Nation

Darrin Old Coyote

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Fort Peck Assiniboine and Sioux Tribes

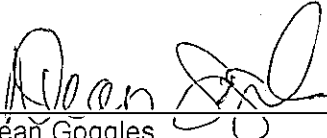
Floyd Azure

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Northern Arapaho Tribe



Dean Goggles

4-5-16

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Northern Cheyenne Tribe

Llevando Fisher

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Oglala Sioux Tribe

John Yellow Bird Steele

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Omaha Tribe of Nebraska

Vernon Miller

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Rosebud Sioux Tribe

William "Willie" Kindle

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Sac and Fox Nation of Missouri in Kansas and Nebraska

Edmore Green

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Sisseton Wahpeton Oyate

David Flute

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Standing Rock Sioux Tribe

Dave Archambault II

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Yankton Sioux Tribe

Robert Flying Hawk

Date

MOA REGARDING THE SOUTH ROCHFORD ROAD PROJECT, PENNINGTON COUNTY,
SOUTH DAKOTA

INVITED SIGNATORY

Chippewa Cree Tribe

Ken St. Marks

Date