

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

From: [Babcock, Chad](#)
To: ["dkearney@siouxfalls.org"](mailto:dkearney@siouxfalls.org)
Cc: ["Shannon R. Ausen \(shannon.ausen@siouxfalls.gov\)"](#); [Lehmkuhl, Tom \(FHWA\)](#); [Al Murra](#); [Marty Falk](#); [Ross Harris](#)
Subject: RE: IM - CR 2292(84)2, PCN 000S; NH 2115(46), PCN 08DN, City of Sioux Falls CIP #11099, and Sioux Falls #11 (2023 Bike Plan)
Date: Tuesday, September 30, 2025 4:29:13 PM
Attachments: [image001.png](#)
[Project Location Map - exit 3.pdf](#)
[Sioux Falls Bike Path Detour - Exit 3.pdf](#)

Mr. Kearney,

As we are completing final review of the I229 Exit 3 Interchange Project Environmental Assessment it has come to my attention that a correction is needed to the notification provided below.

The I229 Exit 3 Interchange Project will not result in a temporary occupancy, permanent incorporation, or constructive use to Tomar Park. Therefore, there will be no Section 4(f) use resulting from the Project to Tomar Park.

The Sioux Falls Bike Trail is a recreational trail with a segment that is located inside Tomar Park. A total of approximately 2,816 feet of the Sioux Falls Bike Trail will need to be temporarily closed for construction per the proposed project plans. To minimize impacts to trail users, there is a temporary bypass planned to maintain continuity and increase safety for trail users and construction workers. Approximately 630 feet of the existing trail and a small bridge will be reconstructed in place. This segment of trail and bridge are located inside SDDOT right-of-way. The Sioux Falls Bike Trail reconstruction and use of the trail bypass are proposed during off-peak user months. Trail reconstruction will take approximately three months to complete. Work would begin with the construction of a trail connection segment from the east sidewalk along Minnesota Avenue to the Sioux Falls Bike Trail to connect a gap for the temporary trail bypass route shown on the attached graphic. This trail connection segment will also be a permanent improvement to enhance trail user access in the vicinity of the Exit 3 interchange. The City of Sioux Falls has used the proposed temporary trail bypass for other previous infrastructure work in the vicinity, so the route has been proven to work and is also recommended for this project. A figure of the proposed reconstruction, temporary trail closure, and detour route is attached.

In addition, this segment of the Sioux Falls Bike Trail is encumbered with Land Water Conservation Funds making it a Section 6(f) property. SDDOT has consulted with Randy Kittle, LWCF Grants Coordinator, SDGF&P, who has concurred that the temporary trail closure and detour will constitute a Section 6(f) Temporary Non-Conforming Use which will not require a permit.

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 Sioux Falls Bike Trail (segment inside Tomar Park). The City of Sioux Falls is the official with jurisdiction (OWJ) over this Section 4(f) Property. The public will have an opportunity to comment on the de minimis finding at an upcoming public meeting for I229 Exit 3 Interchange Project Environmental Assessment. 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 contact me with any questions you have on the clarification described above. 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: Babcock, Chad

Sent: Wednesday, July 17, 2024 2:08 PM

To: dkearney@siouxfalls.org

Cc: Shannon R. Ausen (shannon.ausen@siouxfalls.gov) <shannon.ausen@siouxfalls.gov>; tom.lehmkuhl@dot.gov; Al Murra <amurra@sehinc.com>; Marty Falk <mfalk@sehinc.com>; Ross D. Harris <rharris@sehinc.com>

Subject: IM - CR 2292(84)2, PCN 000S; NH 2115(46), PCN 08DN, City of Sioux Falls CIP #11099, and Sioux Falls #11 (2023 Bike Plan)

Mr. Kearney

The purpose of this email is to inform the City of Sioux Falls of SDDOT's and FHWA's intent to pursue a Section 4(f) de minimis finding for impacts to Tomar Park associated with the reconstruction of the I229 Exit 3 Interchange (Minnesota Avenue) Project. The I229 Exit 3 Interchange Project includes SDDOT Project #IM 2292(84)2, PCN 000S, improvements to Minnesota Avenue SDDOT Project #NH 2115(46), PCN 08DN, associated City of Sioux Falls improvements to Minnesota Avenue, CIP #11099, and the City of Sioux Falls bike path construction (2023 Sioux Falls Bike Plan #11), and the potential use of the I-229/Louise Avenue Interchange borrow site (the need for the use of this site will be determined in final design of the project). The purpose of this project is to improve travel mobility and address geometric deficiencies at the I-229 Exit 3 interchange and along the Minnesota Avenue corridor, while also considering potential additional desirable outcomes of improving safety and nonmotorized connectivity. Project location maps are attached for your reference.

Tomar Park is a public park, owned and managed by the City of Sioux Falls, which qualifies it as a Section 4(f) property per 23 CFR 774.17. The Sioux Falls Bike Trail is a recreational trail with a segment that is located inside Tomar Park. A total of approximately 2,816 feet of the Sioux Falls Bike Trail will need to be temporarily closed for construction per the proposed project plans. To minimize impacts to trail users, there is a temporary bypass planned to maintain continuity and increase safety for trail users and construction workers. Approximately 630 feet of the existing trail and a small bridge will be reconstructed in place. This segment of trail and bridge are located inside SDDOT right-of-way. The Sioux Falls Bike Trail reconstruction and use of the trail bypass are proposed during off-peak user months. Trail reconstruction will take approximately three months to complete, currently planned from late fall 2025 to early spring 2026. Work would begin with the construction of a trail connection segment from the east sidewalk along Minnesota Avenue to the Sioux Falls Bike Trail to connect a gap for the temporary trail bypass route shown on the attached graphic. This trail

connection segment will also be a permanent improvement to enhance trail user access in the vicinity of the Exit 3 interchange. The City of Sioux Falls has used the proposed temporary trail bypass for other previous infrastructure work in the vicinity, so the route has been proven to work and is also recommended for this project. A figure of the proposed reconstruction, temporary trail closure, and detour route is attached.

In addition, this segment of the Sioux Falls Bike Trail is encumbered with Land Water Conservation Funds making it a Section 6(f) property. SDDOT has consulted with Randy Kittle, LWCF Grants Coordinator, SDGF&P, who has concurred that the temporary trail closure and detour will constitute a Section 6(f) Temporary Non-Conforming Use which will not require a permit.

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 Sioux Falls Bike Trail inside Tomar Park. The City of Sioux Falls is the official with jurisdiction (OWJ) over the this Section 4(f) resource. The public will have an opportunity to comment on the de minimis finding at an upcoming public meeting for Exit 3. 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: [Shannon R. Ausen \(shannon.ausen@siouxfalls.gov\)](#); [Lehmkuhl, Tom \(FHWA\)](#); [Al Murra](#); [Marty Falk](#); [Ross Harris](#)
Subject: IM - CR 2292(84)2, PCN 000S; NH 2115(46), PCN 08DN, City of Sioux Falls CIP #11099, and Sioux Falls #11 (2023 Bike Plan)
Date: Wednesday, July 17, 2024 2:08:44 PM
Attachments: [image001.png](#)
[Project Location Map - exit 3.pdf](#)
[Minn000S_Borrow_Map.pdf](#)
[Sioux Falls Bike Path Detour - Exit 3.pdf](#)

Mr. Kearney

The purpose of this email is to inform the City of Sioux Falls of SDDOT's and FHWA's intent to pursue a Section 4(f) de minimis finding for impacts to Tomar Park associated with the reconstruction of the I229 Exit 3 Interchange (Minnesota Avenue) Project. The I229 Exit 3 Interchange Project includes SDDOT Project #IM 2292(84)2, PCN 000S, improvements to Minnesota Avenue SDDOT Project #NH 2115(46), PCN 08DN, associated City of Sioux Falls improvements to Minnesota Avenue, CIP #11099, and the City of Sioux Falls bike path construction (2023 Sioux Falls Bike Plan #11), and the potential use of the I-229/Louise Avenue Interchange borrow site (the need for the use of this site will be determined in final design of the project). The purpose of this project is to improve travel mobility and address geometric deficiencies at the I-229 Exit 3 interchange and along the Minnesota Avenue corridor, while also considering potential additional desirable outcomes of improving safety and nonmotorized connectivity. Project location maps are attached for your reference.

Tomar Park is a public park, owned and managed by the City of Sioux Falls, which qualifies it as a Section 4(f) property per 23 CFR 774.17. The Sioux Falls Bike Trail is a recreational trail with a segment that is located inside Tomar Park. A total of approximately 2,816 feet of the Sioux Falls Bike Trail will need to be temporarily closed for construction per the proposed project plans. To minimize impacts to trail users, there is a temporary bypass planned to maintain continuity and increase safety for trail users and construction workers. Approximately 630 feet of the existing trail and a small bridge will be reconstructed in place. This segment of trail and bridge are located inside SDDOT right-of-way. The Sioux Falls Bike Trail reconstruction and use of the trail bypass are proposed during off-peak user months. Trail reconstruction will take approximately three months to complete, currently planned from late fall 2025 to early spring 2026. Work would begin with the construction of a trail connection segment from the east sidewalk along Minnesota Avenue to the Sioux Falls Bike Trail to connect a gap for the temporary trail bypass route shown on the attached graphic. This trail connection segment will also be a permanent improvement to enhance trail user access in the vicinity of the Exit 3 interchange. The City of Sioux Falls has used the proposed temporary trail bypass for other previous infrastructure work in the vicinity, so the route has been proven to work and is also recommended for this project. A figure of the proposed reconstruction, temporary trail closure, and detour route is attached.

In addition, this segment of the Sioux Falls Bike Trail is encumbered with Land Water Conservation Funds making it a Section 6(f) property. SDDOT has consulted with Randy Kittle, LWCF Grants Coordinator, SDGF&P, who has concurred that the temporary trail closure and detour will constitute a Section 6(f) Temporary Non-Conforming Use which will not require a permit.

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 Sioux Falls Bike Trail inside Tomar Park. The City of Sioux Falls is the official with jurisdiction (OWJ) over the this Section 4(f) resource. The public will have an opportunity to comment on the de minimis finding at an upcoming public meeting for Exit 3. 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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Planning and Engineering

Environmental Office
700 E Broadway Avenue
Pierre, SD 57501-2586
O: 605.773.4336
dot.sd.gov

January 12, 2022

Don Kearney, Director
Sioux Falls Department of Parks and Recreation
231 N. Dakota Avenue
Sioux Falls, SD 57104-5929

Subject: Official with Jurisdiction (OWJ) Concurrence for Section 4(f) Temporary Impact Finding for potential impacts to the Sioux Falls Bike Trail

RE: Project IM2292(83)3 N, PCN 000S, Minnehaha County, Sioux Falls Reconstruction of I-229 Exit 3

Dear Mr. Kearney:

Attached is the Approved Scope and map detailing the location of the above referenced project. This project will reconstruct I-229 Exit 3 (Minnesota Avenue). There is a need to temporarily close a segment of the Sioux Falls Bike Trail for project construction and reroute trail users to a temporary bypass. Approximately 630 feet of the existing trail and a small bridge will be reconstructed in place. The trail reconstruction and trail bypass would be proposed during off-peak user months. I have attached a map showing the work area and the affected locations of the Sioux Falls Bike Trail.

Due to the use of federal funds, the proposed transportation project is subject to the requirements of Section 4(f) of the Department of Transportation (DOT) Act of 1966, which affords protection to publicly owned parks, recreation areas, and wildlife and waterfowl refuges. The purpose of this correspondence is to document that the Official with Jurisdiction (OWJ) concurs with the listed measures to minimize harm and the assessment of impacts.

The following measures to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the environmental document:

- Access to these areas of the Sioux Falls Bike Trail will be restricted for the duration of construction activities due to safety concerns and lack of a feasible and safe detour.
- Temporary construction fencing shall be installed along proposed construction limits prior to the start of construction activities to protect the existing 4(f) property and the public.
- Appropriate signage shall be installed to alert users of the Sioux Falls Bike Trail of construction activities, access restrictions or closures, and to direct users to secondary access points.
- The staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within the defined boundaries of the 4(f) property.

- The Contractor shall be required to closely coordinate the construction schedule with SDDOT and the City of Sioux Falls prior to the start of construction activities.

In accordance with 23 CFR 774, the proposed project will have a temporary impact upon the Sioux Falls Bike Trail, based upon the following assessment:

- All possible planning to minimize harm has been incorporated into project development.
- The nature and magnitude of changes will not adversely affect the recreational activities, features, or attributes that qualified the property for 4(f) protection.
- Proposed measures to minimize harm and resulting mitigation, in regard to protecting the 4(f) property and maintaining access and safety, are considered to be reasonable and acceptable.

Based on the scope of the proposed project and type of work, there will be no permanent adverse effects to the protected recreational activities, features, or attributes associated with the Sioux Falls Bike Trail. If you concur with the measures to minimize harm and the assessment of impacts regarding the proposed project, please indicate as such by providing your signature in the space provided below at your earliest convenience so the project's environmental documentation can be completed.

Thank you for your time and cooperation on this matter. If you have questions and/or concerns, please feel free to contact me.

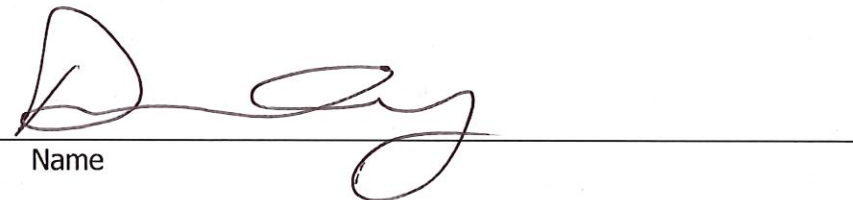
Sincerely,



Kit Bramblee
Environmental Scientist Manager
605.773.3721
kit.bramblee@state.sd.us

Attachments

OWJ Concurrence:


Name

2/10/22
Date

2 lanes of traffic need to be maintained in both directions on I229 during construction. The ramp crossovers and diversion with a temporary structure will be installed with PCN 05HN (Cliff Ave Interchange).

PCN 08DN is a city project on Minnesota Ave. from 49th St to N of 40th St in Sioux Falls that will be designed separately and will be let with PCN 000S.

There are 4 overhead cantilever signs that are located on I229 within this project and it will be determined during design if these signs will be impacted. If the signs are impacted, they shall be replaced and only one of the overhead cantilever signs should be salvaged and hauled to the Sioux Falls Area yard.

Additional Proposed Improvements:

- I229 N&S Mainline Subgrade Width between the Median Crossovers West and East of Exit 3 - The typical section will be 3 - 12' lanes with 10' inside and outside shoulders.
- Minnesota Ave from Park Access Road to W 49th St - a 4-lane divided roadway would be provided from Park Access Road to the south side of the interchange. A 3-lane for southbound traffic and a 2-lane for northbound traffic will be a divided roadway from the south side of the interchange to W 49th St.

It is the responsibility of the designer to design the project to meet or exceed the current minimum SDDOT design standards and policies. The designer shall coordinate any improvements not included in the scope of work involving grading, ROW needs, inslope flattening, and/or pipe/drainage work with the Environmental Office and assigned Transportation Planning Engineer for any additional environmental clearances that may be required. The designer shall verify with the Pavement Engineer that the surfacing recommendation provided in the Approved Scope is the most current recommendation before proceeding with the project design.

From: [Babcock, Chad](#)
To: [Ross Harris](#); [Al Murra](#); [Marty Falk](#)
Subject: FW: I229 Exit 3 Interchange Project_ Site 39MH2000 Section 4(f) No Use
Date: Tuesday, August 13, 2024 1:32:29 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Good afternoon,

Below is the consultation with and concurrence from regarding the Section 4(f) No Use determination for non-contributing segments of Site 39MH2000 in the I229 Exit 3 Interchange project area.



Chad Babcock

Environmental Manager | South Dakota Department of Transportation

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From: Lehmkuhl, Tom (FHWA) <tom.lehmkuhl@dot.gov>
Sent: Tuesday, August 13, 2024 1:29 PM
To: Babcock, Chad <Chad.Babcock@state.sd.us>
Subject: RE: [EXT] I229 Exit 3 Interchange Project_ Site 39MH2000 Section 4(f) No Use

Chad,

Thank you for providing the additional Section 106 supporting documentation through the SharePoint.

As the impacted segment associated with the I-229, Exit 3 Project has been determined by SHPO as non-contributing to the eligibility of Site 39MH2000 (historic Burlington Northern Railroad grade) then FHWA agrees with the determination that there is no direct use of the historic property by the I-229, Exit 3 project for purposes of Section 4(f). Therefore, the requirement of Section 4(f) do not apply to NRHP eligible Site 39MH2000 for this project undertaking.

Please retain this correspondence in the project file as the determination of compliance with the requirements of Section 4(f) to this resource.

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: Monday, August 12, 2024 2:32 PM

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

Subject: FW: I229 Exit 3 Interchange Project_ Site 39MH2000 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.

From: Babcock, Chad

Sent: Monday, August 5, 2024 3:49 PM

To: tom.lehmkuhl@dot.gov

Cc: Lamfers, Jozef <Jozef.Lamfers@state.sd.us>

Subject: I229 Exit 3 Interchange Project_ Site 39MH2000 Section 4(f) No Use

Tom,

I have attached the findings for Site 39MH2000 from the **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. I have also highlighted the pertinent findings for segments associated with the I229 Exit 3 Interchange project below. The report, identified above, was included in September 2023 coordination which resulted in a continued No Adverse Effect Concurrence from SHPO which included both the I229 Exit 3 & 4 Interchange Projects. On September 12, 2023, SHPO also concurred that the segments of site 39MH2000 which are inside the Exit 3 and Exit 4 APE's were not integral to the overall eligibility of site 39MH2000. The report and SHPO coordination are available for your review in the SharePoint folder:  [Section 106 documents](#).

The I229 Exit 3 Interchange Project includes SDDOT Project #IM 2292(84)2, PCN 000S, improvements to Minnesota Avenue SDDOT Project #NH 2115(46), PCN 08DN (CIP #11100) and the City of Sioux Falls bike path construction (2023 Sioux Falls Bike Plan #11) and a potential State Furnished Borrow Option at the I229 Louise Ave Exit. An Environmental Assessment is currently in development for this project. The project APE remains the same as that coordinated in September 2023, described above.

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 3 Interchange Project to include the project description provided above. I have attached a copy for your reference.

I have copied Jozef Lamfers, SHPO, to clarify that the I229 Exit 3 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.

Because the segments of site 39MH2000, impacted by this project, are not integral to the overall eligibility of site 39MH2000 I am requesting your concurrence that the segments are 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

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July, 18, 2024

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, Minnehaha County; I229 Exit 3 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 3 Interchange, Minnesota Avenue Improvements, bike path construction (2023 Sioux Falls Bike Plan #11), 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(84)2, PCN 000S, improvements to Minnesota Avenue SDDOT Project #NH 2115(46), PCN 08DN (CIP #11100), the City of Sioux Falls bike path construction (2023 Sioux Falls Bike Plan #11) 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

Jozef Lamfers
Review & Compliance Archaeologist

CC:

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



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.

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" with a long, sweeping horizontal line extending to the right.

Jozef Lamfers
Review & Compliance Archaeologist

CC:

Cassie Vogt - Archaeological Research Center

Lynn Griffin - Archaeological Research Center

