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April 25, 2023

Jozef Lamfers, Review & Compliance Archaeologist

State Historic Preservation Office

Cultural Heritage Center

900 Governors Drive

Pierre, SD 57501-2217

**Subject: Official with Jurisdiction (OWJ) Notification of Section 4(f) Exception for Archeological Sites That Are On or Eligible for the National Register [23 CFR 774.13(b)]**

**RE: Project NH-P 0042(59)373, PCN 03TE, Minnehaha County**

SD42 - Fm the Big Sioux River Bridge to the IA State Line

Grading, PCC Surfacing, Curb & Gutter, Sidewalk, ADA, Storm Sewer, Lighting, Signals

SHPO Project:200204001F

Dear Mr. Lamfers:

Attached is the Approved Scope and map detailing the location of the above referenced project. This project will include grading, surfacing, curb & gutter, sidewalk, ADA, storm sewer, lighting, and signals along SD42, from the Big Sioux River Bridge to the Iowa State Line. The Illinois Central Railroad (39MH2018), a property which is eligible for inclusion in the National Register of Historic Places, is located within the existing SD42 ROW, parallel to the project corridor. I have attached a map showing the work area and the Section 4(f) property.

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, wildlife and waterfowl refuges, and historic sites. The purpose of this correspondence is to document that the Official with Jurisdiction (OWJ), your office/the SHPO, does not object to the application of a 4(f) exception in association with the Illinois Central Railroad (39MH2018).

In accordance with 23 CFR 774.13(b), archeological sites that are on or eligible for the National Register qualify as an exception to Section 4(f), when:

* The Administration concludes that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and
* The official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the Administration’s finding.

During Section 106 coordination efforts, SDDOT, on behalf of FHWA, determined that Project NH-P 0042(59)373, PCN 03TE will have an Adverse Effect on historic properties, based upon impacts to the Illinois Central Railroad (39MH2018). Your office concurred with this determination on February 11, 2020 (SHPO Project:200204001F). Based on survey and documentation, the 15-mile resource consists of a discontinuous grade and features including: five recorded bridges (MH00000950, MH00002434, MH00002467, MH000002468, MH000002469); two extant standing structures (MH00000090, the railway’s roundhouse, and MH00001388, the Illinois Central Passenger Depot); eight culverts, three wooden bridge posts, and one piece of displaced rail). No ties, ballast, hardware, or signage associated with the Illinois Central railroad were recorded. Efforts to reduce the impact to this resource have resulted in the avoidance of all structures and contributing features associated with the railroad, except for 3-miles of discontinuous grade.

A Memorandum of Agreement is being prepared to take into account and mitigate the effect of the undertaking on the Illinois Central Railroad (39MH2018). The MOA is still in draft form but is anticipated to include mitigation measures that will document the entire length of the Illinois Central Railroad (39MH2018) trackage in South Dakota, including the generation of a historic narrative focused on the railroad and an intensive documentation of the entire resource. The current project will impact approximately 3 miles of the Illinois Central Railroad (39MH2018) but will avoid all eligible structures and features. The most intact portions of the railway will remain outside the project limits. Based on this minimization of impact and the nature of the railroad resource, SDDOT and FHWA have determined that the portion of site 39MH2018 being impacted by the project has minimal value for preservation in place and the resource is important chiefly because of what can be learned through mitigation/data recovery efforts. The ensuing MOA resulting from Section 106 effect resolution will stipulate the nature and extent of mitigation efforts associated with this resource.

If you **do not object** to the application of a 4(f) exception in association with the Illinois Central Railroad (39MH2018), 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,



Emily Calhoun, MA, RPA

Environmental Scientist

605.773.3436

CC: Jenna Carlson Dietmeier, SHPO

Attachments

**Project NH-P 0042(59)373, PCN 03TE, Minnehaha County**

**SHPO Project:200204001F**

OWJ **Does Not Object** to application of exception to Section 4(f) detailed at 23 CFR 774.13(b) in association with the Illinois Central Railroad (39MH2018).:

Name Date