

DRAFT SECTION 4(f)/6(f) EVALUATION

PROJECT NH-PH 0085(20)26 PCN 0555 LAWRENCE COUNTY
US85 from Jct. US385 to Cemetery Street in Deadwood
Grading, Curb & Gutter, Lighting & Surfacing

Pursuant to 23 USC § 138 & 49 USC § 303

U. S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
THE STATE OF SOUTH DAKOTA
Department of Transportation

Signed:  10/18/2012
FHWA Environmental Specialist Date

Signed:  10/18/2012
SDDOT Environmental Scientist III Date

DRAFT SECTION 4(f)/6(f) EVALUATION

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DRAFT SECTION 4(f)/6(f) EVALUATION

PROJECT NH-PH 0085(20)26 PCN 0555 LAWRENCE COUNTY Reconstruct US85 from the US385 Junction to Cemetery Street in Deadwood, SD Grading, Curb & Gutter, Lighting, Sidewalk & Asphalt Concrete Surfacing

I. INTRODUCTION

Section 4(f) of the US Department of Transportation (USDOT) Act of 1966 established the requirement for consideration of publically owned park and recreation land, wildlife and waterfowl refuges, and historic sites in transportation project development. The law, now codified in 49 USC § 138, is implemented by the Federal Highway Administration (FHWA) through the regulation 23 CFR § 774. Section 4(f) applies to projects that receive funding or requires approval by an agency of the USDOT, in this case, FHWA.

Section 4(f) requires FHWA to avoid any use of Section 4(f) property unless there is no feasible and prudent alternative to using the land, or unless the impact will be *de minimis*. Where the use of property cannot be avoided, FHWA may approve, from the remaining alternatives that use Section 4(f) property, only the alternative that causes the least overall harm, as determined by balancing various factors set forth in 23 CFR §774.3(c).

The *Land and Water Conservation Fund Act (LWCF)* of 1965 was enacted to establish a funding source to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs. Federal assistance (funds) from the Act are authorized to the States for the planning, acquisition, and/or development of needed land and water or utilized, directly, by Federal agencies for the acquisition and development of "certain lands". Section 6(f) of the Act requires that all properties "acquired or developed, either partially or wholly, with LWCF funds" must be maintained as such in perpetuity. Section 6(f)(3) states that those properties acquired or developed with LWCF funds shall not be converted to a use other than public outdoor recreation without the approval of the Secretary of the Department of the Interior, acting through the National Park Service and at the request of the state delegate/State Liaison Officer.

II. PROPOSED PROJECT

The South Dakota Department of Transportation (SDDOT) proposes to reconstruct a 1.54 mile segment of US85 in Deadwood. The project will be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) design standards while taking into consideration the unique historic and scenic characteristics of Deadwood. (See Attachment 1: Title Sheet and Attachment 2: Typical Sections.)

III. PURPOSE AND NEED FOR THE PROJECT

The purpose of this project is to provide a safe and efficient transportation system that will accommodate current and projected traffic volumes for the next 20 years. The project will improve traffic movement through Deadwood, increase safety for the travelling public by reducing the number and severity of accidents on this segment of US85 and improve safety for pedestrians by providing ADA compliant curb and gutter, and sidewalks.

The City of Deadwood is located in the northern Black Hills of South Dakota and is the county seat of Lawrence County. Deadwood has a land area of 4.5 square miles and a

population of 1,270. In 1964, the entire city of Deadwood was designated as a National Historic Landmark. In 1989, gambling was legalized, which brought significant new revenues and economic development to Deadwood. Revenue from gambling enabled the City to preserve its historic buildings and dramatically increase tourism. The City's colorful history, legalized gambling and proximity to numerous tourist and recreational facilities in the Black Hills makes Deadwood a major tourist destination year round.

US85 in the project area was originally constructed in 1939 and was resurfaced in 1993. It is on the National Highway System and is classified as a rural principal minor arterial highway. It is a major north/south route in western South Dakota used for interstate and interregional travel, commuting and the transport of goods. This segment of highway currently consists of two 12-ft. driving lanes with 2-ft. shoulders. Parallel parking exists along portions of both sides of the road. Sharp horizontal curves limit sight distance along the project and there are no sidewalks along portions of the project.

The current average daily traffic (ADT) for this segment of US85 is 6,500 vehicles per day, with trucks comprising 14.2% of this traffic. By the year 2023, the ADT is projected to increase to 9,300 vehicles per day. Between January 1, 2009 and January 1, 2011, twenty accidents took place along the project corridor. Ten of these accidents were the result of rear end collisions and two accidents took place as motorists attempted to turn left and hit oncoming traffic. Eight people were injured and approximately \$98,917.00 in property damage was incurred.

IV. SECTION 4(f) PROPERTIES & IMPACTS

A. Site 39LA1972

A 53-ft. long quarry stone retaining wall that runs perpendicular to US85. The wall is located on private property. (See Attachment 3: Section 4(f) Properties and Attachment 4 photos). Approximately 5 feet of the wall will be impacted the project. The wall has been determined eligible for listing on the NRHP.

B. Site 39LA1973

A 95-ft. long concrete and quarry stone retaining wall that runs horizontal to US85. This wall is located on private property. (See Attachments 3 and 4.) -five and one half feet of the wall is constructed of concrete and 9.5-ft. is constructed of quarry stone. Only the stone portion of the wall is Eligible for listing on the NRHP. The entire wall will be impacted by the project.

C. Deadwood Historic District

A portion of the project lies within the Deadwood National Historic Landmark District, the Deadwood Historic District, which is listed on both the State and National Register of Historic Places, and a portion of the local historic district. The Deadwood Historic District is identified on Attachment 3. The project will require the use of approximately 0.06 acres of the district for highway purposes. The State Historic Preservation Office has determined that two hillside cuts located at Stations 23+00 R and 61+00 R, would have an Adverse Effect on the environs and landscape of the Deadwood Historic District. (See Attachment 5: SHPO Adverse Effect Determination.) The hillside cut at Station 23+00 is located outside the Historic District boundaries.

D. Richard Gordon Memorial Park

Gordon Park is a 0.9 acre public park managed by the City of Deadwood Public Works Department. The park is located in the northeast quadrant of the US85/Cemetery Street

intersection (see Attachment 6). The park was enhanced with LWCF funds and subject to Section 6(f)(3) of the LWCF Act. Activity areas within the park include a picnic area with charcoal grills and picnic tables, a shelter, gazebo and a parking lot. The project would require the use of approximately 0.027 acres (1174 ft²) of Gordon Park for highway purposes. The impacted park land is highlighted in yellow on Attachment 6. The impact will not adversely affect the features, attributes or activities that qualify the property for protection under Section 4(f). The City of Deadwood concurs that the amount and location of the property to be used will not impair the remaining Section 4(f) land, in whole or in part, for its intended purpose. (See Attachments 7 and 8, letters from Deadwood Mayor Francis Toscana and Jim Raysor, Deadwood Public Works Director.) As defined in CFR §774.17, the project impacts to Gordon Park constitutes a *de minimis* use.

V. ALTERNATIVES CONSIDERED

As 23 CFR 774.3 states, FHWA may not approve the use of a Section 4(f) property unless they determine there is no prudent and feasible alternative to the use of the property or that the use of the Section 4(f) property would be a *de minimis* impact. According to 23 CFR 774.17(3), an alternative is not prudent if it compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.

A. No-Build

With the No-Build alternative, there would be no use of park or historic resources subject to Section 4(f) regulations, however, the existing highway deficiencies would remain. This alternative does not meet the purpose and need for this project which is improve traffic flow through Deadwood, and increase safety for the traveling public and pedestrians. Alternative A was therefore discarded.

B. Reconstruct US85 Without Widening

Option B would reconstruct US85 without widening the highway. While this option would also avoid impacts to Section 4(f) resources, it does not meet the purpose and need for the project and was discarded.

C. Construct US85 at a New Location

The alternative of constructing this segment of US85 on a new location east or west of the existing alignment was also considered. However, this option would result in greater impacts to Gordon Park, Deadwood Memorial Hospital and to homes and businesses along the project. In addition, there are 37 NRHP Eligible properties along the project corridor. Attachment 9 contains a list of historic properties adjacent to US85 and a topo map showing the property locations. Constructing US85 at a new location would cause greater impacts to other historic resources adjacent to the project. In addition, since the advent of legalized gambling in Deadwood, property values have skyrocketed. Property acquisition associated with Alternative C would result in extraordinary ROW costs. Alternative C was therefore determined not feasible or prudent, and was dropped from consideration.

D. Reconstruct Along the Existing Alignment

Alternative D, the preferred alternative, would improve US85 along the existing corridor. It was originally proposed to reconstruct this segment to a three-lane facility consisting of two 12-ft. driving lanes with an 11-ft. center turn lane for the length of the project. On-street parking would also be eliminated for the length of the project. After public input, the decision was made to stripe the reconstructed highway as a three-lane in some sections and as a two-lane in other sections to accommodate on-street parking until traffic volumes warrant going to three lanes. After construction, on-street parking will be provided from Stations 67+50 to 76+00 Left, Stations 78+00 to 81+50 Right and from Stations 90+00 to 93+79 Left. The alignment will shift at two locations to maintain parking at a hardware store and avoid impacts to utilities. The project will also include curb and gutter, storm sewer, sidewalk, lighting, ADA upgrades, surfacing and access management. Grass boulevards will be installed through the Charles Street area. There will be a 1214-ft. grading exception from Sta 42+31 to Sta 54+45 (Gulches of Fun to Burlington Street), however, new sidewalk will be constructed in this section and the street will be milled and overlaid.

Alternative C would increase safety for the traveling public by constructing a center turn lane on portions of the project, which will help reduce the potential for rear-end and turn movement accidents. Sight distance improvements from the hillside cuts would also reduce the potential for accidents at private and business driveways along the project, and would also minimize icy conditions during winter by allowing sunlight to reach the road. Pedestrian safety would improve with the addition of sidewalks where none now exist

Although Alternative D would not avoid Section 4(f) properties altogether, it would cause the least overall harm to Section 4(f) resources along the project corridor.

VI. MEASURES TO MINIMIZE HARM TO THE SECTION 4(f) RESOURCES

As described in the previous section, there are no alternatives that can meet the project's purpose and need and avoid all Section 4(f) resources. To avoid impacting a greater number of Section 4(f) resources along the project, the project was designed to minimize right-of-way take along the corridor. The following measures were jointly developed between SDDOT, SHPO and the Deadwood Historic Preservation Officer (DHPO) and will be implemented on the project to mitigate the impacts to the Section 4(f) resources:

A. Deadwood Historic District and Sites 39LA1972 & 39LA1973

- i. **Photographic Documentation** – SDDOT will submit photographic documentation of sites 39LA1972 and 39LA1973 to the SHPO and DHPO. This will include digital color photographs that meet the National Register of Historic Places photograph standards, which means photos that are at least 2000 x 3000 pixels at 300 dpi, saved as a TIFF, submitted on CDs. SHPO and DHPO must approve the documentation prior to work commencing on the walls.
- ii. **Reuse of Impacted Quarry Stone** – The impacted stones from sites 39LA1972 and 39LA1973 will be reused on a portion of a new retaining wall that will be constructed in the same vicinity of these properties. The remaining section of new wall at that location will be constructed with quarry stone. SHPO and DHPO will review and approve the plans for the new wall prior to work commencing.

- iii. **Interpretive Signage** - The project will fund the development and installation of six interpretive signs at locations agreed upon by the consulting parties. The topic of the signs will relate to the history of Deadwood. DHPO will develop and coordinate the signs to ensure the new signs match other interpretive signs in the Deadwood Historic District.
- iv. **Decorative Lighting** – SDDOT will use historically compatible lighting within the Deadwood National Historic Landmark boundary. The style of lighting will be agreed upon by SDDOT, SHPO and DHPO. The City of Deadwood will cover any costs for historic lighting above the cost of standard lighting.
- v. **Decorative Railing** – SDDOT will use decorative guardrails and handrails where needed along the project. The rails will be compatible with the historic character of Deadwood. The style of railings will be agreed upon by the SDDOT, SHPO and DHPO. All new guardrail and handrail installed on the project will comply with the AASHTO Manual for Assessing Safety Hardware (MASH), which provides crash testing criteria for highway safety hardware.

B. Richard Gordon Memorial Park

- i. Access to the park will be maintained during construction.
- ii. Areas where the soil is disturbed will be restored and revegetated according to an erosion control plan that will be made part of the project plans.
- iii. The City plans to expand a park in another area of Deadwood to mitigate the project's Section 6(f) impact on Gordon Park. (This is will be Draftized at a later date.)

VII. OTHER IMPACTS

Temporary increases in dust and noise levels will occur during construction.

VIII. COORDINATION

The project was coordinated with the City of Deadwood, National Park Service, SD Department of Game Fish and Parks, SD Department of Environment and Natural Resources and the U. S. Fish and Wildlife Service. Copies of the agency comment letters are contained in Attachment 10. The project will not require a US Army Corps of Engineer's 404 permit. Consultation was also initiated with the following tribes that have expressed interest in lands lying within Lawrence County: Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Sisseton-Wahpeton Oyate, Standing Rock Sioux Tribe and the Yankton Sioux Tribe. No tribal comments were received.

On August 24, 2010, a public information meeting was held to discuss the project. Eighty to one hundred people attended the meeting. The preliminary design presented at the meeting was modified to reflect public comments. (See Attachment 11: Public Meeting Summary.)

On July 19, 2012, a meeting was held in Deadwood between SDDOT, SHPO and the DHPO to discuss the project and develop mitigation measures for project impacts to Section 4(f)/historic properties. (See Attachment 12: Meeting Notes.) In accordance with 36 CFR §800, the Advisory Council on Historic Preservation (ACHP) was provided with documentation on the project's adverse effect on properties on or eligible for listing on the

NHRP and was invited to participate in the resolution of adverse effect. The ACHP determined that participation in the consultation to resolve adverse effects was not necessary (see Attachment 13). The SDDOT consulted with the landowner on whose property the quarry stone walls are located by providing information on the impacts to the walls and the measures that will be taken to mitigate the impacts.

IX. CONCLUSION

Based on the above considerations, there is no feasible and prudent alternative to the use of land from Gordon Memorial Park, the Deadwood National Historic Landmark or from Sites 39LA1972 and 39LA1973. The proposed action includes all possible planning to minimize harm from these Section 4(f) properties resulting from such use.

STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
PLANS FOR PROPOSED

PROJECT NH-PH 0085(20)26
US HIGHWAY 85
LAWRENCE COUNTY

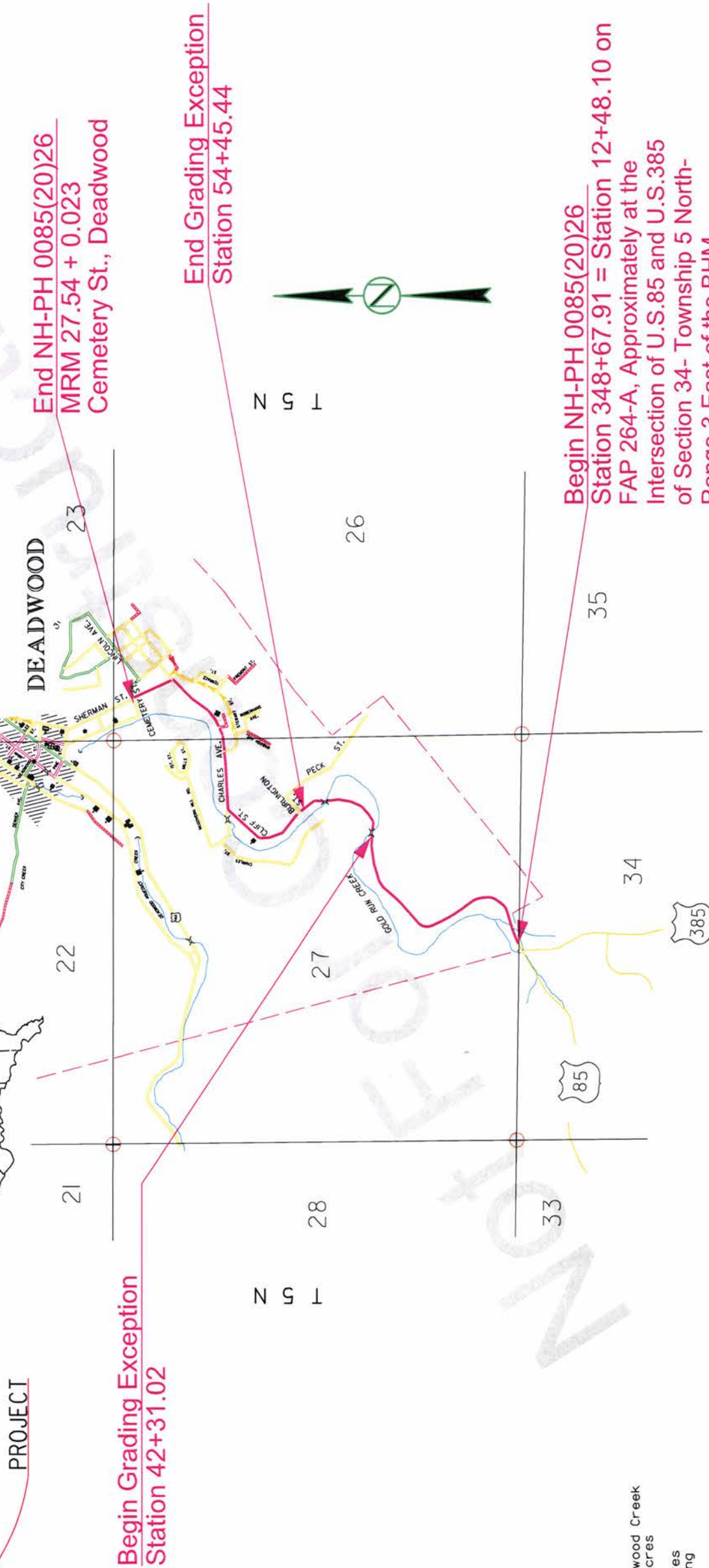
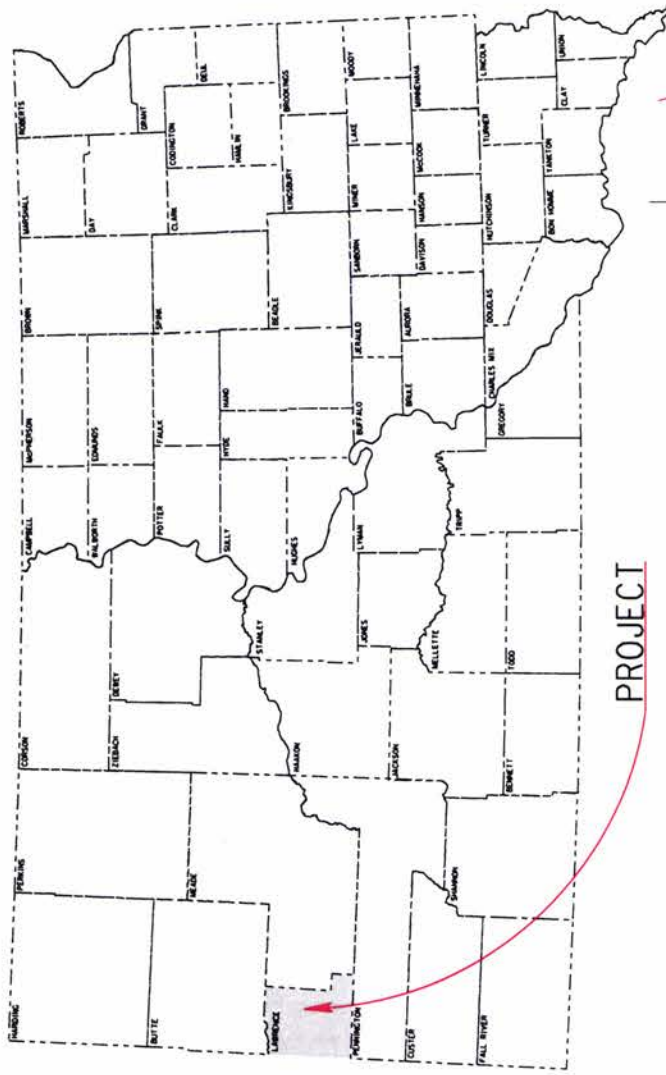
GRADING, STORM SEWER, C & G, SURFACING ASPHALT
CONCRETE, ROADWAY LIGHTING & SIGNAL UPGRADE
PCN 0555

INDEX OF SECTIONS

Section A:	Estimate of Quantities
Section B:	Grading Plans
Section C:	Traffic Control Plans
Section D:	Erosion And Sediment Control Plans
Section E:	Structure Plans
Section F:	Surfacing Plans
Section X:	Cross Sections
Section Z:	Pipe Sections

STATE OF SOUTH DAKOTA	PROJECT	TOTAL SHEETS
NH-PH.0085(20)26		1

Plotting Date: 01/31/2012



DESIGN DESIGNATION

ADT (2011)	5806
ADT (2031)	6705
DIV	1421.6%
D	5.1%
T DHV	5.2%
T ADT	11.4%
V	25

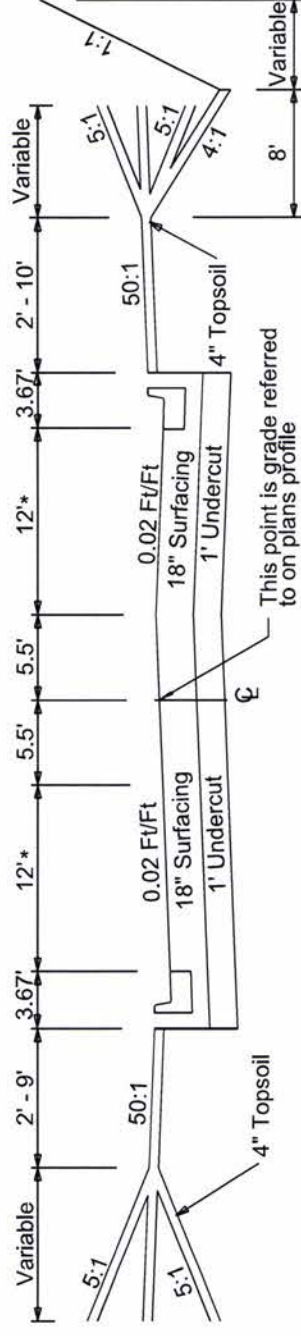
STORM WATER PERMIT
Major Receiving
Body of water-Whitewood Creek
Area Disturbed: 13 Acres
Total Project Area:
Project Area: 21 Acres
Approx. Begin Lat/Long

SCALES

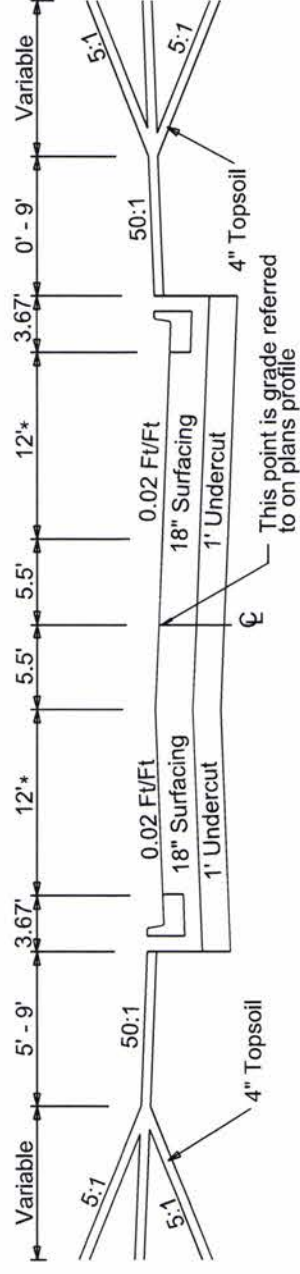
RURAL	1"=200'	1"=100'	1"=40'
SUBURBAN	1"=200'	1"=100'	1"=40'
URBAN	1"=20'	1"=20'	1"=10'
CROSS SECTIONS	1"=40'	1"=20'	1"=10'

TYPICAL GRADING SECTION

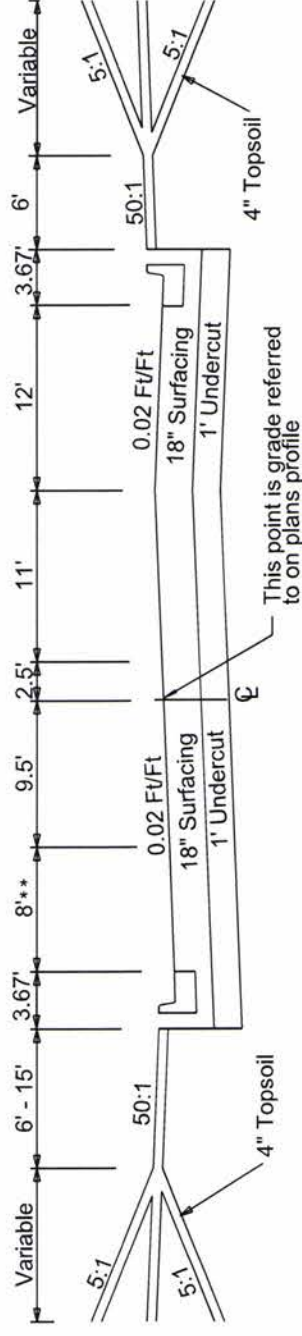
13+75 to 41+46
54+95 to 66+00
68+50 to 91+41



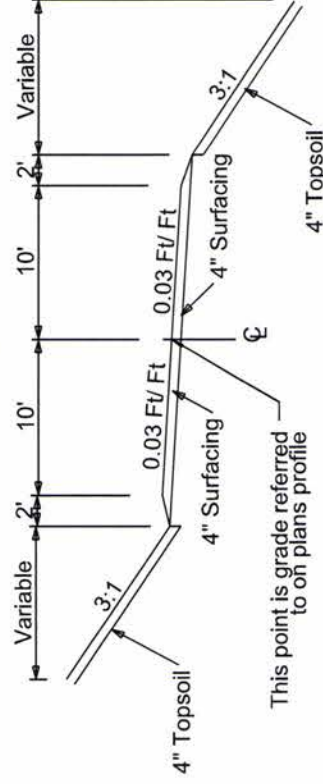
66+51 to 67+99



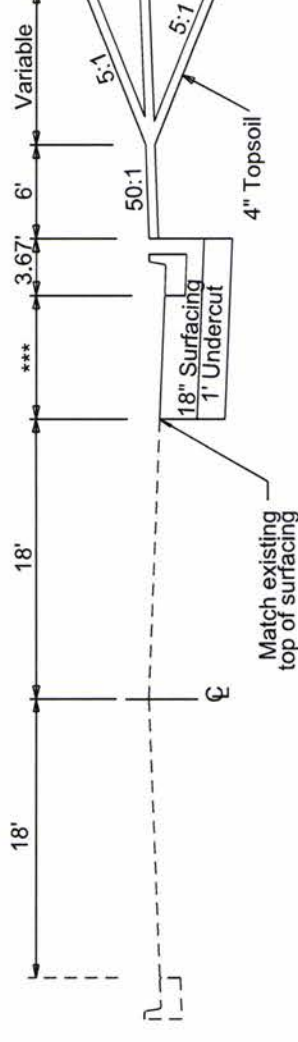
92+25 to 93+11



Drive at 28+00 L
0+00 to 1+30



93+79 to 94+64



Transitions to match existing:
13+22.93 to 13+75
41+46 to 41+97.53
54+43.52 to 54+95

Transitions:
66+00 to 66+51
67+99 to 68+50

* 14' at the following locations:
14+25 to 18+25 - L & R
60+50 to 62+75 - L & R
67+75 to 68+00 - L
80+00 to 81+00 - L & R
85+75 to 88+00 - L & R

12' to 14' transition at the following locations:

13+75 to 14+25 - L & R
60+00 to 60+50 - L & R
67+25 to 67+75 - L & R
79+50 to 80+00 - L & R
85+25 to 85+75 - L & R

14' to 12' transition at the following locations:

18+25 to 18+75 - L & R
62+75 to 63+25 - L & R
68+00 to 68+50 - L
81+00 to 81+50 - L & R
88+00 to 88+50 - L & R

Transition: 91+41 to 92+25

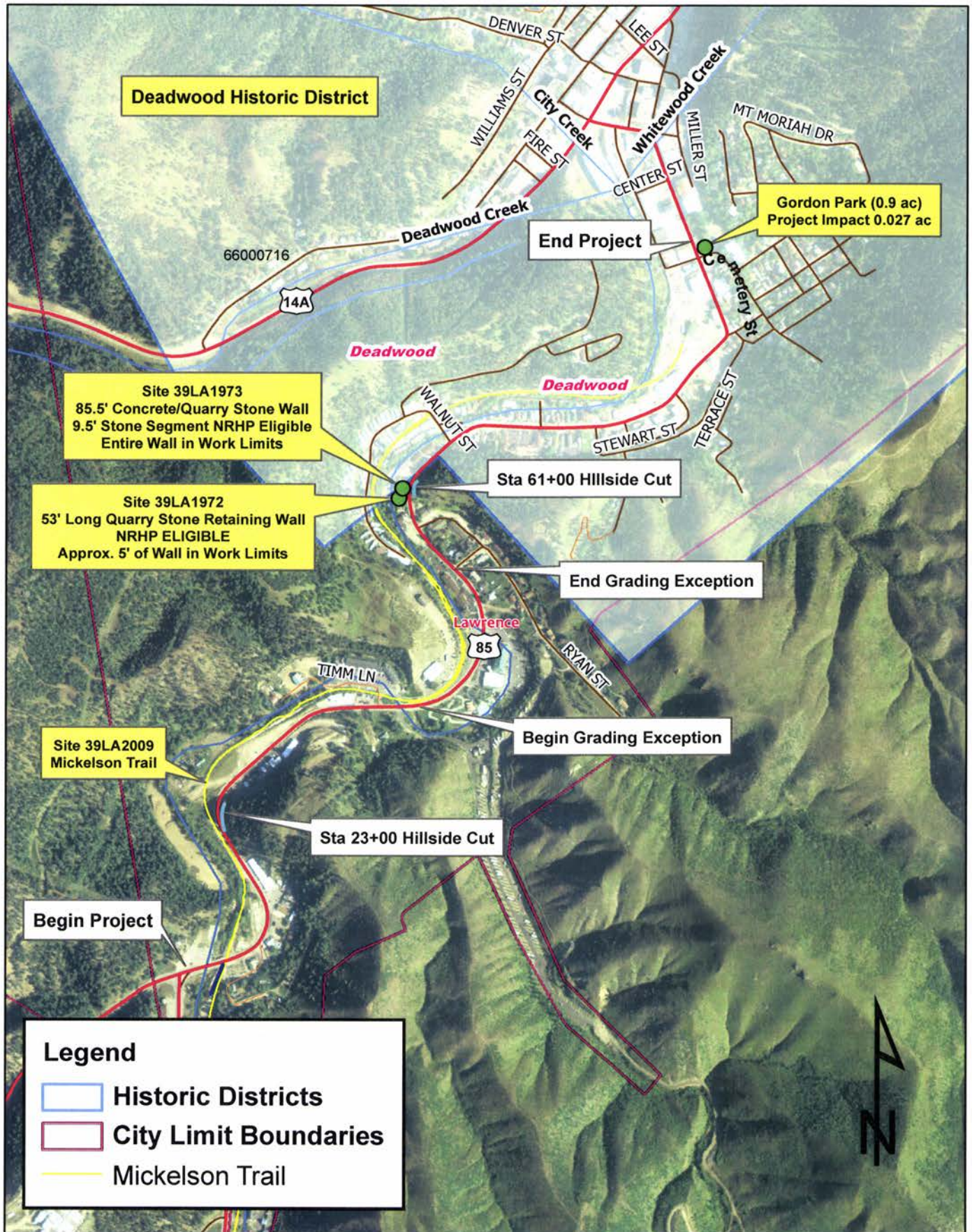
** 0': 92+25 to 92+79

Transition: 93+11 to 93+79

*** 7.5' to 0' transition: 93+79 to 94+64

STATE OF SOUTH DAKOTA	PROJECT	TOTAL SHEETS
Plotting Date: 08/28/2012		

ATTACHMENT 3 SECTION 4(f) PROPERTIES



Deadwood Historic District

**Gordon Park (0.9 ac)
Project Impact 0.027 ac**

**Site 39LA1973
85.5' Concrete/Quarry Stone Wall
9.5' Stone Segment NRHP Eligible
Entire Wall in Work Limits**

**Site 39LA1972
53' Long Quarry Stone Retaining Wall
NRHP ELIGIBLE
Approx. 5' of Wall in Work Limits**

**Site 39LA2009
Mickelson Trail**

Begin Project

Sta 23+00 Hillside Cut

Sta 61+00 Hillside Cut

End Grading Exception

Begin Grading Exception

End Project

Legend

- Historic Districts
- City Limit Boundaries
- Mickelson Trail



ATTACHMENT 4
NRHP Eligible Quarry Stone Wall Photos

39LA1972



39LA1973





May 22, 2012

Alice Whitebird
 Department of Transportation
 Office of Project Development – Environmental
 700 E Broadway Avenue
 Pierre SD 57501-2586

SECTION 106 PROJECT CONSULTATION

Project: 120502001F – PCN 0555 – US Highway 85 from US Highway 385 to Cemetery Street, Deadwood, SD – Grading, Curb & Gutte, & AC Surfacing
 Location: Lawrence County
 (FHWA/DOT)

Dear Alice,

Thank you for the opportunity to comment on the above referenced project pursuant to Section 106 of the National Historic Preservation Act (NHPA) 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.

The SHPO has made the following decision based upon the information provided in your correspondence and the cultural resources survey report prepared by Daniel Byrne and Laurie Bozzetti, received on May 2, 2012 and the additional information you provided by email on May 21, 2012. Based on the information provided, the SHPO concurs with your **determination of Adverse Effect** for the project. The following are my comments on individual aspects of the project.

Retaining Walls

Since both site LA00001972 (53' stone retaining wall) and site LA00001973 (95' concrete and stone retaining wall) are eligible for the National Register of Historic Places, their removal will be an adverse effect.

I would recommend the following stipulations to mitigate the loss of these historic properties.

1. Documentation – Digital photographs that meet the National Register of Historic Places digital photograph standards.
2. **Interpretive signage** –Interpretive signs funded by DOT but developed and coordinated by the Deadwood Historic Preservation Commission to make sure they match their other interpretive signs. The number of signs, location, and topic(s) would need to be agreed upon by DOT, Deadwood, and SHPO.
3. **Face any new retaining walls constructed with this project with stone** to ensure compatibility with the historic district and, if possible, reuse the stone from these historic walls to face a new retaining wall associated with this project.

Historic District Impacts

The terrain and landscape of Deadwood is an important character-defining feature of the historic district. Because of this, the Hillside cut at Station 61+00 adversely affects the landscape of the Deadwood Historic District. Although it is located outside the boundaries of the Deadwood Historic District, the cut at Station 23+00 is also concerning for its impacts to the setting of the Historic District. Maintaining and restoring boulevards along the route would help make the project more compatible with the setting of the historic district.

If these cuts cannot be avoided, I would recommend mitigating them with other measures that help make the project more compatible with the historic district. I believe the following measures could help do that.

- Maintaining and restoring boulevards along the route, and
- Using historic lighting along the route within the historic district

Also, each of these adverse effects or others identified by other consulting parties should be addressed in one Memorandum of Agreement that covers the entire project.

Ice Plant Foundation

The survey report recommends a finding of No Historic Properties Affected for Site 39LA1542 (former Pluma Ice Plant foundation) provided it is avoided by construction activities. Based on the information provided, the foundation does not appear to meet the National Register Criteria for Evaluation and should be considered not eligible even if impacted by construction activities.

Parking

Significant changes to parking along the route could potentially impact the use of historic properties within the Deadwood Historic District. Since a “change of the character of the

property's use" is identified in 36 CFR 800.5(a)(2)(iv) as an example of an adverse effect, I would recommend continuing to consult with the City of Deadwood and my office to ensure any loss of parking is minimized or avoided to the greatest extent possible.

Other Considerations

Activities occurring in areas not identified in the original request will require the submission of additional documentation pursuant to 36 CFR part 800.4.

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/ THPO, and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery, pursuant to 36 CFR part 800.13.

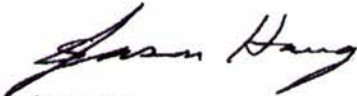
Concurrence of the SHPO does not relieve the federal agency official from consulting with other appropriate parties, as described in 36CFR Part 800.2(c).

Since the Deadwood Historic District is a National Historic Landmark, please also remember to consult with Dena Sanford at the National Park Service. Dena can be reached at dena_sanford@nps.gov or 308.436.9797.

Should you require any additional information, please do not hesitate to contact Jason Haug at 605.773.6296. I appreciate your concern for the non-renewable cultural heritage of our state.

Sincerely,

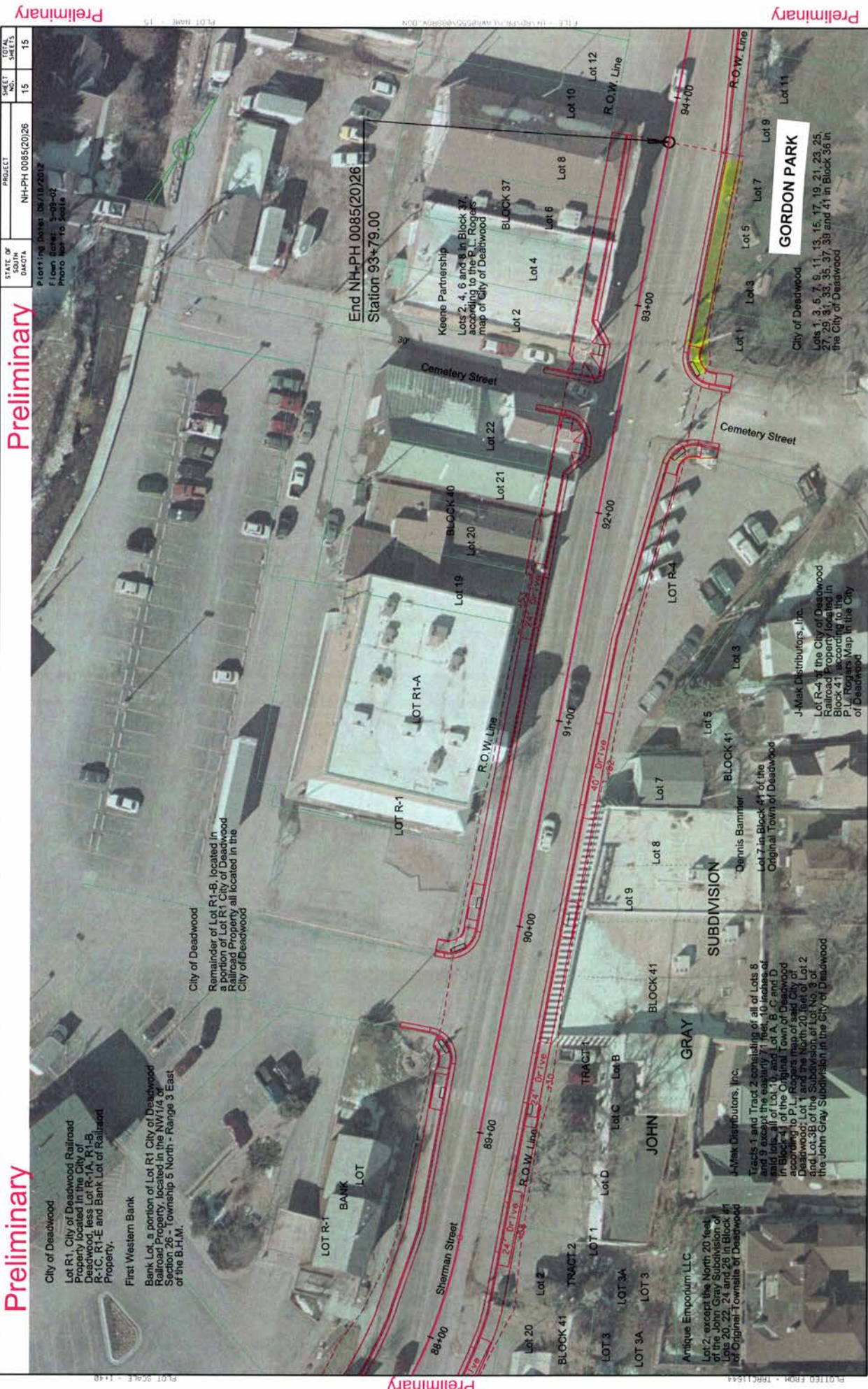
Jay D. Vogt
State Historic Preservation Officer



Jason Haug
Historic Preservation Director

CC: Kevin Kuchenbecker, City of Deadwood
Dena Sanford, National Park Service

ATTACHMENT 6: GORDON PARK IMPACT



Preliminary

Preliminary

Preliminary

Preliminary

STATE OF NEW HAMPSHIRE	PROJECT	SHEET NO.	TOTAL SHEETS
NH-PH 0085(20)26	NH-PH 0085(20)26	15	15

Plotting Date: 05/18/2012
 Floor Area: 3'-00'-02"
 Photo Map to Scale

City of Deadwood
 Lot R-1, City of Deadwood Railroad Property located in the City of Deadwood, less Lot R-1A, R-1-B, R-1-C, R-1-E and Bank Lot of Railroad Property.

First Western Bank
 Bank Lot, a portion of Lot R-1, City of Deadwood Property located in the City of Deadwood, Section 26, Township 5 North, Range 3 East of the B.H.M.

City of Deadwood
 Remainder of Lot R-1-B, located in a portion of Lot R-1, City of Deadwood Railroad Property all located in the City of Deadwood

End NH-PH 0085(20)26
 Station 93+79.00

Keene Partnership
 Lots 2, 4, 6 and 8 in Block 37, as shown on the Rogers map of the City of Deadwood

Antique Emporium LLC
 Lot 2, except the North 20 feet of the John Gray Subdivision of Lots 20, 22, 24 and 28 in Block 41 of Original Townships of Deadwood

J-Miek Distributors, Inc.
 Tracts 1 and Tract 2 consisting of all of Lots 8 and 9, except the North 10 feet of said lots, all of Lot 10, and Lot A, B, C and D in Block 41 of the Original Town of Deadwood according to P.L. Rogers map of said City of Deadwood; Lot 1 and the North 20 feet of Lot 2 and Lot 3B of the Subdivision of Lot No. 9 of the John Gray Subdivision in the City of Deadwood

J-Miek Distributors, Inc.
 Lot R-4 of the City of Deadwood Railroad Property located in Block 41, according to the P.L. Rogers Map in the City of Deadwood

Dennis Bammer
 Lot 7 in Block 41 of the Original Town of Deadwood

City of Deadwood
 Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41 in Block 36 in the City of Deadwood

GORDON PARK

SUBDIVISION

JOHN GRAY

TRACT

LOT 20

LOT 3

LOT 3A

LOT 3A

LOT 1

LOT 2

LOT 3A

LOT 3A

LOT 1

LOT 2

LOT 3

LOT 3A

LOT 3A

LOT 1

LOT 2

LOT 3

LOT 3A

LOT 3A

LOT 1

LOT 2

LOT 3

LOT 3A

LOT 3A

LOT 1

LOT 2

LOT 3

LOT 3A

LOT 3A

LOT 1

LOT 2

Preliminary

Preliminary

Preliminary

Preliminary

CITY OF
DEADWOOD

OFFICE OF THE MAYOR

DEADWOOD CITY HALL
102 Sherman Street
Deadwood, South Dakota 57732
Phone (605) 578-2600 • Fax (605) 578-2084

RECEIVED

March 9, 2012

MAR 15 2012

South Dakota Department of Transportation
Attn: Mr. Mark A Leiferman
Becker-Hanson Building
700 East Broadway Ave.
Pierre, SD 57501

Dear Mr. Leiferman:

Thank you for your response on the city of Deadwoods request to evaluate the alternative design option for Cemetery Street. We understand that the DOT is slightly behind schedule on this project and that asking you to evaluate this option will add an additional task while you attempt to catch up. However, as a small community with limited commercial resources, each individual business is critical to our residents. Therefore, the city must explore every possibility to maintain our limited business community, or surrender even more of our resources to the larger surrounding communities. To continue to do that would further degrade our standing as an active viable community.

Basically, as submitted, the proposal is taking an additional nine (9) feet from the south side of US 85 to create the proposed three lanes, while maintaining the parking on the north side of the highway. To accomplish this, we would assume that the SDDOT would need approximately 900 ft² of **Gordon Park**. **Gordon Park** is approximately 0.9 acre in size. As you stated, the SDDOT would make the final determination on the Right-Of-Way (ROW) needs beyond what the city has indicated.

Gordon Park is centrally located within the city of Deadwood. The park contains charcoal grilling locations, picnic tables, a small shelter, and a gazebo. Neither one of the permanent structures would be displaced by widening US 85 at this location. Some flower beds and bushes would be removed to make space for the expanded highway. The park is generally a meeting place for families to gather and picnic or socialize. Unless you are traveling by foot, access to the park is generally gained on the south side where the parking area is located. The parking area will be unaffected by the city's proposal to utilize a small strip of the park to assist in widening Sherman Street.

The city has lost a considerable portion of its commercial activity over the past 20 years. Some of that may be attributable to gaming as commercial property values rose. Some is attributable to reduction in the population and development of large super stores in

nearby communities. Whatever the reason may be, in order to remain a viable community, Deadwood must protect the remaining commercial activity when possible.

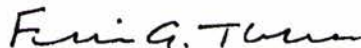
Located at the intersection of Sherman Street and Cemetery Street, there are presently seven businesses that, if the street side parking in this area were removed, it would negatively affect their business. In some cases, these businesses have indicated that due to the close proximity of the profit loss margin, they may choose to relocate rather than chance a negative effect by losing store front parking. The city of Deadwood cannot, in good conscience, allow that to happen when a viable alternative exists that would allow the business to maintain store front parking. Utilizing a strip of the Gordon Park land would allow the parking at this location to be maintained.

Many years ago, the city of Deadwood accepted a grant to construct a tennis and basketball court. With the construction of that improvement, the land associated with Gordon Park was then committed to the requirements associated with the Land and Water Conservation Fund (LWCF). In 2009, the city constructed an enclosed pool on the land previously used for the basketball and tennis courts. However, the LWCF requirements still remain. The city fully recognizes that commitment and is prepared to mitigate the taking of the additional land needed to widen Sherman Street by providing an additional park area in another portion of Deadwood. The city would match the necessary area and, in fact, would most likely add additional square footage to assure the offering was adequate to meet the same needs of the public.

It should be noted that the remaining portion of Gordon Park will not be negatively affected by providing this 900 square foot section of land. Overall, the city residents and guests will benefit by having an additional area of park, a safer and wider intersection at Sherman Street and Cemetery Avenue and store front parking for the local businesses.

We would ask the SDDOT, SDGF&P who administer the LWCF, the Federal Highway Administration, and the NPS to seriously consider the design changes we have offered to the US 85 highway project. It is vital to our community to maintain our existing commercial base. Further business losses would diminish our ability to provide commerce for our residents and guest.

Sincerely,



Francis Toscana – Mayor
City of Deadwood, SD

Cc: Randy Kittle – SDGF&P
Dena Stanford- NPS Omaha

CITY OF
DEADWOOD

PUBLIC WORKS DEPARTMENT

67 Dunlop Avenue
Deadwood, South Dakota 57732
Phone (605) 578-3082 • Fax (605) 578-3101

May 2, 2012

Alice Whitebird
SDDOT Environmental Office
Becker-Hanson Building
700 E. Broadway Ave.
Pierre, SD 57501


Dear Ms. Whitebird:

The city of Deadwood has proposed to use a small percentage of the total area available in Gordon Park for a turning lane at Cemetery Street on the proposed Highway 85 corridor project. This land usage is necessary to maintain the economic viability of the businesses located near this intersection.

In my position as Public Works Director I oversee the operations of the city park system. For the record let it be known that the removal of approximately 1174 square feet of park will have no impact on the function or use of the park. It will not negatively impact the remaining lands within the park. Furthermore it is the city's intention to mitigate this loss by creating a park with similar features and accessibility in another location of the community.

If you have any questions or concerns please contact me at your convenience.

Sincerely,



Jim jR Raysor
Public Works Director
City of Deadwood, SD 57732
605/578-3082

ATTACHMENT 9

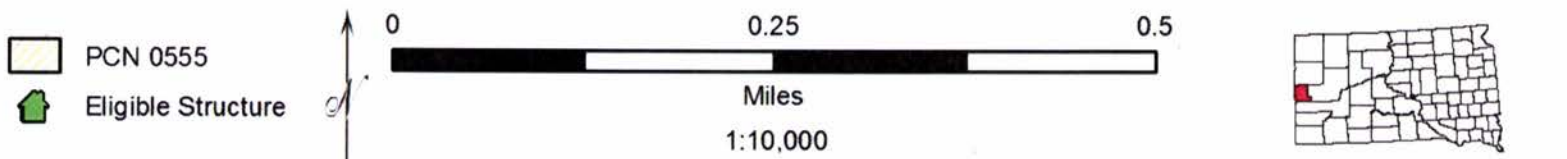
NRHP Eligible Structures Along US85 Corridor

NH-PH 0085(30)26 PCN 0555 LAWRENCE COUNTY

SHPO ID	DOE	Street	City	PropertyName
LA00001972	NR Eligible	Cliff Street	Deadwood	Stone retaining wall btw 74 & 78 Cliff St, DWD, SD
LA00001973	NR Eligible	74 Cliff Street	Deadwood	Concrete & stone retaining wall within Hwy 85 ROW
LA00001975	NR Eligible	143 Charles Street	Deadwood	Stone wall on N property boundary 143 Charles St
LA00100046	NR Eligible	3 Cliff Street	Deadwood	Dwelling
LA00100092	NR Eligible	418 Cliff Street	Deadwood	Pluma Sinclair
LA00100098	NR Eligible	74 Cliff Street	Deadwood	Harding, W. S., House
LA00100102	NR Eligible	185 Cliff Street	Deadwood	Ivanich, Fern House
LA00101513	NR Eligible	124 Sherman Street	Deadwood	Safeway Grocery Store
LA00101516	NR Eligible	105 Sherman Street	Deadwood	Recreation Center
LA00101542	NR Eligible	136 Sherman Street	Deadwood	Terry Peak Ski and Sports
LA00101543	NR Eligible	138 Sherman Street	Deadwood	Culligan Water Conditioning
LA00101544	NR Eligible	140 Sherman Street	Deadwood	Redinger's Store
LA00101545	NR Eligible	142 Sherman Street	Deadwood	Deadwood Granite and Marble Works
LA00101546	NR Eligible	155 Sherman Street	Deadwood	Deadwood Motors Inc.
LA00101553	NR Eligible	175 Sherman Street	Deadwood	Sinclair Station
LA00101567	NR Eligible	83 Charles Street	Deadwood	Dwelling
LA00101568	NR Eligible	85 Charles Street	Deadwood	Rebamen, Julius House
LA00101571	NR Eligible	96 Charles Street	Deadwood	Gorder, Rose D. House
LA00101573	NR Eligible	100-100 1/2 Charles St	Deadwood	Dwelling
LA00101580	NR Eligible	116 Charles Street	Deadwood	Grieb, Ernest J., House
LA00101581	NR Eligible	118 Charles Street	Deadwood	Pontius, Marjorie House
LA00101583	NR Eligible	119 Charles Street	Deadwood	Noeller, Robert L., House
LA00101584	NR Eligible	121 Charles Street	Deadwood	Smith, Matilda J., House
LA00101588	NR Eligible	106 Charles Street	Deadwood	Conant, S. L., House
LA00101601	NR Eligible	130 Charles Street	Deadwood	Dwelling
LA00101603	NR Eligible	5 Charles Street	Deadwood	Dwelling
LA00101604	NR Eligible	9 Charles Street	Deadwood	Dwelling
LA00101622	NR Eligible	132 Charles Street	Deadwood	Dwelling
LA00101639	NR Eligible	143 Charles Street	Deadwood	Ruether, Theodore (Teed) & Ann House
LA00101640	NR Eligible	147 Charles Street	Deadwood	Shama, Henry P., House

SHPO ID	DOE	Street	City	PropertyName
LA00101641	NR Eligible	138 Charles Street	Deadwood	Dwelling
LA00101642	NR Eligible	144 Charles Street	Deadwood	Dwelling
LA00101645	NR Eligible	148 Charles Street	Deadwood	Carmody, Charlene House
LA00101648	NR Eligible	152 Charles Street	Deadwood	Ruether, Casper & Margretha House
LA00101654	NR Eligible	170 Charles Street	Deadwood	Amoco Oil Storage
LA00101662	NR Eligible	110 Sherman Street	Deadwood	First Baptist Church of the Northern Hills
LA00101880	NR Eligible	5 Harrison Street	Deadwood	Dwelling

PCN 0555, Lawrence County, South Dakota



- PCN 0555
- Eligible Structure

Sections 23, 26 & 27, T5N R3E
USGS 7.5' Deadwood Quadrangle
Lawrence County, South Dakota

ATTACHMENT 10

STATE AND FEDERAL AGENCY COMMENT LETTERS

- US Fish & Wildlife Service - March 21, 2006
- SD Dept. of Game, Fish & Parks - March 22, 2006
- SD Dept. of Environment & Natural Resources Ground Water Quality Program - May 18, 2006
- SD Dept. of Environment & Natural Resources Surface Water Quality Program - August 25, 2006
- Deadwood Historic Preservation Officer - December 16, 2011
- DOI National Park Service - June 22, 2012



Department of Transportation

Division of Planning/Engineering

Office of Project Development

700 E Broadway Avenue

Pierre, South Dakota 57501-2586 605/773-3268

FAX: 605/773-6608

The U.S. Fish and Wildlife Service concurs with your conclusion that the described project will not adversely affect listed species. Contact this office if changes are made or new information becomes available.

MAR 15 2006

U.S. FISH & WILDLIFE SERVICE
March 14, 2006

3-14-06 J. Guber
Date SD Supervisor
USFWS

Pete Gober, Field Supervisor
U.S. Fish & Wildlife Service
420 Garfield - Suite 400
Pierre, SD 57501-5408

RE: NH 0085(20)26 PCN 0555 LAWRENCE COUNTY

US85 from the RR tracks just east of US385/85 Junction to the brick pavement just past Cemetery St. in Deadwood – Grading, Storm Sewer, Curb & Gutter, & Surfacing

Dear Mr. Gober:

Attached for your review is information on the above project. The project will grade and surface a portion of US85 in Deadwood. Three structures along the project will remain in place; work in these areas will be limited to resurfacing. No work will occur in Gold Run Creek.

According to the U. S. Fish and Wildlife Service's (FWS) South Dakota Ecological Services Field Office *Endangered Species by County List*, the following federally listed threatened and endangered species are known to occur in Lawrence County:

Species	Occurrence	SDDOT Determination
Whooping Crane (E)	Known	No Effect
Bald Eagle (T)	Known	No Effect

According to Doug Backlund, SDGFP Wildlife Diversity Program, no bald eagle nests are located in the project area. (See attached e-mail.) However, the FWS will be notified if an active bald eagle nest is discovered within 1 mile of the project.

The SDDOT requests FWS concurrence with the "No Effect" determinations on the above listed species. Please submit your concurrence and any comments regarding wetland easements, refuges, etc., that you might have on this project as soon as possible, so that the project can be let and constructed in a timely manner.

Sincerely,

Alice Whitebird
Environmental Office
(605) 773-3309

Attachments



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

March 22, 2006

Alice Whitebird
Department of Transportation
Division of Planning/Engineering
Office of Project Development
700 East Broadway Avenue
Pierre, SD 57501

**Re: NH 0085(20)26 PCN 0555 LAWRENCE COUNTY
US85 from RR tracks east of US385/85 junction past Cemetary Street in
Deadwood; Grading, Storm Sewer, Curb & Gutter, Surfacing**

Dear Ms. Whitebird:

The South Dakota Department of Game, Fish and Parks, Division of Wildlife, has reviewed the preliminary construction information on the above referenced project involving grading, storm sewer and curb and gutter placement, and surfacing of US85 near Deadwood, South Dakota

Gold Run Creek is classified as a High Priority Fishery Resource. The above project crosses Gold Run Creek several times, therefore, we recommend that the following methods be implemented to minimize environmental impact.

1. If any instream work will occur, it should not be allowed during fish spawning periods. **Gold Run Creek is classified as a cold water fishery by the State of South Dakota.** Therefore, placement of fill and/or instream construction should not take place during October 1 to April 1 to avoid conflicts with spawning fish.
2. Stream bottoms and wetlands impacted by the construction activities should be restored to pre-project elevations.
3. Removal of vegetation and soil should be accomplished in a manner that will reduce soil erosion and disturb as little vegetation as possible.

4. Grading operations and reseedling of indigenous species should begin immediately following construction activities.
5. A site-specific sediment and erosion control plan should be made part of the project plan and implemented at the direction of the DOT staff.
6. A post construction erosion control plan should also be implemented in order to provide interim control prior to re-establishment of permanent vegetative cover on the disturbed site.
7. If trees or brush will be impacted by the project, a ratio of at least 2 acres planted to every 1 acre impacted should be incorporated into the project's mitigation plans.

We have no objections to the referenced project if the above methods are incorporated into the project plans. However, if any changes are made in the project plans or if additional information becomes available, please let us know so that we may provide further comments if necessary.

Thank you for the opportunity to provide comments. If you have any questions or need further information, please contact me at (605) 773-6208.

Sincerely,



Leslie Petersen
Aquatic Resource Coordinator

5/24/06
John Richardst
RC



Department of Transportation

Division of Planning/Engineering

Office of Project Development

700 E Broadway Avenue

Pierre, South Dakota 57501-2586 605/773-3268

FAX: 605/773-6608



To: Doug Miller, DENR GWQ
Jim Goodman, DENR Water Rights

From: Alice Whitebird
Environmental Office
773-3309

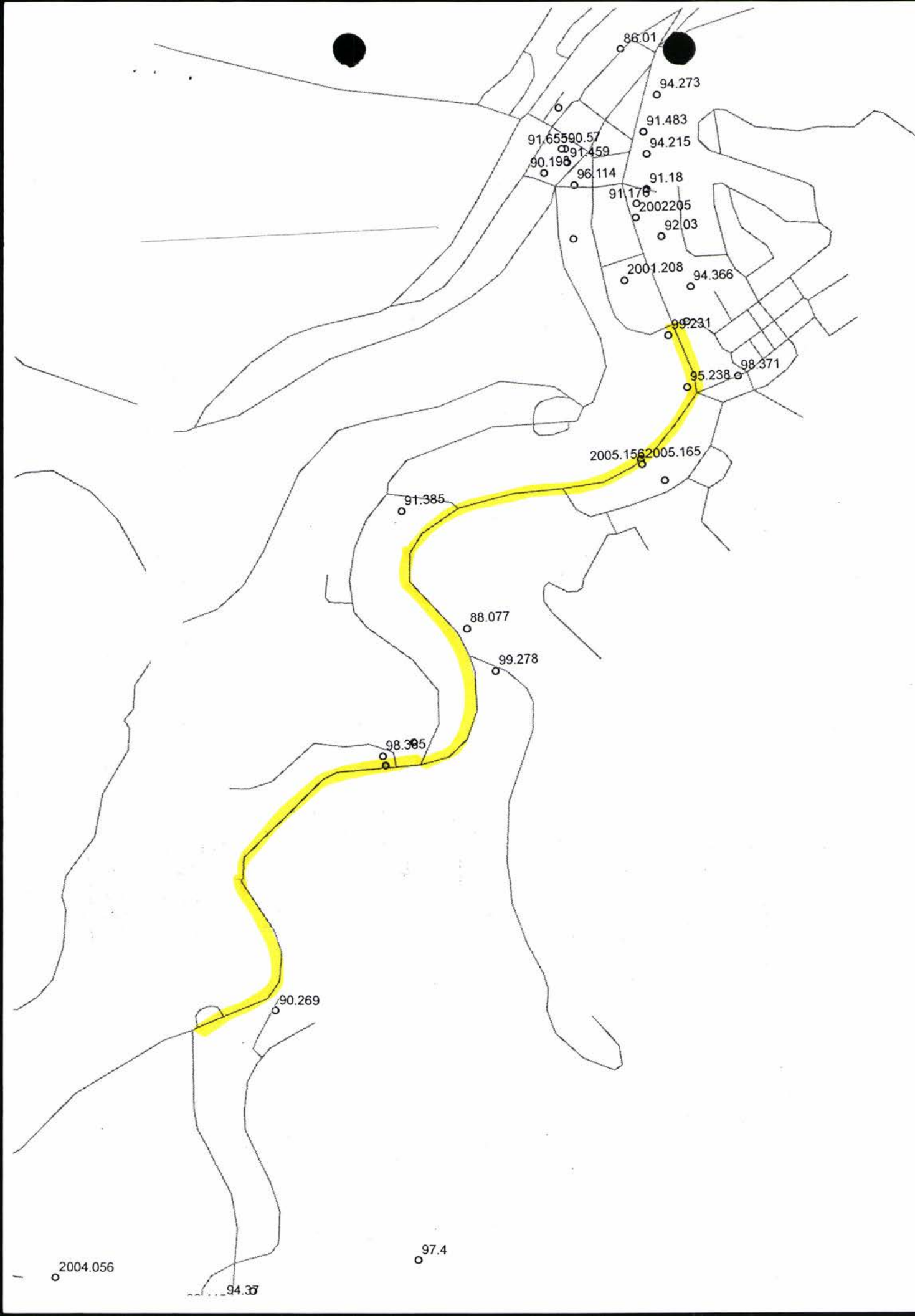
Date: March 14, 2006

Subject: RE: NH 0085(20)26 PCN 0555 LAWRENCE COUNTY
US85 from the RR tracks just east of US385/85 Junction to the
brick pavement just past Cemetery St. in Deadwood – Grading,
Storm Sewer, Curb & Gutter, Lighting & Surfacing

Attached is information on the above US85 grading project at Deadwood. Please let me know if any UST/contaminated soil sites, monitoring wells or observation wells are located along the project corridor.

Thanks —
Alice W

Alice, although there are a number of releases along the proposed construction route it doesn't appear any of them will present a significant issue. But this is based on available information. As always if they hit something they should report it and properly dispose of the soil. Let me know if you need more. Day 5/18/06





August 25, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Alice Whitebird
Department of Transportation
700 East Broadway Avenue
Pierre, South Dakota 57501

RE: SD DOT Project
NH 0085(20)26 PCN 0555
Lawrence County

Dear Ms. Whitebird:

The South Dakota Department of Environment and Natural Resources (DENR), Division of Environmental Regulation, has reviewed the above referenced project.

This office has no objections to the project, which should not result in any violations of applicable statutes or regulations provided the Department of Transportation and/or its contractor(s) comply with the following requirements.

SURFACE WATER QUALITY

1. All fill material shall be free of substances in quantities, concentrations, or combinations which are toxic to aquatic life.
2. Removal of vegetation shall be confined to those areas absolutely necessary to construction.
3. At a minimum and irregardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site. Any construction activity that disturbs an area of one or more acres of land must have authorization under the General Permit for Storm Water Discharges Associated with Construction Activities. Contact the Department of Environment and Natural Resources for additional information or guidance at 1-800-SDSTORM (737-8676) or www.state.sd.us/denr/des/surfacewater/stormwater.htm.

4. All material identified in the application as removed waste material, material stockpiles, dredged or excavated material shall be placed for either temporary or permanent disposal in an upland site that is not a wetland, and measures taken to ensure that the material cannot enter the watercourse through erosion or any other means.
5. Methods shall be implemented to minimize the spillage of petroleum, oils and lubricants used in vehicles during construction activities. If a discharge does occur, suitable containment procedures such as banking or diking shall be used to prevent entry of these materials into the waterway.
6. All newly created and disturbed area above the ordinary high water mark which are not riprapped shall be seeded or otherwise revegetated to protect against erosion.
7. This segment of Whitewood Creek is classified by the South Dakota Surface Water Quality Standards and Uses Assigned to Streams for the following beneficial uses:
 - (3) Coldwater marginal fish life propagation waters;
 - (7) Immersion recreation;
 - (8) Limited contact recreation waters;
 - (9) Fish and wildlife propagation, recreation, and stock watering waters; and
 - (10) Irrigation waters.

Because of these beneficial uses, special construction measures may have to be taken to ensure that the total suspended solids standard of 90 mg/L is not violated.

HAZARDOUS WASTES

1. Should any hazardous waste be generated during the implementation of this project, the generator must abide by all applicable hazardous waste regulations found in ARSD 74:28 and 40 CFR Part 262.
2. If any contamination is encountered during construction activities, the contractor, owner, or party responsible for the release must report the contamination to the department at (605) 773-3296. Any contaminated soil encountered must be temporarily stockpiled and sampled to determine disposal requirements.

AIR QUALITY

1. It appears that Department of Transportation projects may have only a minor impact on the air quality in South Dakota. This impact would be through point source and fugitive emissions.

2. Equipment with point source emissions in many cases are required to have an air quality permit to operate. Permit applications can be obtained from the Air Quality or Minerals and Mining Programs.
3. Fugitive emissions, although not covered under State air quality regulations, are a common source of public concern and may be subject to local or county ordinances. Fugitive emissions add to the deterioration of the ambient air quality and should be controlled to protect the health of communities within the construction areas.
4. For further air quality information, please contact Brad Schultz, Air Quality Program, telephone number (605) 773-3151.

This office requests the opportunity to review and comment on any significant changes that may be proposed before the project is completed. Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact this office.

Sincerely,



John Miller
Environmental Program Scientist
Surface Water Quality Program
Phone: (605) 773-3351

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084

DEADWOOD

"The Historic City of the Black Hills"
Deadwood, South Dakota 57732

KEVIN KUCHENBECKER
Historic Preservation Officer
Telephone: (605) 578-2082
Fax: (605) 578-2084
kevin@cityofdeadwood.com

MEMORANDUM

Date: December 16, 2011
To: Deadwood Historic Preservation Commission
Deadwood City Commission
From: Kevin Kuchenbecker, Historic Preservation Officer
Re: US 85 State Highway Construction Project – NH-PH 0085(20)26

The South Dakota Department of Transportation is planning a US 85 State Highway Construction Project {*Project Number: NH-PH 0085(20)26 Lawrence County PCN 0555*}. This project, tentatively to be constructed in 2013, includes the following type of work: grading, curb and gutter, lighting, asphalt and concrete surfacing, and sidewalks.

The proposed highway reconstruction project lies partially within the Deadwood National Historic Landmark District, the Deadwood Historic District listed on both the State & National Register of Historic Places and a portion of the local historic district.

The project Stations 66+00 (Walnut Street) to 93+79 (Cemetery Street) lies within the Deadwood National Historic Landmark District and the Deadwood Historic District. Stations 83+00 to 93+79 lie within the local historic district.

Historic identifying characteristics potentially impacted within this area include both tree lawns and sidewalks in front of a majority of the residential resources in this area; furthermore, parking has been historically available along the street to accommodate these residents. This office has not received a Section 106 review under the Historic Preservation Act of 1966 as amended (conducted by the State Historic Preservation Office) nor has a Section 4(f) review by the Federal Highway Administration been submitted to this office.

On July 26, 2011, this office spent the majority of the day with representatives of the South Dakota Department of Transportation (DOT) reviewing the proposed project. This included a walkthrough of the entire project. During this time this office expressed concerns, ideas and desires related to historic preservation and other planning activities as it correlates to the proposed project. The following information was shared verbally with the DOT.

DOT Memo
12/16/2011
Page 2

Direct historic preservation related issues regarding the proposed project which this office shared with DOT staff in the walkthrough included:

- Maintaining tree lawns or boulevards on the south side of the street from:
 - Station 87+00 to 82+00;
 - Station 78+00 to 72+00;
 - Station 70+00 to 66+00; and,
- Maintaining tree lawns or boulevards on the north side of the street from:
 - Station 76+00 to 68+00.
- Desire for historic street lighting to match existing street lights within the historic district from:
 - Station 93+79 to 66+00.
- Stone veneer on retaining walls and along parking lots to meet design guidelines and city ordinances at the following location:
 - Station 81+20 to 77+90.
- At locations between Stations 93+79 to 66+00 install appropriate decorative hand rail and decorative vehicular guard rail to enhance the historic district.

Planning issues related to the proposed project:

- Parking along the existing route has been discussed. Historically there has been parking in the area between Stations 93+79 to 66+00. Efforts should be made to continue to allow parking along this area to encourage continued occupancy and maximum values of these historic resources.
- Snow removal has been identified as a reason for removing the parking along the route. This may be able to be addressed with an appropriate emergency snow route ordinance banning parking during snow emergency events.
- There are additional locations outside the historic districts which should be enhanced with stone veneer retaining walls and parking lots and

OFFICE OF
**PLANNING, ZONING AND
HISTORIC PRESERVATION**
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084

DEADWOOD

"The Historic City of the Black Hills"
Deadwood, South Dakota 57732

KEVIN KUCHENBECKER
Historic Preservation Officer
Telephone: (605) 578-2082
Fax: (605) 578-2084
kevin@cityofdeadwood.com

DOT Memo
12/16/2011
Page 3

- appropriate decorative railing. These were communicated with DOT during the site visit on July 26, 2011.
- This office expressed concern with the proposed cuts along the gulch which drastically alter the environs within the city limits and entering into the historic districts. All options should be explored to eliminate or minimize the cuts into the hillside.

As of December 14, 2011, no additional meetings with the DOT has been held in which this office has been present regarding the proposed project.

This office firmly believes this highway project is needed for the City of Deadwood and will positively enhance the status of the National Landmark District if the above referenced items are addressed in the design and implementation of this important project. This office further believes there is flexibility within this project to address the above referenced concerns since we are dealing with a National Historic Landmark District.



United States Department of the Interior

National Park Service

Midwest Regional Office HNRP: KS, NE, MI, MN
c/o Agate Fossil Beds National Monument
301 River Road
Harrison, NE 69346



IN REPLY REFER TO:

H3417 (MWR/NHRP-CR)

June 22, 2012

Ms. Alice Whitebird, Environmental Scientist III
South Dakota Department of Transportation
Office of Project development
Environmental Office
700 E. Broadway Ave.
Pierre, SD 57501-2586

RE: NH 0085(20) 26 PCN 0555
Grading, Curb & Gutter, and AC Surfacing, US 85 from US385 to Cemetery Street in Deadwood

Dear Ms. Whitebird:

The National Park Service (NPS) has received information from your office regarding the proposed undertaking, which would partially occur within the Deadwood Historic District National Historic Landmark (NHL). The information was submitted in compliance with Sections 106 and 110 of the National Historic Preservation Act of 1966, as amended, and includes copies of previous consultation correspondence with the South Dakota State Historic Preservation Office (SHPO) and the Deadwood Historic Preservation Office dated May 1. The information also included a response dated May 22 from the South Dakota SHPO. This correspondence addresses the determination of impacts on resources within or adjacent to the NHL.

Based on the information provided, we concur with the identification of new resource sites within the NHL. We also concur with the determination of effects on these resources. The only new resource identified as contributing to the NHL district, LA00001975/"Wall No. 5," will not be affected so long as road work avoids this resource. Should avoidance not be possible, we agree with the proposed mitigation suggested by the South Dakota SHPO; however, we suggest consideration of another mitigation option, involving careful disassembly of the wall, with its reconstruction placed as close as possible to its historic location.

This office further agrees with the South Dakota SHPO regarding the adverse impacts to the NHL from large hillside cuts at Station 61+00 and 23+00. While not identified in the March 19 "Cultural Resources Survey of SDDOT Project NH 0085 (20)26," the area of potential effect includes the landscape and topography immediate to the roadway. The steep topography and mountain setting are characteristics of this Black Hills community, which developed in support of the gold mining efforts in the neighboring mountainsides and gulches. The topography and tree-covered surrounding hills are very much element of the NHL district, contributing to its high integrity of location, setting, feeling and association as an old mining community. The NHL nomination identifies this, in descriptions such as historic development that had outgrown the initial community center in a narrow canyon "... and was pushing up the sides of

Deadwood and Whitewood Gulches.” Other character-defining features of the landscape described in the nomination include the rugged topography; narrow, valley streets, with residential neighborhoods built up on the hillsides; and “... a sprawling linear community laid out in several gulches, between peaks of the northern Black Hills formation.” The overall feeling here is a constricted development very much impacted by the natural landforms. In order to comply with Section 110 (f) of the National Historic Preservation Act, as amended, to the maximum extent possible, avoid actions that would minimize harm to an NHL, we therefore strongly urge the Department of Transportation to reduce or avoid large hillside cuts. The proposed cut at Station 23+00, while outside of the NHL district, is within the viewshed of the NHL and would therefore have an adverse impact to the setting, as well.

If you have questions please contact me at 308-436-9797, or via electronic mail at dena_sanford@nps.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dena Sanford".

Dena Sanford, Architectural Historian
National Register Programs

cc:

Jay Vogt, South Dakota State Historic Preservation Officer, South Dakota State Historical Society, 900 Governors Drive, Pierre, SD 57501

Kevin Kuchenbecker, Historic Preservation Officer, City of Deadwood, 108 Sherman Street, Deadwood, SD 57732

SD Department of Transportation
Public Meeting/Open House
August 24, 2010

PROJECT NH 0085(20)26 PCN 0555

LAWRENCE COUNTY

The following individuals represented the South Dakota Department of Transportation:

Mark Malone, Project Development
Dean VanDeWiele, Project Development
Gary Engel, Rapid City Area
Joel Gengler, Right of Way
Todd Seaman, Rapid City Region
Tom Horan, Rapid City Region
Dan Staton, Rapid City and Pierre Regions
Karen Olson, Road Design
Jon Suomala, Road Design
James Ainslie, Project Development

The Public Meeting/Open House was held at The Lodge at Deadwood Gaming Resort, SD. An estimated 80-100 people attended the meeting. A handout was made available at the hearing to provide information and generate questions on design, environmental, right-of-way and access management issues that are typical for most highway projects.

Nine written comment letters were received and eight email comments were received. Two individuals emailed the same letter as they mailed in, so responses were only sent via email. The meeting began with a PowerPoint presentation and ended with a question and answer session.

The question and answer session was a spirited one with most of the folks opposed to the proposed 3 lane typical section. It seemed like the vocal majority wanted the existing section left as is with the addition of new storm sewer and C&G. Snow removal was a big concern so sidewalks weren't a popular option.

Following the presentation and question and answer session, there were multiple individuals that visited with SD DOT staff and stated that although the vocal majority was opposed to the project, there were many that were supportive of the project as proposed.

Deadwood Public Meeting

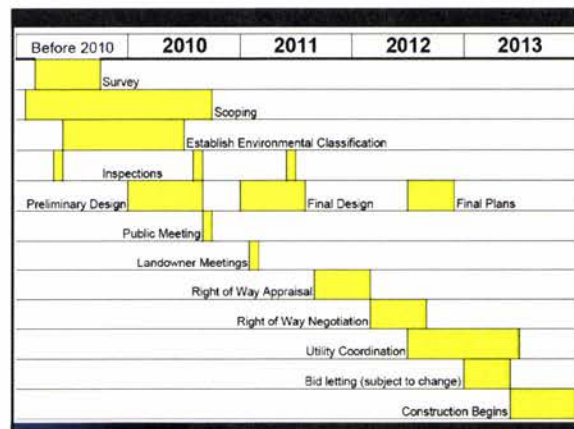
US Hwy 85
Grading, C&G, Storm Sewer, Roadway
Lighting & AC Surfacing

Mark Malone
SD DOT
Aug 24, 2010



Why are we here?

- To involve public in the design process
- To discuss vision for this route and what options for improving US 85 in Deadwood
- Exchange ideas – listen and discuss concerns



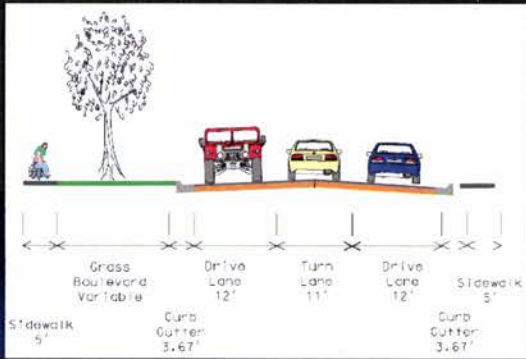
Existing Conditions

- Originally constructed in 1957
- 2 – 12' Lanes
- Reconstructed bridges in 1993
- 2008 ADT ~ 6,000
- Truck Traffic: 14.2 %
- Accident Rate of 0.80
 - Statewide average on this roadway classification is 1.75
 - 9 accidents in 3 years (no patterns to cause concern)

Proposed Improvements

- 2 – 12' Lanes; 1 – 11' Center turn lane
- Curb & Gutter
- Storm Sewer
- Sidewalk (where practical)
- Decorative Lighting (Where city chooses)
- Asphalt Surfacing
- Access Management

Typical Section



Advantages of 3 Lanes

- Improves Traffic Capacity
- Provide safe storage for left turning vehicles
- Reduce number of conflict points for left turn vehicles and vehicles entering the roadway
- Reduces Speed Differential

Grading Exception

- From Gulches of Fun to Burlington St - retain existing C&G, storm sewer, etc.
- Mill existing Asphalt Concrete and replace with 2"
- Upgrade Curb Ramps to ADA standards in this area as well as add sidewalk where practical

Parking

- Existing
 - On-Street - Scattered from Charles St to the NE project limits
- Proposed
 - Eliminate all On-Street Parking

Parking contd.

- Why??
 - Safety concerns with high traffic volumes
 - Reduces traffic congestion
 - Right of Way concerns
 - Eliminate Backing onto the highway
 - Remove hazards adjacent to the highway
 - Increase Sight Distance

Encroachments

- There are existing Encroachments
- Eliminate all encroachments within the public Right of Way
 - Federal Highway Regulations
 - Safety
 - Consistency Statewide
- Property Owners with encroachments will be notified

Right of Way

- The project will utilize existing ROW to the maximum extent feasible
- Block-outs and small acquisitions may be necessary as well as easements
 - This will be discussed in more detail at individual Landowner Meetings

Landowner Meetings

- Approximately 6-8 months from now
- Applicable to all affected Landowners
- You will be contacted by SDDOT
- Discuss your property in particular
 - Design details such as driveway location or width, fence, etc.

Right of Way Office

- Appraisals
 - Start in ~12 months
- Negotiations
 - Start in ~18 months

Construction

- Construction to begin in 2013
 - Pending Funding & Scheduling
 - Possibility of taking 2 construction seasons
 - SDDOT will obtain additional public comment
- Shut down 2 weeks for Sturgis Rally
- Mostly One-Way Traffic with pilot car

Questions?

Comments by Sept. 10, 2010

website for info...

http://www.sddot.com/palprojdev/planning_pubmeet.asp

PROJECT NH 0085(20)26 PCN 0555
LAWRENCE COUNTY

**Overview of Informal Verbal Comments Received (DOT Response in Bold)
during Question & Answer Session at the Meeting/Open House**

1. Is the tunnel option off the table? **Yes**
2. Did the state evaluate Economic impact due to this project, and snow removal is a problem (piling up against buildings.) **The state will widen sidewalks and provide boulevards where possible.**
3. Access control if limited to driveways, will force backing onto the road and sidewalks. **Locations will be evaluated individually.**
4. Power line location. **Utilities have option to go underground or get there own easements.**
5. Is eliminating the project an option? **Yes**
6. Do plans go to Historic Preservation Office? **Yes**
7. Why do the project now? **It has been in the program for a long time.**
8. This will impact Landmark status by removing on street residential parking. **The state will maintain access.**
9. What is timeframe and plan for construction? **Ideally one summer, how to construct has yet to be determined.**
10. If the community is opposed, will the state listen? **Yes**
11. Sidewalks in wilderness, snow removal is difficult and state snow plows rebury the sidewalks leading to fines. **The state will evaluate.**
12. The State is liable for snow on sidewalks placed by plows after property owners had already moved it off sidewalks. **The state does not know local laws regarding issue.**
13. The City doesn't allow snow being pushed on the roads. **The state will evaluate.**
14. Pedestrians should use Mickelson Trail, no need for new sidewalk. **The state will evaluate.**
15. Is it possible to leave road as a two lane? **Possible but the state recommends three lanes.**
16. Will speed limits increase with three lanes? **Not likely**
17. Without having to wait for cars turning left speeds will increase. **Noted**
18. Some homes will have front doors very close to the road. **Noted**
19. What is cost for the project? **\$4 – 4.5 million**
20. Why was the project stopped in 1989? **Gambling was approved and land values made the project cost prohibitive, also traffic increases and year round use where not anticipated.**
21. What was the mood back in 1989 for the project? **Controversial, but there is a need to look to the future, this project may be unpopular but it will only continue to be needed more.**
22. Where did the traffic counts come from? **They were collected and averaged over time.**
23. What is the cost to home owners for the sidewalk? **The state pays for construction.**
24. Can snow be plowed to the middle lane, and removed? **Possible but this can't be done by the State alone it would have to be by an agreement with the City.**

25. There needs to be more work on Historic Preservation, this project is not consistent with those goals. **Noted**
26. Spend this projects money on Cheyenne Crossing to WY border. **Noted**
27. What is the street width increase? **Over 5' each side**
28. The state representatives do not have a Local perspective. **Noted**
29. What is the width at the bridges which were previously repaired? **36' we will match.**
30. Propose state fix or replace the surface and leave as two lane and replace curb and gutter where needed. **Noted.**

Verbal Comments following Question & Answer Session

From Dean Vandewiele:

1. Motorcycles and vehicles sometimes have a hard time holding their own lane.
2. at a 2nd tight curve, there is a large hill and the curve goes around it. Due to lack of line of sight, there has been a many near misses in this lady's opinion.
3. I had an individual talk to me in the haul(out of earshot) who stated we would be doing a great disservice if we did not build this route as proposed with the 3 lane and sidewalk. He felt the opinions we were hearing were simply due to negative impact to each individual's property, but failed to see the benefit the facility we were proposing could provide.

From Karen Olson:

After the presentation and group questions the people who talked to me liked the project concepts. They were either neutral (two people) or for the 3-lane (three people). They felt that people need to look to the future and they would realize the project is needed.

One attendee mentioned that sidewalks are needed because some people are walking in the street.

They also were in favor of one season construction rather than two seasons with longer "no work" periods. Get in and get out.

From Tom Horan:

Despite the negative vocal majority at last night's meeting, in one-on-one conversations I heard more positive comments than negative:

- Homeowners 200' Rt of 87+50:
 - pleased with the project and want us to stay the course.
 - They like the horizontal curve improvement from 86+00 to 88+00. Currently WB trucks have to stop at about station 87+50 to let EB traffic clear prior to proceeding around the corner. Evidently the trucks have to use most of the road to take that sharp right turn.
 - They like the center turn lane. In the past they have driven past their turn to avoid stopping vehicles behind them. They would proceed west until there was an opening to turn left in a parking lot, then turn around to head back east.
 - Owners of gas station Rt of Station 67+00 like the project and want us to stay the course – they want to make sure turn left of Sta 67+00 accommodates a

westbound Rt turn for their bulk fuel deliveries – they also own car wash west of hardware store

- Historic Preservation Officer for Deadwood Planning and Zoning – Kevin Kuchenbecker 578-2082 (W) and 641-5568 (C) has some concern about the widening in the residential area (Sta 66+00 to Sta 78+00). He believes that the removal of the existing boulevard style sidewalk and the widening of the road are issues that are worth considering from an historical standpoint.
- Deadwood City Public Works Director supports the project as a 3-lane.
- Building owner left of Station 93+00 concerned about losing parking. His business entrance is street-side so he is concerned that, if patrons have to walk from the back side of the building to get to the front door, he may lose some of those customers.

From Mark Malone:

After the presentation was over, I visited with 4 individuals.

1 was not supportive of the project as proposed. He wanted 2 lanes with C&G and storm sewer and leave parking as is.

3 individuals wanted to specifically let me know that not everybody felt the same was as the boisterous crowd that seemed to be overwhelmingly against the project.

They all were of similar opinion to go forward with the project as proposed. One of the three individuals in support of the project sent in a comment via email.

PUBLIC MEETING/OPEN HOUSE SIGN-IN

August 24, 2010

PROJECT# NH 0085(20)26 PCN 0555

LAWRENCE COUNTY

Please Print

NAME	ADDRESS
1. Karen Olson	700 E. Broadway Ave. Pierre, SD
2. LEE COLBERT	410 CLIFF ST.
3. James A Sternhagen	410 cliff DEADWOOD
4. LANA L. Sternhagen	LI VI
5. Jon Suomala	2300 Eglin St, Rapid City, SD
6. James Ainslie	700 E Broadway Ave. Pierre, SD
7. Trent Mohr	66 Cliff Street Deadwood
8. Heidi Neumeyer	66 Cliff St Deadwood
9. Skip KUEHL	11 Charles; Posen Hur
10. GARY ENGSEL	SDDOT
11. Mike Klamm	57 Denver - Deadwood
12. Greg Klein	50 CLIFF DEADWOOD
13. GEORGE AUND SILVERDALE	47 BURKHAM DWD
14. Rep. Chuck Turberville	458 WILLIAMST Dwd
15. Bob Nelson Jr.	City of Deadwood, Zoning
16. Cindy Ballet	406 Dixon Ave Lead SD
17. Fred Blanken	240 Fairway Drive Spearfish, SD
18. Sternhagen	41 Charles Street
19. John Ray	CITY OF DEADWOOD
20. KELLY FULLER	CITY OF DEADWOOD - POLICE
21. Bonds Federal	HPC - City Deadwood
22. Kip and Susan Bialas	18 McMaster Deadwood
23. Francis TOSCHNG	50 WILLIAMS DEADWOOD
24. LYNN NAMMINGA	12 LINCOLN DWD
25. Barbara MACK	103 CHARLES ST

PUBLIC MEETING/OPEN HOUSE SIGN-IN

August 24, 2010

PROJECT# NH 0085(20)26 PCN 0555

LAWRENCE COUNTY

Please Print

NAME	ADDRESS
1. Joel Gengler	700 E Broadway Ave, Pierre SD 57501
2. Mark Malone	9
3. Lyla + Glenn Gross	116 Charles St, Dwd, SD
4. Lenny Schroeder	20 Park St Dwd SD
5. Lillian G. Sailer	5 Charles St Dwd, S.D.
6. Vera Sailer	5 Charles St Deadwood S.D.
7. Floyd Rummel, III	78 Cliff St Deadwood
8. Kent Hell	3410 12 th Ave Spearfish SD
9. Tom Ben	235 Cliff St Dwd.
10. Vivian Nettleship + Charlene Combs	Dwd
11. Vivian Nettleship, Ann + Leo Ritter	
12. Ronald Green	54 Williams St Dwd
13. Mary Ann Oberlander	102 Charles St Dwd
14. Bruce Oberlander	102 Charles St Dwd
15. Lynn Milos	872 Main St Dwd
16. Doreen Markleva	21069 Grizzly Gulch Rd Dwd
17. Tom Nelson	666 Sunnyhill Rd Lead
18. Barb & Mel Allen	4 Harrison St. Deadwood SD
19. Dave Akrop	98 Charles St Deadwood SD
20. Terry W. Weisenberg	209 First St Lead
21. Chet & Sharon Borsch	12077 Galena Rd Dwd
22. Kevin Kuchenbaker	CITY OF Deadwood 108 Sherman Dwd
23. Tom T. SAND	Dwd.
24. Pat & Rhonda Mollman	157 Charles St. Deadwood
25.	

PUBLIC MEETING/OPEN HOUSE SIGN-IN

August 24, 2010

PROJECT# NH 0085(20)26 PCN 0555

LAWRENCE COUNTY

Please Print

NAME	ADDRESS
1. Tom Horan	SDDOT
2. Todd SEAMAN	"
3. Yaela Bell Bellif	399 Cliff St. Deadwood
4. Shave Sheen	54 Williams Dwd
5. SHANNA HARRIS	396 Williams Deadwood
6. Rita Loeffen	415 Cliff St Suite 1
7. Bing Popp	98 Charles St Deadwood
8. Jan VanDew Eyck	666 Main Street
9. Marcella Shama	51 Van Buren
10. Larry Shama	147 Charles 151 Charles 138 Charles
11. Tracy Island	304 Cliff St & 6 Ryan Rd
12. Bob Nelson Sr	28 Lincoln Ave Dead
13. Jan & Cheryl Tautkus	420 Cliff St. Deadwood
14. Steve Christ	328 Grand Bend
15.	
16.	
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24.	
25.	

PUBLIC MEETING/OPEN HOUSE SIGN-IN

August 24, 2010

PROJECT# NH 0085(20)26 PCN 0555

LAWRENCE COUNTY

Please Print

NAME	ADDRESS
1. Jim C. Waisanen	110 Charles street
2. Terri Keene	134 Sherman
3. John Keene	134 Sherman.
4. Darcy Campbell	414 Richmond
5. Don Haney	414 RICHMOND
6. Derrick Berg	11 Charles St.
7. Eric Fawcett	22 CLIFF
8. PAT ROBERTS	137 CHARLES ST.
9. Les Roselles	229 Terraville Ave - Lead
10. Tim & Monica Conrad	138-140 Sherman 32 Charles
11. Randy & Bev Haulik	409 cliff st.
12. Rose & Mark SPEIAS	34 Van Buren
13. Greg & Colette Klein	C-21 Deadwood 50 Cliff
14.	
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25.	



WRITTEN TESTIMONY

Project # NH 0085(20)28 PCN 0655
LAWRENCE COUNTY
US85 - Fm US385 to Cemetery St in Deadwood

At the meeting in Deadwood on Aug. 24, the only thing that everyone seemed to agree on was that road between Cemetery Street and the Junction of Hwys. 85 and 385 is "sick" and in need of lots of help. However, the long term side effects of the "Highway on Steroids" cure proposed by SDDOT are going to be far worse than the disease with which it is afflicted. I feel the mitigations to these effects proposed by DOT are inadequate at best, and in some cases have not been addressed at all, and certainly not to the satisfaction of the affected businesses and residents.

1-Snow removal – Unfortunately, DOT does not "remove" snow, it only "moves" it, and without the existing boulevards and parking lanes now in existence, most of the snow is going to end up on sidewalks and in yards. The DOT drivers have proven year after year that they are incapable of slowing down when plowing this stretch of highway and have created many snow removal problems even with the existing storage areas. I have complained about this to every regional engineer since 1989, and have gotten little more than apologies and promises to do better, which last only until then next snow storm. The residents and businesses who move snow from driveways and sidewalks (as mandated by city ordinance) put most it in the parking lane which the city of Deadwood, not the DOT, does a remarkable job of clearing in a timely fashion. There simply is no other place to put the 150-300 inches of snow we receive in a year, except in the boulevards and parking lanes.

2-Parking – Removal of parking on this stretch of highway will be devastating to several businesses (including mine) and some residents who simply don't have any other alternatives. To minimize the issue by simply saying "we will work with the property owners", without hard specifics, is dodging the issue and does little to create trust between the residents and DOT. Not only will it affect customer and residential parking, there will be no convenient parking for delivery drivers (Post Office, UPS, Fed Ex, etc.), garbage trucks who stop in the parking lane to pick up trash, services such as Meals-on-Wheels, and visitors who need to park on the street when there is no off-street parking available. Trolley service will also be affected in some locations.

3-Safety – From DOT's own statistics, safety is not the primary reason for the upgrades. Having two lanes with a center turning lane highway with no impediments is an invitation to faster traffic, regardless of the posted speed limits, and ultimately will cause more accidents and more serious accidents than have been recorded in the past. Currently when a vehicle slows to cross traffic to enter a residence or business, it becomes a self-regulating system and slows all the traffic down, which helps keep the street safer. Being a mixed residential and business area, there is a lot of foot traffic, both on the sidewalk and crossing the street, which now will be subjected to faster traffic and more danger.

*A classic example of a new and supposedly safer highway is Hwy. 85 from Deadwood to Exit 17. In less than 20 years there have been at least 11 fatalities on that "safe" highway, nine of which are in a 3.5 mile stretch from the Tatanka turn to the bottom of the hill, and an appalling seven of which are in a 1.5 mile stretch from the old McMasters corner to the bottom of the hill (count the white crosses). **SPEED KILLS!***

The DOT "One Size Fits All" approach to this project simply can't be applied to Deadwood or most of Black Hills towns as it has been to the flatter, wide open, geography of the rest of South Dakota, and shouldn't be forced upon us. All the upgrades proposed (curb, gutter, sidewalks, storms sewers) to the current highway would certainly be a welcome improvement. But the general configuration of the highway (two driving lanes, two parking lanes), with some adjustments to blind spots and curves, should be left as it is.

If there is no alternative to the three lanes, no parking proposal, **please, please, please**, leave it as it is. Those of us who live and have businesses on this stretch of highway have adapted to its shortcomings over the years, and can live with it as is, if necessary, for many more.

Date: September 7, 2010

Bruce Oberlander, Resident, Property Owner, 102 Charles Street, Deadwood - 605-578-2289

Bruce & Mary Ann Oberlander, Business Owners, Dakota Graphics, 142 Sherman St., Deadwood – 605-578-1642

Written testimony will be included in the meeting record. Please submit comments by

Friday, Sept. 10, 2010, to:

SD DOT Office of Project Development

Mark Malone, Project Identification Coordinator

700 East Broadway Avenue

Pierre, SD 57501-2586



WRITTEN TESTIMONY

Project # NH 0085(20)26 PCN 0555
LAWRENCE COUNTY
US85 - Fm US385 to Cemetery St in Deadwood

(1)

I am a partner with my brother and sister in the business of Deadwood Granite & Marble Works at 142 Sherman St. We have had parking in front of our business for our customers since our grandfather started the business in 1906. To eliminate the customer parking in front of our building would severely effect our business. The system has worked well for 104 years so there would be no reason to make a change and penalize the people who have paid property taxes for years.

At 98 Charles I am one third owner of the property and I live there. Parking is very important in front of the house so there is a place for friends and guests to put their vehicles. Parking at random up and down the street helps control the speed of those

Name: David D. Okrop

Date: 9/6/2010

Address: 98 Charles St. Deadwood SD. 57732

Written testimony will be included in the meeting record. Please submit comments by

Friday, Sept. 10, 2010, to:

SD DOT Office of Project Development
Mark Malone, Project Identification Coordinator
700 East Broadway Avenue
Pierre, SD 57501-2586
Mark.Malone@state.sd.us



WRITTEN TESTIMONY

Project # NH 0085(20)26 PCN 0565
LAWRENCE COUNTY
US85 - Fm US385 to Cemetery St in Deadwood

(2)

in the driving lanes. The speed limit is 20mph but
drivers don't follow this and increase their speed at
any opportunity. An 11' turning lane with 2-12 driving
lanes would turn the street into a freeway. This is a
residential street not downtown Chicago. Once again there
is no reason to change something that works well as it is
safe now with very few accidents according to your statistics.
Just because you have a turning lane does not guarantee that
the traffic coming from the opposite direction will let that
driver cross the lane of traffic. I see this every day from my house.

I suggest a better plan would be to build a new curb &
gutter system with storm sewers and leave the 4 lanes 2 driving
2 parking as they exist today. A better place to spend your money
would be to remove the point of the mountain across from
Century 21. It is a narrow and dangerous curve.

Name: David D. Ahrop

Date: 9/6/2010

Address: 98 Charles St. Deadwood, S.D. 57732

Written testimony will be included in the meeting record. Please submit comments by

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WRITTEN TESTIMONY

Project # NH 0085(20)26 PCN 0555
LAWRENCE COUNTY
US85 - Fm US385 to Cemetery St in Deadwood

Design two lane road with as much parking and boulevard as exists. Grade and provide new curb, gutter and storm sewers to provide adequate drainage. Limit access to one driveway per residence. Modify snow removal policy to stop blocking roadway access from existing driveways and plowing snow on sidewalks. Slow driving lanes only until snow can be properly removed. Reduce speed limit to 15 MPH in residential area. Do not include unnecessary third turning lane. The proposed construction area is an existing commercial and residential area that needs the existing parking preserved.

Name: Greg Okrop Date: 9/7/10
Address: 98 Charles St Deadwood SD 57732
Deadwood Granite + Marble Works
142 Sherman St. Deadwood SD 57732

Written testimony will be included in the meeting record. Please submit comments by

Friday, Sept. 10, 2010, to:
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WRITTEN TESTIMONY

Project # NH 0085(20)26 PCN 0555
LAWRENCE COUNTY
US85 - Fm US385 to Cemetery St in Deadwood

Alternative 1st regrade new curb & gutters
Storm Sewers - leave as is

Alternative 2nd - Fix 85 south from
Cheyenne X-ing to WY. Border
Put your (our) money there

No Change

Name: Larry Shama

Date: 8-24-10

Address: 51 Van Buren - Deadwood

Written testimony will be included in the meeting record. Please submit comments by

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Mark Malone, Project Identification Coordinator
700 East Broadway Avenue
Pierre, SD 57501-2586
Mark.Malone@state.sd.us



WRITTEN TESTIMONY

Project # NH 0085(20)26 PCN 0555
LAWRENCE COUNTY
US85 - Fm US385 to Cemetery St in Deadwood

fix existing ROAD - curbs gutters
AS A TWO LANE AS IT IS.

Name: Lyla Gross

Date: 8-24-10

Address: 116 Charles St.

Deadwood, SD

Written testimony will be included in the meeting record. Please submit comments by

Friday, Sept. 10, 2010, to:

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Mark.Malone@state.sd.us

Sept. 7, 2010

These are my concerns for the highway reconstruction of Highway 85.

First the area of Sherman Street that is in the plan should be left with two driving lanes and parking on both sides of the street. Some of the businesses that exist in this area have been there over 100 years and need the parking in front of their businesses. New sidewalks, curb and gutter are definitely needed.

Many of the homes on Charles Street were built in the late 1800's or early 1900's and the street as it was designed with two driving lanes, two parking lanes, and boulevards on each side of the street is still the best design. I am a lifelong resident of Charles Street (62 years to be exact) and I have experienced the street as a tree-lined street with parking on both sides for the entire length of the street. The speed limit at that time was 15 miles per hour, only slightly slower than the posted 20 miles per hour.

In the late 1950s or early 1960s the two motels were added to Charles Street. The street remained virtually unchanged. It was not until expansion of the Best Western to include a restaurant and eventually second stories on both motels that the streetscape changed. They expanded parking lots and eliminated the boulevards and sidewalks, thus allowing egress from anywhere on the parking lots. These changes certainly impacted the way the street was designed. Also several people began eliminating boulevards to park their cars off the street. All of these changes have happened over time with or without DOT permission but Charles Street no longer has defined driving lanes, boulevards, and parking areas. It seems to me when you have defined areas to drive, to park, and boulevards on which to put snow you eliminate many issues with traffic. You should also be aware that the only way some of the residents can leave their driveways is to back into traffic, without a parking lane that puts them right into oncoming traffic which is very unsafe.

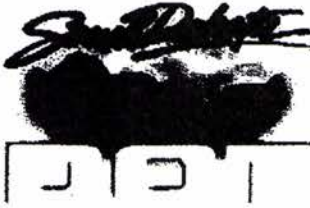
As for the street between Charles Street and 385 there are more unique issues. Again having lived here all my life I definitely observe more pedestrian traffic from that area. The fact that there are no sidewalks is a safety concern. Again, some of the businesses along this section have parking lots, but I see the cars parked very close to the driving lanes. I am sure they are well into DOT right of way areas. Again defined areas to drive and walk are very important. The placement of the road does not seem to be the problem rather the lack of boundaries does.

I definitely feel something needs to be done with this whole area. It needs curb, gutter, driving lanes, boulevards, and proper drainage. You need to be very aware of snow removal issues, trolley traffic, garbage collection, allowing people to park to visit friends or the enter businesses. You do not need three lanes of traffic. You have not considered any of these issues in your present design. If we can't leave it pretty much as it is, but with the proper upgrades, then please, do not think you are helping us by giving us a highway instead of a residential/ business street.

Mary Ann Oberlander
Mary Ann Oberlander

Charles Street Resident since 1948

Business owner Deadwood Granite and Marble Works and Dakota Graphics at 142 Sherman Street



WRITTEN TESTIMONY

Project # NH 0085(20)26 PCN 0555
LAWRENCE COUNTY
US85 - Fm US385 to Cemetery St in Deadwood

The road definitely needs to be redone!!

The turning lane is probably needed in certain areas

Please consider doing two lanes with an occasional turning lane.

It is a disgraceful first appearance for visitors coming to our town from Hwy 385.

Name:

Date: 9-9-2010

Address:

Deadwood

Written testimony will be included in the meeting record. Please submit comments by

Friday, Sept. 10, 2010, to:

SD DOT Office of Project Development
Mark Malone, Project Identification Coordinator
700 East Broadway Avenue
Pierre, SD 57501-2586
Mark.Malone@state.sd.us



WRITTEN TESTIMONY

Project # NH 0085(20)26 PCN 0555
LAWRENCE COUNTY
US85 - Fm US385 to Cemetery St in Deadwood

My concerns are how long time delay which end you will start at? I know your aware of business along the highway, and that we can keep our business run is the hope for us.

With all the negative input you got Tuesday the 24 of Aug. Have you thought about just a few turning lanes by the business on Charles st.

I always hope you can help with drainage by the Sioux City Hardware & just down from Thunder Cove. Thank you

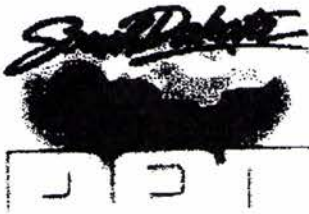
Name: Rita Loeffler (Hair's To You) Date: Aug 26, 10

Address: 415 Cliff St. Suite 1 Deadwood, S.Dak. 57732

Written testimony will be included in the meeting record. Please submit comments by

Friday, Sept. 10, 2010, to:

SD DOT Office of Project Development
Mark Malone, Project Identification Coordinator
700 East Broadway Avenue
Pierre, SD 57501-2586
Mark.Malone@state.sd.us



WRITTEN TESTIMONY

Project # NH 0085(20)26 PCN 0555

LAWRENCE COUNTY

US85 - Fm US385 to Cemetery St in Deadwood

down. If it's a wide highway traffic will go faster. This bad idea will also put speeding vehicles right in peoples front yards. This would also leave my friends and neighbors on Charles Street with no parking. Even if they have a driveway what if they have guests? This will never increase traffic flow. After people speed past my house they will still have two lanes of traffic past Cemetery St. and a stop light by the Court House. I never have a problem with traffic build-up because someone is turning. There is no need for a turning lane. This whole idea is ridiculous, especially in a time of serious economic problems for the state of South Dakota.

Name: Wilmat C. Aldrich,

Date: 9/8/10

Address: 195 Cliff St., Deadwood, SD 57732

Written testimony will be included in the meeting record. Please submit comments by

Friday, Sept. 10, 2010, to:

SD DOT Office of Project Development

Mark Malone, Project Identification Coordinator

700 East Broadway Avenue

Pierre, SD 57501-2586

Mark.Malone@state.sd.us

Please dont waste our tax payers money here,

Sincerely,

Wilmat C. Aldrich

Malone, Mark

From: Malone, Mark
Sent: Thursday, August 26, 2010 8:06 AM
To: 'Rhonda Mollman'
Subject: RE: New Highway in Deadwood

Rhonda,

Thank you so much for attending the public meeting and taking the time to comment. I truly appreciate your insight on the project and will keep your comments for everyone's consideration when we, as a department, make our decision on how to proceed.

I also wanted to thank you for your support and an enjoyable conversation after what we can call a somewhat unpleasant question and answer session following the presentation.

As I stated on Monday night, you will be most likely hearing from us (likely not me) again in 6-8 months to discuss how the design will specifically affect your properties.

Thanks again and have a great day.

Mark Malone

-----Original Message-----

From: Rhonda Mollman [mailto:pmollman@rushmore.com]
Sent: Wednesday, August 25, 2010 9:06 AM
To: Malone, Mark
Subject: New Highway in Deadwood

Project # NH 0085(20)26 PCN 0555
Lawrence County
US85 - Fm US385 to Cemetery Street in Deadwood

Dear Mark,

Thank you for the very informative meeting on Tuesday August 24, 2010 concerning the construction of a new highway into Deadwood, SD.

Let us introduce ourselves, we are Patrick and Rhonda Mollman.

We own properties along the proposed new highway.

We own South Side Carwash on Cliff Street/Hwy 85. This is located near the Black Hills Power and Light office not far from the intersection of 385 and 85.

We also own South Side Service which is a gas station with service bays. This is located at the end of Charles street that turns into Cliff Street. Also on Hwy. 85.

We also own a small rental house on the corner above the station with the address of 3 Cliff which is the beginning of Cliff Street.

Across the bridge from the station which is named Walnut street we have our residence along with our other business, SouthSide Oil.

SouthSide Oil is a small bulk plant with tanks that hold fuel and gasoline storage and two warehouses that hold bulk oils.

We are really excited about the new highway and feel that it is long overdue.

The new highway will improve the traffic flow but also will enhance one of the busiest roads into Deadwood.

The "curb appeal" will help to bring our end of Deadwood out of the "ghetto" look.

We have the ugliest side of town and with the new road, curb, gutters and sidewalks with boulevards, I hope this will improve the "welcome mat" into our side of Deadwood.

Just a little more information about our business traffic.

The carwash generates traffic because it is the only "do it yourself" type of carwash in Deadwood. It is not automated.

So that basically runs itself and we just do the chores and maintenance.

It will see some down time during construction but the end result will generate more traffic through this business.

The South Side Service station is one of three gas stations in Deadwood and the only service shop in Deadwood.

Therefore we are BUSY. We have been in this business since 1985, 25 years now, and it has been in the family since 1972.

The station has already seen many changes since we took over in 1985 and we hope with the new highway that it will see more improved changes.

The main problem with traffic now is leaving the station.

It is very hard to see the traffic coming from the south around the corner into Deadwood.

We hope that the new highway with wider lanes will improve that visibility.

We also see a lot of people walking along side of the road since the sidewalks end at the station on Charles Street.

With the motels up the road, people tend to walk from the motels to downtown and back.

The Mickelson trail is a nice walking path but many tourists don't see it behind the houses and businesses along Charles street.

Also in the winter time, the trail is only kept clear of snow from the parking lot to Walnut street.

The rest of the trail is snow-packed or wet gravel from walnut street to Highway 385.

That part of the trail is a snowmobile trail from December 15-April 15 every year so locals don't attempt to walk it for fear of encountering a snowmobile.

Therefore we would love to see sidewalks in as many places as you can put them along the highway.

The little rental house on the hill (3 Cliff) is pretty close to the side of the hill.

That hill is already shedding away with rocks and dirt.

The edge of the yard above the hill is pretty close to the house and if taking away the corner of the hill is in the plan, it may be too close to the house for safety concerns.

This may be something that you have already looked at or if not may want to look at.

We are flexible with whatever needs to be done.

The SouthSide Oil bulk plant is off the highway a little bit and hidden somewhat.

But we do have a lot of big truck traffic coming in from the highway.

I have tanker trucks with fuel and gasoline at least once a week and sometimes 3 times a week coming in.

We also have logging trucks that come in for fuel.

Highway 85 through Deadwood is a major logging truck route.

I also have over the road trucks coming in about every two weeks with bulk products for the warehouse.

So this business generates more big truck traffic than does the gas/service station.

Our residence is also on the property of SouthSide Oil bulk plant.

We generate a lot of traffic because of our family, extended family and friends. (We love to entertain)

Ha!

Just a little humor.

Again, we are in full support of this project and we wish you would begin construction next year instead of 2013.

It is going to be an inconvenience during construction but the end result is going to be a safer and more beautiful entrance into Deadwood.

If you have any questions, please feel free to call or stop in.

Sincerely,
Patrick and Rhonda Mollman
171 Charles Street
157 Charles Street
605-578-2773
605-578-1857

Malone, Mark

From: Malone, Mark
Sent: Thursday, August 26, 2010 9:11 AM
To: 'Tracy Island'
Subject: RE: Project #NH 0085(20)26 PCN 0555

Tracy

Thank you so much for attending the public meeting and taking the time to comment. I truly appreciate your insight on the project and will keep your comments for everyone's consideration when we, as a department, make our decision on how to proceed.

As I stated on Monday night, if there are any construction impacts to your property, you will be most likely hearing from us (likely not me) again in 6-8 months to discuss how the design will specifically affect your properties.

Thanks again and have a great day.

Mark Malone

-----Original Message-----

From: Tracy Island [mailto:tisland@rushmore.com]
Sent: Thursday, August 26, 2010 8:55 AM
To: Malone, Mark
Subject: Project #NH 0085(20)26 PCN 0555

Mark,

My name is Tracy Island. I am the GM at Deadwood Gulch Gaming Resort on Hwy 85 South in Deadwood. I also live at 6 Ryan Road just above the hwy.

I sat in on the public meeting concerning the proposed project for Deadwood. I think there were some good (and some not so good) points of consideration brought up at tonight's meeting. It is my belief that the proposed turning lane and elimination of the side street parking will actually increase the number of accidents on that road. I think 9 accidents in 3 years is exceptional. The current road causes the traffic to slow down for those turning keeping the speed down. This is especially important in the residential section on Charles. The current off street parking provides parking for those residents, easy entrance into traffic and in the winter a place to put snow. Eliminating that area will cause accidents, hardship for the residents, and snow problems. We already run into issues with where to put snow. The middle of the road is not a good option even with a 3 lane. Look at the Spearfish accident record due to the way they handle the snow removal compared to Deadwood.

The next issue is the Historic aspect. It was brought up by a number of people in the meeting. Refinish the road, repair the existing sidewalks, but to not add the turning lane. It will maintain the historic look of the residential areas of the town. I'm sure you felt the overall opposition to the project as presented. We want the highway to be repaired and maintained but the 11foot turning lane doesn't seem like the best idea for our needs both present and future.

Thank you,
Tracy

Malone, Mark

From: Malone, Mark
Sent: Monday, September 20, 2010 12:06 PM
To: 'Eric Fowler'
Subject: RE: Project #NH 0085(20)26 PCN 0555

Mr. Fowler

Thank you so much for attending the public meeting and taking the time to comment. I truly appreciate your insight on the project and will keep your comments for everyone's consideration when we, as a department, make our decision on how to proceed.

As I stated the night of the public meeting, if there are any construction impacts to your property, you will be most likely hearing from us (likely not me) again in 6-8 months to discuss how the design will specifically affect your properties. Thanks again and have a great day.

Mark Malone

-----Original Message-----

From: Eric Fowler [mailto:eric.fowler.gzol@statefarm.com]
Sent: Tuesday, September 07, 2010 2:05 PM
To: Malone, Mark
Cc: Eric Fowler
Subject: Project #NH 0085(20)26 PCN 0555

Dear Mark,

I am writing this email to be included in the meeting record for the project on US 385 – Fm US 385 to Cemetery St in Deadwood.

I own the building on 22 Cliff St in Deadwood. My business name is State Farm Insurance. I have two tenants in the building. The addresses are 24 and 26 Cliff St located in the same building.

One business is a land title company and the other a survey company.

All three of our entities require customer parking in front of the building. I attended the August 24th meeting at the Deadwood Lodge presented by your agency. My understanding from the meeting is that we would lose this parking in front of the building based on the initial proposal.

This would cause a great hardship to lose the parking for all three entities in front of my building. The need for customer parking in front is vital to the daily operations of all three businesses.

I am voicing my vote and concerns against the current project as proposed.

I look forward to further communication with you on the project as it progresses.

Sincerely,

Eric Fowler

Registered Representative of State Farm VP Management Corp.

Malone, Mark

From: Malone, Mark
Sent: Monday, September 20, 2010 12:04 PM
To: 'Cindy Bellet'
Subject: RE: Project # NH 0085(20)26 PCN 0555
Ms. Bellet

Thank you so much for attending the public meeting and taking the time to comment. I truly appreciate your insight on the project and will keep your comments for everyone's consideration when we, as a department, make our decision on how to proceed.

As I stated the night of the public meeting, if there are any construction impacts to your property, you will be most likely hearing from us (likely not me) again in 6-8 months to discuss how the design will specifically affect your properties. Thanks again and have a great day.

Mark Malone

-----Original Message-----

From: Cindy Bellet [mailto:cindybellet@yahoo.com]
Sent: Wednesday, September 08, 2010 3:33 PM
To: Malone, Mark
Subject: Project # NH 0085(20)26 PCN 0555

Thank you for the opportunity to submit our comments, please see attachment.

September 8, 2010 Project# NH 0085(20)26 PCN 0555

I am not against improvements to the hwy, however here are my concerns:

1. My husband and I own the Twin City Hdwe business (not the building) located just around the corner from 385 in the Pluma area. Your right of way would eliminate most of the customer parking for our business, which would ultimately put us out of business.
2. I believe that although 3 lanes would improve traffic flow, it would increase speeds (even though the same speeds would be posted) which would create an even bigger danger.
3. I also don't believe that the 3 lanes will make it easier to back out of driveways, but rather further hinder this as now there would be additional lanes of traffic to maneuver through.
4. I would also stress my concern for the homes on Charles St in which some would have little to no parking with the 3-lane plan. This would also mean that the hwy would move dangerously close to their front doors resulting in an extremely dangerous situation for those homeowners and guests entering and leaving the home.
5. You must also remember that we are proud to live in a historic community and to be able to promote this we must try to remain historic and not allow ourselves to be changed in ways that would take away this status.
6. The cost of this project could be greatly downsized if you would only resurface the existing 2-lanes. There is no need for 3-lanes as we want people to slow down for safety, not pass through more quickly as you indicated. We want them to remain slow so they can see our beautiful historic city and easily stop and walk around a bit. Your plan quite frankly could keep them moving so they wouldn't stop. Your plan will also eliminate numerous but very valuable parking. As you can see when visiting our city, our current parking is very limited and being a historic city we don't have the option of building tall parking ramps, nor do we have the space.

My sincere hope is that you will decide to downsize the project of putting in 3 lanes, to only resurfacing the current 2-lane hwy. Whatever your decision as you move ahead, we hope it includes some alternatives that will work for all of us.

We appreciate this opportunity to give you our thoughts and concerns. Thank you for your time and consideration of our needs as you move forward with this project.

Les and Cindy Bellet
Twin City Hardware
399 Cliff St
Deadwood SD 57732
605-578-3782
lescindy@rushmore.com
cindybellet@yahoo.com

Malone, Mark

From: Malone, Mark
Sent: Monday, September 20, 2010 12:03 PM
To: 'Bruce Oberlander'
Subject: RE: Comment on Project # NH 0085(20)26 PCN 0555

Mr. Oberlander

Thank you so much for attending the public meeting and taking the time to comment. I truly appreciate your insight on the project and will keep your comments for everyone's consideration when we, as a department, make our decision on how to proceed.

As I stated the night of the public meeting, if there are any construction impacts to your property, you will be most likely hearing from us (likely not me) again in 6-8 months to discuss how the design will specifically affect your properties. Thanks again and have a great day.

Mark Malone

-----Original Message-----

From: Bruce Oberlander [mailto:dakgraph@midconetwork.com]
Sent: Tuesday, September 07, 2010 12:25 PM
To: Malone, Mark
Subject: Comment on Project # NH 0085(20)26 PCN 0555

Mr. Malone:

Malone, Mark

From: Malone, Mark
Sent: Monday, September 20, 2010 12:05 PM
To: 'Floyd Rummel III'
Subject: RE: Project # NH 0085(20)26 PCN 0555

Mr. Rummel

Thank you so much for attending the public meeting and taking the time to comment. I truly appreciate your insight on the project and will keep your comments for everyone's consideration when we, as a department, make our decision on how to proceed.

As I stated the night of the public meeting, if there are any construction impacts to your property, you will be most likely hearing from us (likely not me) again in 6-8 months to discuss how the design will specifically affect your properties. Thanks again and have a great day.

Mark Malone

-----Original Message-----

From: Floyd Rummel III [mailto:floyd-dtfcu@rushmore.com]
Sent: Saturday, August 28, 2010 12:16 PM
To: Malone, Mark
Subject: FW: Project # NH 0085(20)26 PCN 0555

Sorry had the wrong email address on the first attempt.

From: Floyd Rummel III [mailto:floyd-dtfcu@rushmore.com]
Sent: Saturday, August 28, 2010 11:11 AM
To: 'mark.malone@state.sd.is'
Subject: Project # NH 0085(20)26 PCN 0555

Mark;

Thank you for hosting the public meeting on the 24th to discuss this upcoming road project. There is no doubt the road does need to be repaired. However, I do not think it needs the work on the scale that DOT has projected.

I believe the road should be left at its current width and no sidewalks should be added. I think if you want to do more than just resurface the existing road that you could replace the sewer lines under the road and any other utilities that are there and put down a new surface of the same width. By widening the road and putting in turning lanes you are only inviting people to drive faster than the speed limit through town.

If you are concerned about pedestrians you could increase signage about the Mickelson Trail and get them to use it. I know at one time the City of Deadwood considered putting in additional bridge over the creek between the Super 8 and the credit union to give additional access to the trail. I think that is an excellent idea.

I also believe that you need to take into account the feelings of the citizens and the businesses that are affected on this 1.5 mile stretch of highway. They live and work along this roadway 365 days a year. By the tone of the meeting the other night it is my opinion that the overwhelming majority of the affected people do not want this project to proceed as it was presented.

I look forward to additional meetings to inform the public about the scaled back nature of this project.

Floyd Rummel, III
President
Dakota Territory FCU

Malone, Mark

From: Malone, Mark
Sent: Monday, September 20, 2010 12:06 PM
To: 'Lynn Milos'
Subject: RE: Project NH0085(20)26 PCN 0555

Mr. Milos

Thank you so much for attending the public meeting and taking the time to comment. I truly appreciate your insight on the project and will keep your comments for everyone's consideration when we, as a department, make our decision on how to proceed.

As I stated the night of the public meeting, if there are any construction impacts to your property, you will be most likely hearing from us (likely not me) again in 6-8 months to discuss how the design will specifically affect your properties. Thanks again and have a great day.

Mark Malone

-----Original Message-----

From: Lynn Milos [mailto:lynnm@rushmore.com]
Sent: Wednesday, September 01, 2010 11:40 AM
To: Malone, Mark
Subject: Project NH0085(20)26 PCN 0555

Hi Mark-

I attended the meeting at the Lodge in Deadwood about the construction from US 85 - US 385 to Cemetery St. I am letting you know I do not support the current plan. I am currently renting from 140 Sherman Street. If you take away the road, you will infringe on the front of my business by 5 feet and then have to build a sidewalk. Not to mention no parking. I have to load and unload anywhere from 200 to 800 pounds of mail and need to access my front door. We do not need a turning lane in front of our businesses. I would support fixing the road, drainage and whatever else is need to update the sewage system, sidewalk, etc. and then put the road back to the way it is. Thank you for your time.

Lynn Milos
MS Mail
140 Sherman Street
Deadwood, SD 57732

Malone, Mark

From: Malone, Mark
Sent: Monday, September 20, 2010 12:05 PM
To: 'Mary Ann'
Subject: RE: Project # NHY0085(20)26 PCN0555 Lawrence County US85 -Fr US385 to Cemetery St in Deadwood

Ms. Oberlander

Thank you so much for attending the public meeting and taking the time to comment. I truly appreciate your insight on the project and will keep your comments for everyone's consideration when we, as a department, make our decision on how to proceed.

As I stated the night of the public meeting, if there are any construction impacts to your property, you will be most likely hearing from us (likely not me) again in 6-8 months to discuss how the design will specifically affect your properties. Thanks again and have a great day.

Mark Malone

-----Original Message-----

From: Mary Ann [mailto:maryann@spe.midco.net]
Sent: Tuesday, September 07, 2010 10:47 PM
To: Malone, Mark
Subject: Project # NHY0085(20)26 PCN0555 Lawrence County US85 -Fr US385 to Cemetery St in Deadwood

Mark Malone
Please find the attached copy of my comments on this project.
Mary Ann Oberlander
102 Charles St
Deadwood
Sept 7, 2010

Whitebird, Alice

From: Whitebird, Alice
Sent: Monday, August 13, 2012 11:04 AM
To: Haug, Jason; kevin@cityofdeadwood.com
Cc: Whitebird, Alice; Keller, Terry; Lehmkuhl, Tom
Subject: Lawrence Co. PCN 0555 - July 19, 2012 Meeting Notes
Attachments: Railing.JPG

Hi Jason & Kevin,

A few days after our meeting in Deadwood I went on vacation, so didn't get a chance to put together any notes about our meeting before I left. The following synopsis of our meeting is based on some notes I took @ the meeting. Please review & add anything I might have omitted.

When I got back to Pierre, I visited with DOT people from our Bridge Design, Road Design and ROW offices regarding questions brought up at our meeting. The information I got from those people & other comments from me are in red.

Thanks,
Alice Whitebird
SDDOT Environmental Office
Office of Project Development
(605) 773-3309

Meeting Date: July 19, 2012
Location: Deadwood City Hall
Participants: Jason Haug (SHPO), Kevin Kuchenbecker (DHPO), and Terry Keller, Alice Whitebird & Tom Lehmkuhl (SDDOT)

This meeting was held to discuss the US Highway 85 project in Deadwood and mitigation measures for project impacts to the Deadwood Historic District & two quarry stone walls (Sites 39LA1972 & 39LA1973) that are contributing resources to the Historic District.

- The group reviewed the project plans cross sections. SHPO & DHPO noted that the hillside cuts were not as extensive as previously thought but still an impact to the landscape and environs of the Deadwood Historic District.
- The group discussed and agreed upon the following measures to mitigate for project impacts to the Deadwood Historic District & contributing quarry stone walls. These measures will be included in an MOA between FHWA & SHPO. DHPO & the NPS will be invited signatories on the MOA.
 - SDDOT will submit photographic documentation of sites 39LA1972 & 39LA1973 to SHPO. Photographs will meet NRHP digital photograph standards.
 - Impacted stones form from Sites 39LA1972 & 39LA1973 will be reused on a portion of the new retaining wall that will be constructed in the vicinity of the existing walls. Remaining section of new wall at that location will be constructed of quarry stone. **I discussed this with Steve Johnson (SDDOT Bridge Design Office) and this can be accomplished.**

- Project will fund the development & installation of an interpretive sign relating to the old Deadwood Trail. Location of the sign to be agreed upon by consulting parties. DHPO will develop & coordinate signs to ensure they match other interpretive signs in Deadwood. Sign will be maintained by Deadwood Historic Preservation Office. **Kevin will provide a detailed cost breakdown for the materials & labor needed to construct & install the sign. Alice will then prepare an agreement between the City of Deadwood & SDDOT to implement this mitigation measure.**
- DHPO would like decorative faces on new retaining walls constructed along the project. **According to Bridge Design, this can be accomplished.**
- Guardrail & handrails:

Kevin would like decorative handrail & guardrail (if needed) used on the project. Alice explained that curb, gutter & sidewalk would replace guardrail where possible & that any guardrail used on the project would have to comply with crash standards. **I provided Road Design & Bridge Design with photos of some existing handrail/guardrail used in Deadwood. Bridge design will look into this.**
- ROW, Lighting & Boulevards:
 - Kevin wanted to know what's going to happen to the Ice House property; can DOT deed the property to the City? (City would be responsible for all enhancements & maintenance on the property). Kevin also asked what was going to happen to the excess property between Sta 27-33 Rt. Wanted to know if the property could be deeded to City for possible use for overflow parking. **According to Joel Gengler, SDDOT ROW Program Manager, these questions will need to wait for answers until the design is complete in some areas. The ice house property is privately owned. Disposal or transfer will be reviewed soon with design. Property transfers are usually done after the project is complete in the event that they provide staging opportunities during construction.**
 - Kevin would like new lighting to match the existing decorative lighting in the Historic District. **This will be done.**
 - Explained that sidewalk boulevard would replace grass boulevard. **The design has been revised. Grass boulevards will now be incorporated in the design through the Charles Street area.**
- Group walked around Deadwood and saw examples of interpretive signs & decorative handrail/guardrail.
- Group toured the new Days of 76 Museum. **(Thanks Kevin, it's a beautiful place & we appreciated you taking the time to show it to us!)**

Once we fine-tune these notes, I would like to email a copy to Dena Sanford, NPS.



Preserving America's Heritage

September 28, 2012

Marion Barber
 Environmental Engineer
 FHWA – South Dakota Division
 116 East Dakota Avenue, Suite A
 Pierre, SD 57501

Ref: *Proposed Surfacing Project - US 85 from Jct. US 385 to Cemetery Street
 NH-PH 0085(20)26, PCN0555
 City of Deadwood, Lawrence County, South Dakota*

Dear Ms. Barber:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the South Dakota State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Najah Duvall-Gabriel at (202) 606-8585 or at ngabriel@achp.gov.

Sincerely,

LaShavio Johnson
 Historic Preservation Technician
 Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
 Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov