

Appendix K

Section 4(f) De Minimis Impact Finding



**Planning and Engineering**

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

May 17, 2023

Tom Lehmkuhl, Environmental Engineer
Federal Highway Administration
South Dakota Division
116 East Dakota Avenue, Suite A
Pierre, SD 57501

RE: Section 4(f) De Minimis Impact Finding for the Buryanek Game Production Area, West Bridge Recreation Area, and Snake Creek Recreation Area

Projects: P 0044(207)290, PCN 05X0 and P 0044(228)290, PCN 08PP, Gregory and Charles Mix Counties

Location: SD44 – Missouri River Bridge Platte-Winner Bridge

Description: Replace Bridge, Grading, Snake Creek Recreation Area 4(f) Mitigation

Dear Mr. Lehmkuhl:

This letter requests FHWA approval of the intent to make a Section 4(f) *de minimis* finding for impacts to the Buryanek Game Production Area (GPA), West Bridge Recreation Area (RA), and Snake Creek RA associated with the subject project. The project's compliance with NEPA will be documented as an Environmental Assessment (EA).

Project Purpose and Need

The purpose of this project is to replace the existing SD44 Platte-Winner Bridge over the Missouri River to maintain regional connectivity along SD44 in South Dakota. **Attachment 1** shows the location of the project.

The need for this project is to address several critical issues associated with the existing bridge constructed in 1966. The *SDDOT's Major Bridge Investment Study* and the *SD44 Platte-Winner Bridge Corridor Study* (Holt and Benesh (2016)), identified the following issues with the existing bridge that combined threatened the long-term viability of the bridge:

- Overall aging infrastructure of the bridge and long-term maintenance costs
- Narrow bridge width that does not meet current geometric design standards

Description of 4(f) Resource(s)

The Buryanek GPA (5,577 acres) and the West Platte GPA (825 acres) are mostly open space for game production, hunting, and passive recreation. The West Bridge RA (12 acres) is a non-fee area that offers boat ramp access, boat trailer parking, a vault toilet, and overflow parking for the boat ramp. The Snake Creek RA (695 acres) has extensive amenities including campgrounds, sanitary dump/ water stations, welcome center, boat ramp and associated parking, a fish cleaning station, and a concessions and restaurant building. **Attachment 2** shows the locations of these Section 4(f) properties. **Attachment 3** shows the amenities of the Snake Creek RA in detail.

The Buryanek GPA, West Bridge RA, Snake Creek RA, and West Platte GPA are considered recreational areas that meet the definition of a Section 4(f) resource as defined in 23 CFR 774.17. The South Dakota Game Fish and Parks (GFP) is the owner with jurisdiction (OWJ) over these recreational areas and is responsible for operations and maintenance.

Description of 4(f) Impacts

Impacts discussed below include general impacts to the GFP land due to the relocation of SD44. Permanent easements that would be needed for the proposed SD44 roadway's relocation through these recreational areas is described below. No fee title right of way is proposed in any of the recreation areas. At this time only permanent and temporary construction easements are needed with temporary construction easement details to be determined through the design process.

Buryanek GPA – The construction of the proposed relocated SD44 roadway would impact an 1.9 acres of the Buryanek GPA. Impacts to the Buryanek GPA are to open space that is not actively used for features, attributes or activities that contribute to the GPA's overall recreational use. Approximately 1.9 acres of the 5,577 acres site would be impacted, or less than one percent of the site would be converted to roadway use. However, when the construction of the proposed roadway is complete, approximately 2.9 acres of the existing SD44 roadway would be converted back to GPA use.

West Bridge RA – The construction of the proposed relocated SD44 roadway avoids the West Bridge RA except for the temporary construction impacts. Approximately 1.3 acres of open space that is not actively used for features, attributes, or activities that contribute to the RA's overall recreational use of the 12 acre site would be temporarily impacted as the adjacent existing roadbed is demolished and converted into recreation area land. This results in a net gain to the West Bridge RA, increasing its size from 12 acres to 13.3 acres since the proposed roadway is shifted away from the existing location. No features, attributes or activities that contribute to the West Bridge RA overall recreational use are impacted.

Snake Creek RA - Impacts to the Snake Creek RA include 8.6 acres of open space that is not actively used for features, attributes, or activities that contribute to the RA's overall recreational use of the 700-acre site. Approximately 1.2 percent of the Snake Creek RA would be converted to roadway use. However, when the construction of the proposed roadway is complete, about 12.9 acres of the existing SD44 roadway would be converted back to recreation land. The majority of the 8.6 acres of impact is to open space within the Snake Creek RA that is not actively used for features, attributes, or activities that contribute to the park's overall recreational use. The exception is the impacts to the one-acre sanitary dump/water station. This feature/ attribute/

activity of the Snake Creek RA would be permanently converted to roadway right-of-way and requires mitigation.

West Platte GPA – The construction of the proposed relocation of SD44 roadway would not impact the West Platte GPA. The existing dump station/ water station at Snake Creek RA will be replaced at an unimproved parking and habitat area within the West Platte GPA. Approximately 2 acres of open space that is not used for features, attributes, or activities that contribute to the GPA’s overall recreational use of the 823 acres of the GPA will be impacted. The area being impacted within the GPA does not currently have any structures or facilities. Access to the larger GPA will be maintained after construction of the new dump station/ water station.

Description of 6(f) Properties and Affects

Four grants from the Land and Water Conservation Fund (LWCF) were used within the Snake Creek RA as described in the table below. This project will result in direct impacts to Snake Creek RA. A series of mitigation measures have been developed as part of coordination with GFP through the Section 4(f) process. Because SD44 will be on new alignment through the park, coordination regarding the right-of-way impacts has been ongoing between SDDOT and GFP. Land that is currently within right-of-way but no longer necessary for the new SD44 corridor is proposed to be given back to GFP in exchange for new right-of-way. The result will be a no net loss of GFP park land. SDDOT will continue to work with GFP through final design to determine appropriate boundary locations for right-of-way on the new alignment to achieve the no net loss objective.

Snake Creek RA LWCF Grants

Project Number	Date	Park	Amount of Grant	Use of Funds
46-00975	6/6/1983	Snake Creek RA	\$39,075	Construction of support facilities
46-01292	9/30/1984	Snake Creek RA	\$45,816	Construct picnic areas, swimming facilities, and support facilities
46-01309	12/31/2004	Snake Creek RA	\$23,790	Construction of support facilities
46-01424	12/31/2013	Snake Creek RA	\$45,000	Construct facilities including RV electric pedestals, service panels, and underground wiring

The project will be constructed in phases allowing the existing bridge and roadway to remain open to traffic for the duration of the construction including the tie in points where proposed SD44 ties back into the existing roadway just west of the SCRA’s eastern boundary.

Coordination occurred with the GFP Grants Coordinator regarding Section 6(f) properties within the study area in spring 2023. The SDGFP concurred on May 16, 2023 that there is no conversion of use at SCRA. This correspondence is included in **Attachment 4**.

Avoidance, Minimization, and Mitigation

Avoidance, minimization, and mitigation measures to reduce the size of impact on Section 4(f) resources, the severity of use to Section 4(f) resources, and the function of the portion used to Section 4(f) resources on both sides of the bridge were considered through the bridge and roadway realignment alternative development process. The GFP was a key stakeholder throughout the alternative development and impact assessment process providing input into the avoidance, minimization, and mitigation discussions

Buryanek GPA – Avoidance of Buryanek GPA was not a feasible and prudent option without disturbance of other Section 4(f) resources. The Recommended Alternative minimizes the impact to this resource by shifting the proposed alignment to the north. The proposed uniform roadway right of way width minimizes impacts to this resource.

West Bridge RA – Avoidance of West Bridge RA was not a feasible and prudent option without disturbance of other Section 4(f) resources. The Recommended Alternative avoids direct impacts to the West Bridge RA's parking lot and boat launch and minimizes the impact to this resource by shifting the alignment to the north. The proposed uniform roadway right of way width also minimizes impacts to this resource. The West Bridge RA boat launch is valued for the ability to provide an alternative launch location to the popular, and often congested, site within Snake Creek RA. Access to the boat launch will remain open during construction.

Snake Creek RA - Avoidance of Snake Creek RA was not a feasible and prudent option. However, the determination of which side of SD44 to locate the new bridge did have implications for which resources within Snake Creek RA were impacted. By selecting a location north of the current highway, direct impacts to the Snake Creek RA campground and the Welcome Center were avoided.

Mitigation measures include the relocation of the one-acre sanitary dump/water station. The proposed new sanitary dump/ water station would be placed in an existing open grassy area located near the SD44 roadway within the West Platte GPA. The new facility would include a paved entrance, paved angle parking for up to ten parking spaces for easy access to the sanitary and water facilities.

This mitigation site meets the GFP criteria needed for a new location of the facility. This site would be constructed in advance of the bridge and roadway construction, and sanitary dump/ water station demolition, allowing campers at the Snake Creek RA the ability to use this facility for the duration of construction and after. The West Platte GPA dump/ water station area is a geotechnically stable location in an area known for landslides. Additionally, it is in an area where risk of impacting environmental resources is low. Additionally, the area has no existing park attributes to avoid.

West Platte GPA - The mitigation of the impacts to Snake Creek RA include one acre of permanent impact to the 825 acre West Platte GPA property and one acre of temporary impact for construction of the sanitary dump/water station. These impacts are considered improvement and received a Section 4(f) Exception for Transportation Enhancement Activities, Transportation Alternatives Projects, and Mitigation Activities [23 CFR 774.13(g)] from the Federal Highway Administration on December 12, 2022 (see **Attachment 5**).

Agency and Public Coordination

Per 23 CFR 774.5(b)(2), the SDDOT informed the GFP of their intent to make a de minimis impact finding for the Buryanek GPA, West Bridge RA, and Snake Creek RA. This correspondence is included in **Attachment 6**. The GFP is the OWJ over these Section 4(f) resources. The public will have an opportunity to comment on the de minimis finding at the upcoming public meetings. Following the public review comment period and after consideration of any comments received from the public, the OWJ must then concur in writing that the project will not adversely affect the activities, features, and attributes that make property eligible for Section 4(f) protection.

FHWA's intent to make a de minimis determination and supporting information will be reported in the EA. A de minimis impact determination requires public involvement pursuant to 23 CFR 774.5(b)(2). A public information meeting will be held following the release of the EA and Section 4(f) evaluation for public comment. A comment period will be provided for 30 days following the release of the EA. Comments received on the notice on FHWA's intent to make a de minimis impact determination, FHWA final de minimis determination, and the OWJ's final concurrence will be reported in the finding of no significant impact (FONSI).

If FHWA agrees that a FONSI and the Section 4(f) determination is appropriate, a FONSI will be issued to conclude the environmental review process and document the decision.

Conclusion

Based on the information provided, SDDOT seeks FHWA's determination that the construction activities associated with the subject project and incorporation of ROW into the highway transportation facility are a *de minimis* impact to the resources described as the project will not adversely affect the activities, features or attributes that make the property eligible for Section 4(f) protection. Any environmental commitments derived from the Section 4(f) de minimis impact determination will be included in the EA document and plans assembly process.

If there are any questions, please contact me at (605) 773-3180.

Sincerely,



Andrea Bierle
Environmental Engineer II
605.773.3180
Andrea.Bierle@state.sd.us

The FHWA, SD Division intends to make a De Minims impact determination conditioned on results of public notice, comment period, and OWJ concurrence.



Tom Lehmkuhl
2023.05.19 11:28:31 -05'00'

Tom Lehmkuhl
South Dakota Division
Federal Highway Administration

Date

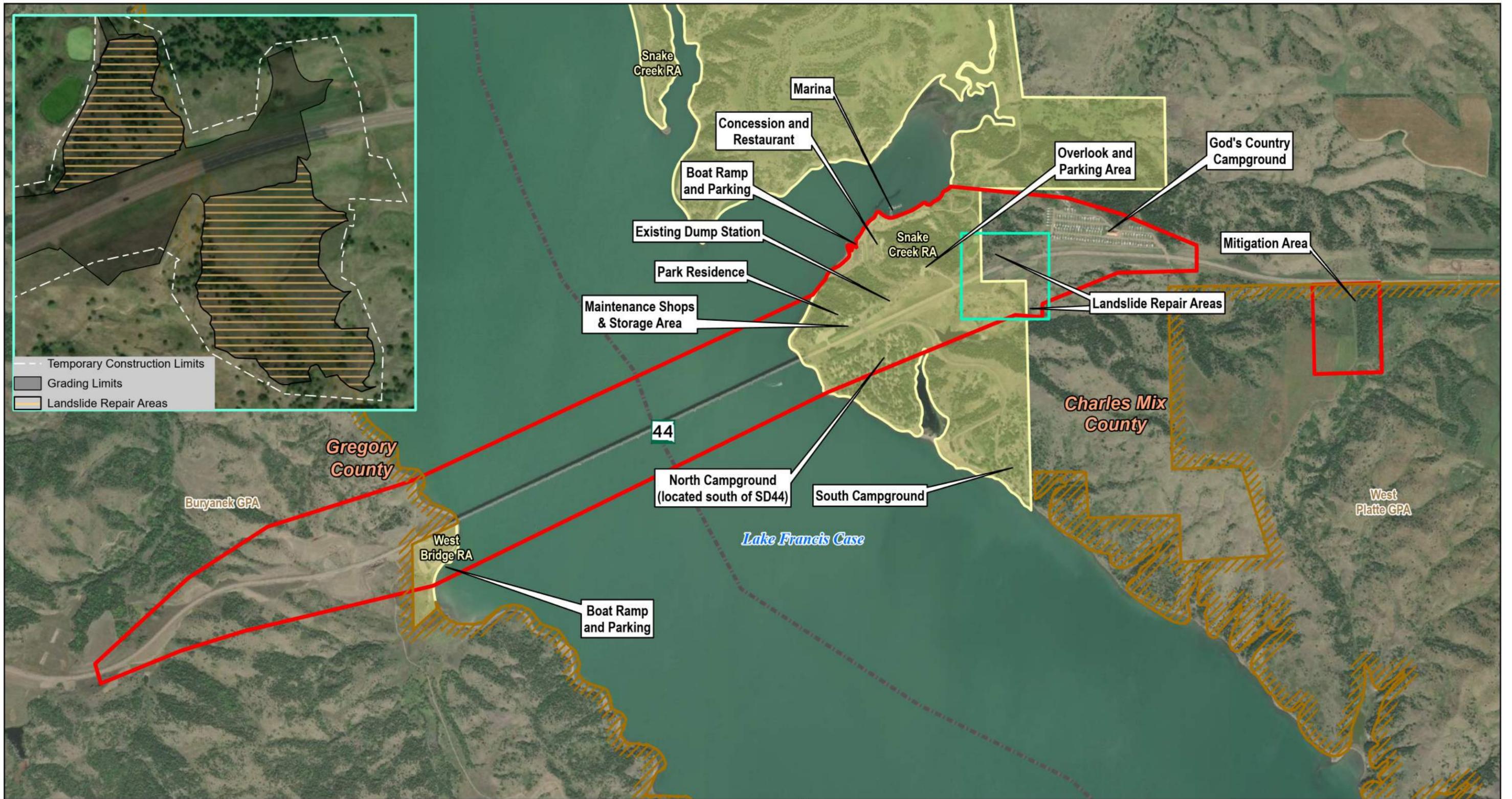
Attachments

1. Project Location Map
2. Section 4(f) Site Location Maps
3. Snake Creek Recreation Area Map
4. Section 6(f) No Use Concurrence
5. FHWA Section 4(f) Exception (g) Concurrence
6. SDDOT Section 4(f) DeMinimis Finding Intent

Attachment 1

Project Location Map

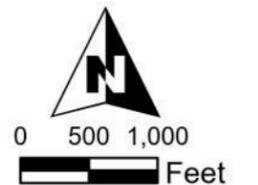




Project Location Map
 SD44/Platte-Winner Bridge
 Environmental Assessment
 Gregory and Charles Mix Counties

Legend

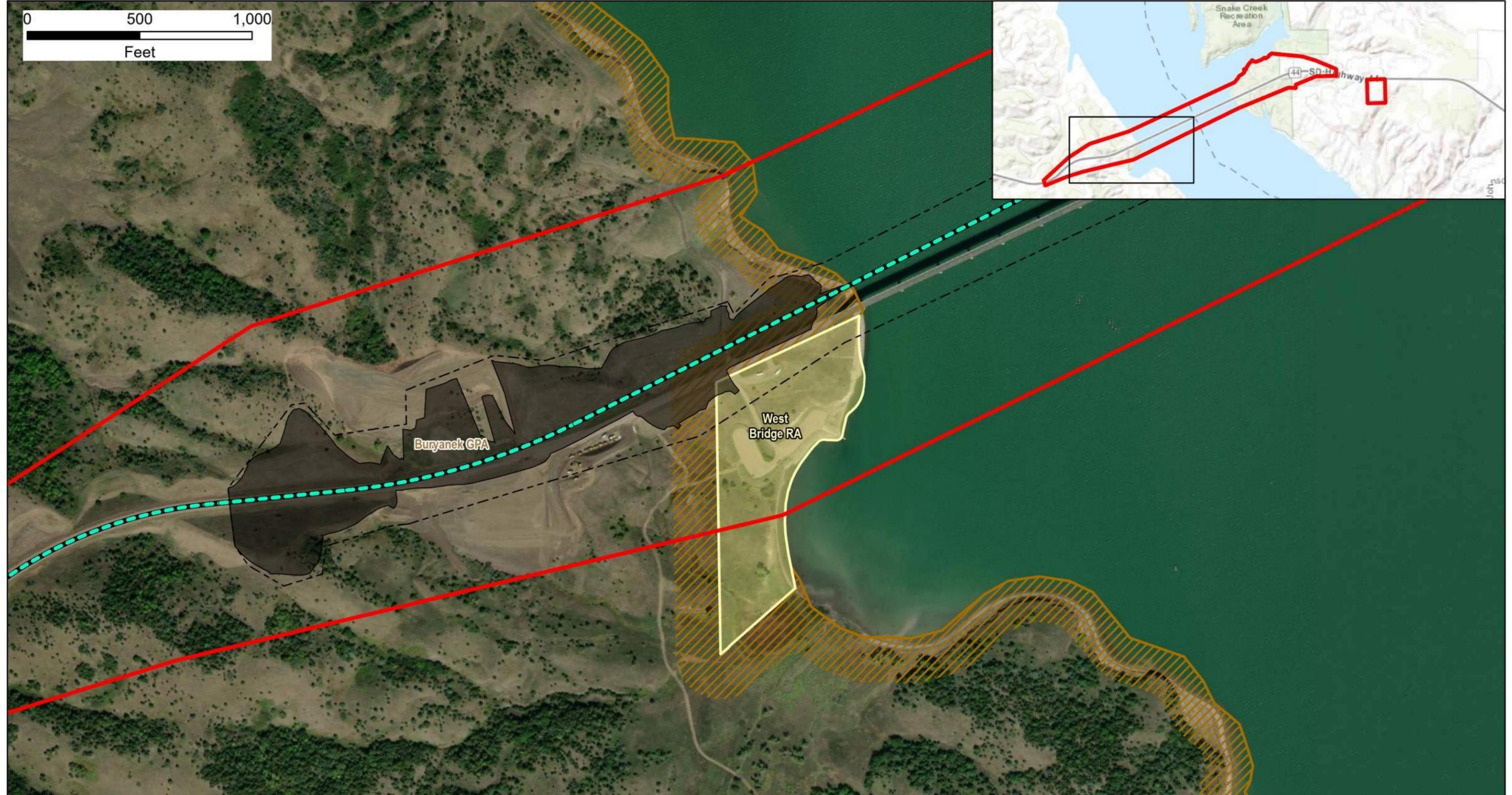
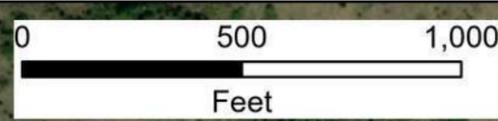
- Area of Potential Effect
- Parks and Recreation Areas
- Game Production Areas



Attachment 2

Section 4(f) Site Location Maps



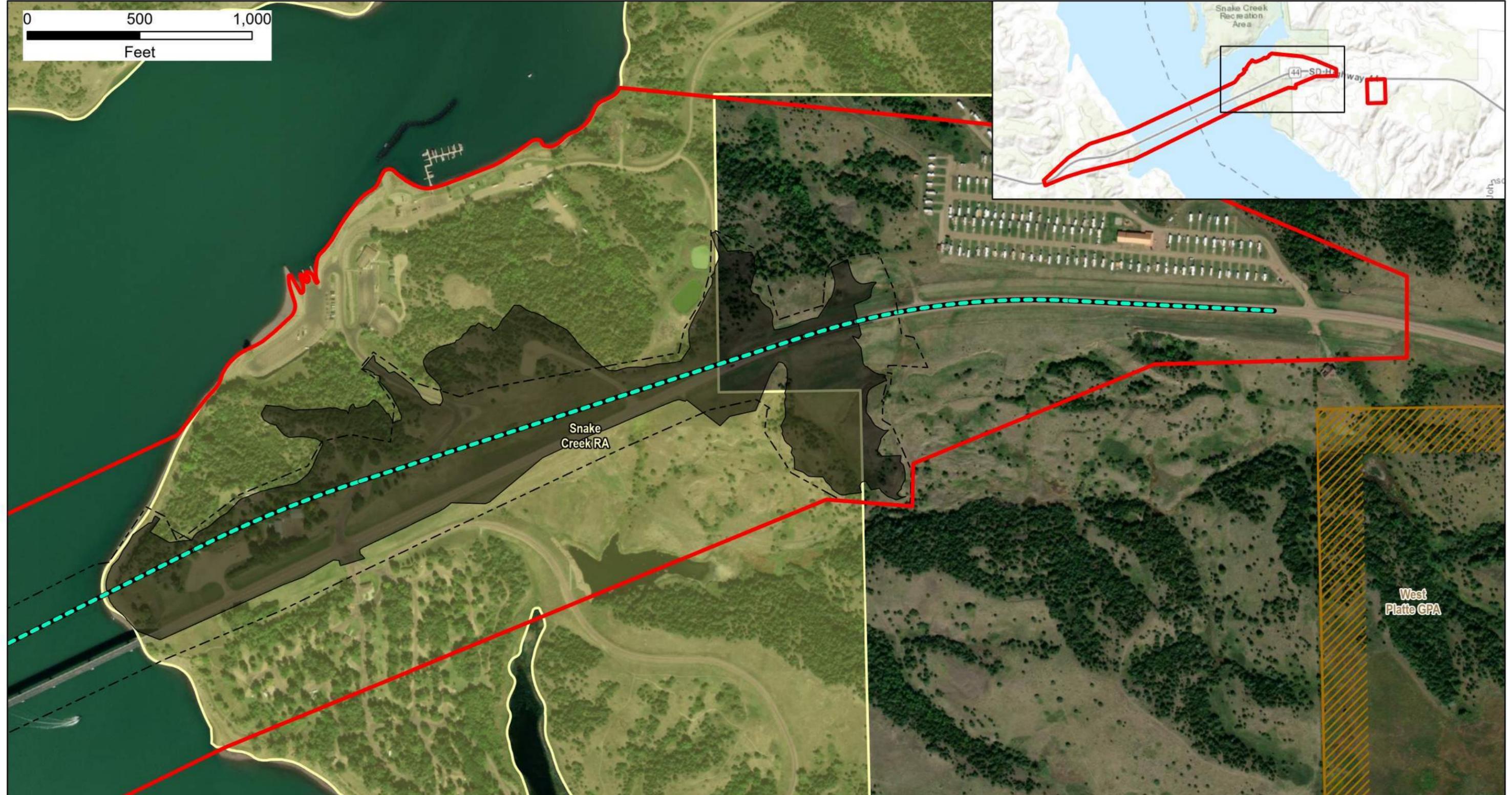
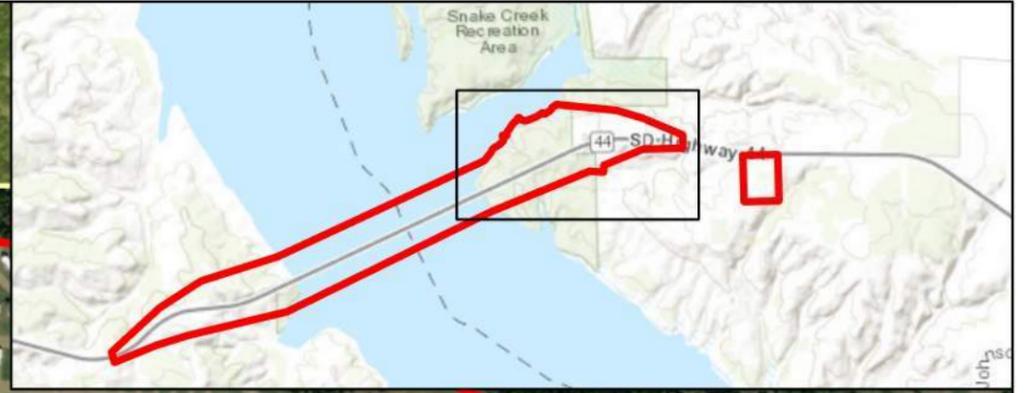


Section 4(f) Site Location Maps
West Bridge RA and Buryanek GPA
 SD44/Platte-Winner Bridge
 Gregory and Charles Mix Counties

Legend

- Area of Potential Effect
- Temporary Construction Limits
- Grading Limits
- Parks and Recreation Areas
- Recommended Alternative
- Game Production Areas



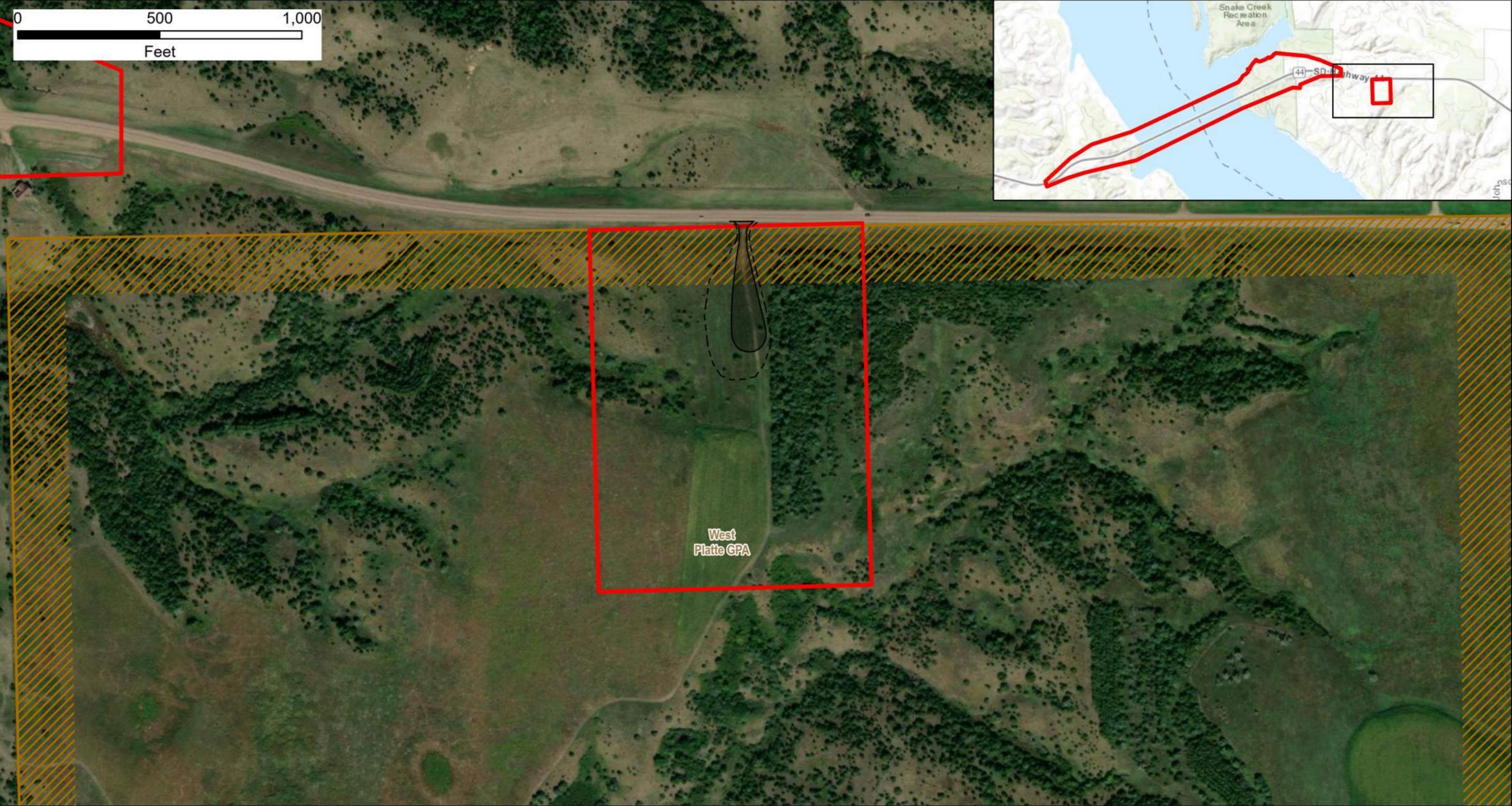


Section 4(f) Site Location Maps
Snake Creek RA
 SD44/Platte-Winner Bridge
 Gregory and Charles Mix Counties

Legend

- Area of Potential Effect
- Temporary Construction Limits
- Grading Limits
- Parks and Recreation Areas
- Recommended Alternative
- Game Production Areas





Section 4(f) Site Location Maps
West Platte GPA
 SD44/Platte-Winner Bridge
 Gregory and Charles Mix Counties

Legend

-  Area of Potential Effect
-  Temporary Construction Limits
-  Grading Limits
-  Parks and Recreation Areas
-  Recommended Alternative
-  Game Production Areas



Attachment 3

Snake Creek Recreational Area Map





SNAKE CREEK RECREATION AREA



Attachment 4

Section 6(f) No Use Concurrence



Woodson, Stacy

From: Kittle, Randy <Randy.Kittle@state.sd.us>
Sent: Tuesday, May 16, 2023 3:40 PM
To: Woodson, Stacy
Cc: Bierle, Andrea
Subject: RE: SD44 Platte-Winner Bridge - Section 6(f) Concurrence

This email came from outside the HR Green organization. Please use caution when clicking on hyperlinks and opening attachments

Stacy,

We are in concurrence that there is no Conversion of Use at Snake Creek Recreation Area. This is a unique situation where a state highway goes through a LWCF 6(F) encumbered property being located to the north and south sides of the SDDOT ROW. The NPS has agreed that the existing SDDOT ROW will be allowed to shift to the north of the existing bridge location as long as it does not expand to take more square footage of park than is currently included in the ROW. Park facilities will be shifted/relocated as part of the bridge reconstruction project to accommodate the new replacement bridge construction. Neither the realignment or relocation of park facilities nor the shifting of the ROW will be considered a temporary non-conforming use of the encumbered park property. Park services and public access to those park facilities will continue in Snake Creek Recreation Area throughout the project.

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



From: Woodson, Stacy <swoodson@hrgreen.com>
Sent: Tuesday, May 16, 2023 11:03 AM
To: Kittle, Randy <Randy.Kittle@state.sd.us>
Cc: Bierle, Andrea <Andrea.Bierle@state.sd.us>
Subject: FW: [EXT] SD44 Platte-Winner Bridge - Section 6(f) Concurrence

Randy – Just putting this message back on top of your email pile. Will you have time to address this today?

Thanks,

Stacy E. Woodson, PE
Vice President – Transportation | Principal | Group Leader
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From: Woodson, Stacy

Sent: Friday, May 12, 2023 11:42 AM

To: randy.kittle@state.sd.us

Cc: Bierle, Andrea <andrea.bierle@state.sd.us>; Hight, Joanne <joanne.hight@state.sd.us>; McCaslin, Ted <tmccaslin@hrgreen.com>; Thoreen, Timothy <tthoreen@hrgreen.com>; Folz, Carl <cfolz@hrgreen.com>

Subject: SD44 Platte-Winner Bridge - Section 6(f) Concurrence

Randy,

The purpose of this email is to obtain concurrence from the South Dakota Game Fish and Park's (GFP) and National Park Service regarding no use, no temporary use, and no temporary non-conforming use of the Section 6(f) resources located within the Snake Creek Recreation Area (SCRA). Does GFP concur that no use will occur to the Section 6(f) resources located within the SCRA due to the SD44 Platte-Winner Bridge project?

Based on information your office supplied on March 27, 2017 we understand that four projects using funds from the Land and Water Conservation Fund Act were used for improvements within the SCRA. The four projects are described in the table below.

Project Number	Park	Amount of Grant	Use of Funds
46-00975	SCRA	\$39,075	Construction of support facilities
46-01292	SCRA	\$45,816	Construct picnic areas, swimming facilities, and support facilities
46-01309	SCRA	\$23,790	Construction of support facilities
46-01424	SCRA	\$45,000	Construct facilities including RV electric pedestals, service panels, and underground wiring

The SCRA is a 695-acre park owned and operated by the GFP. The existing SD44 roadway is an east/west route that goes through the middle of SCRA dividing the into a northern and southern portion. The proposed SD44 Platte-Winner Bridge project will replace the existing bridge and realign SD44 slightly to the north of its existing location through the SCRA. The exiting roadway right of way within the SCRA is 16.4 acres as shown in Figure 1 of the attached exhibits. Of the 16.4 acres of existing roadway right of way, 12.9 acres would be converted back to parkland when the project is complete (Figure 2). The proposed realignment of SD44 would impact 6.2 acres of SCRA (Figure 2). The SCRA will gain 10.2 acres of parkland that is currently being used as roadway right of way once the project is complete.

The project will be constructed in a way that allows the existing bridge and roadway to remain open to traffic for the duration of construction including the tie in point where the proposed SD44 ties back into the existing roadway just west of the SCRA's eastern boundary. There is no conversion of use to Section 6(f) resources that would occur with the implementation of the SD44 Platte-Winner Bridge project. Given the measures taken to maintain traffic during construction and proactively mitigate impacts at SCRA, there is no temporary use and no temporary non-conforming use of the Section 6(f) resources that will occur with the implementation of the SD44 Platte-Winner Bridge project.

We appreciate the Game Fish and Park's involvement in the planning and coordination of the SD44 Platte-Winner Bridge Environmental Assessment process. Please let us know if you have questions. Thanks,

Stacy E. Woodson, PE

Vice President – Transportation | Principal | Group Leader

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From: Woodson, Stacy

Sent: Friday, May 5, 2023 11:39 AM

To: randy.kittle@state.sd.us

Cc: Bierle, Andrea <andrea.bierle@state.sd.us>; Hight, Joanne <joanne.hight@state.sd.us>; McCaslin, Ted <tmccaslin@hrgreen.com>; Thoreen, Timothy <tthoreen@hrgreen.com>

Subject: RE: SD44 Platte-Winner Bridge

Randy,

Quick reminder that we are in need of the GFP's Section 6(f) determination letter. Can you give us an estimate of when you think this letter will be coming our way?

Thanks,

Stacy E. Woodson, PE

Vice President – Transportation | Principal | Group Leader

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From: Woodson, Stacy

Sent: Friday, April 28, 2023 1:33 PM

To: randy.kittle@state.sd.us

Cc: Bierle, Andrea <andrea.bierle@state.sd.us>; Hight, Joanne <joanne.hight@state.sd.us>; McCaslin, Ted <tmccaslin@hrgreen.com>; Thoreen, Timothy <tthoreen@hrgreen.com>

Subject: SD44 Platte-Winner Bridge

Hi Randy,

Like we discussed on the phone a few minutes ago, I am in need of a letter from GFP for inclusion into the EA documentation regarding the impacts (or lack thereof) to Section 6(f) land. We agree that there is no “temporary non-conforming use” or “conversion of use” of Section 6(f) land due to the nature and relocation of the roadway. It’s more a swap than a use. Please send us this letter for inclusion into the record as soon as you can. I realize you are traveling next week and that it may not be available to get this to us until Friday 5/5/23.

Please let me know if you have questions. Thanks,

Stacy E. Woodson, PE

Vice President – Transportation | Principal | Group Leader

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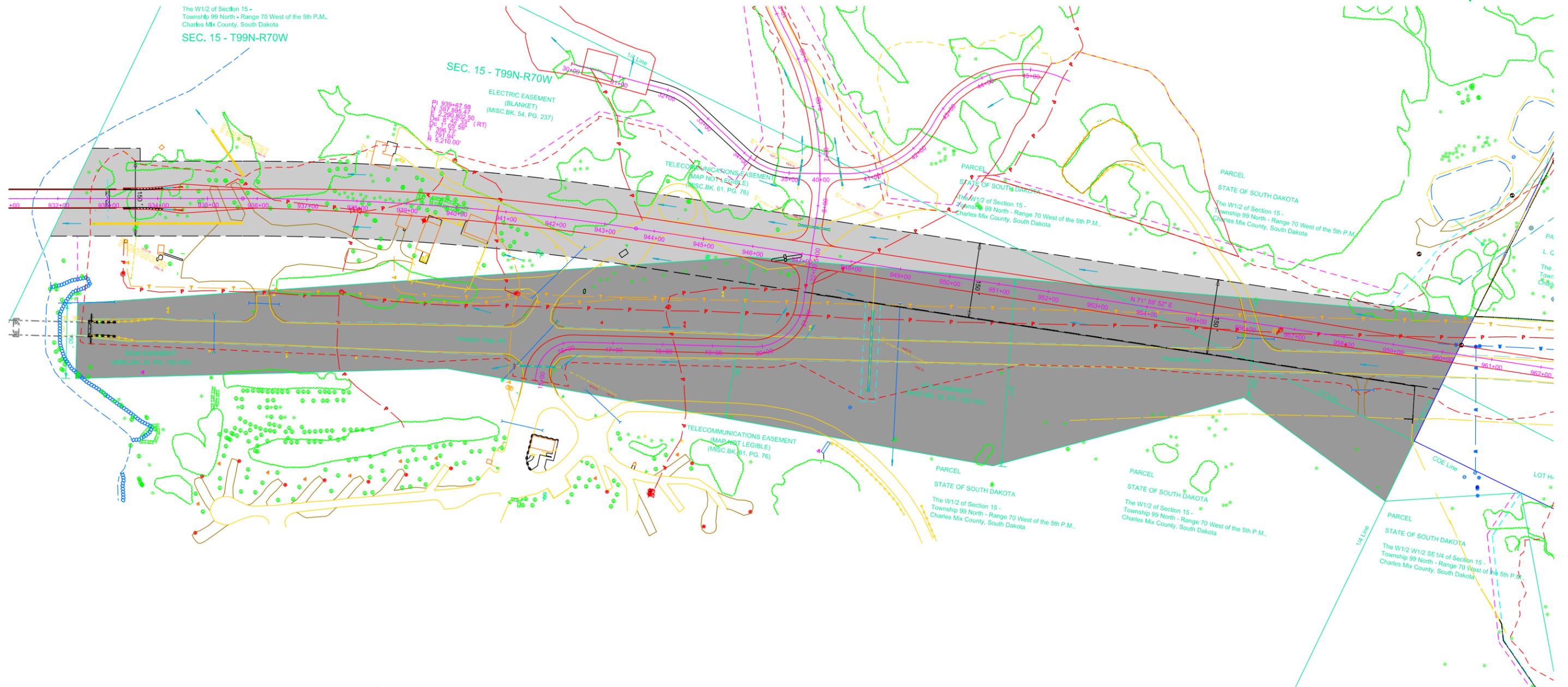
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STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	P 0044(207)290	1	3

Plotting Date: 2/2/2022

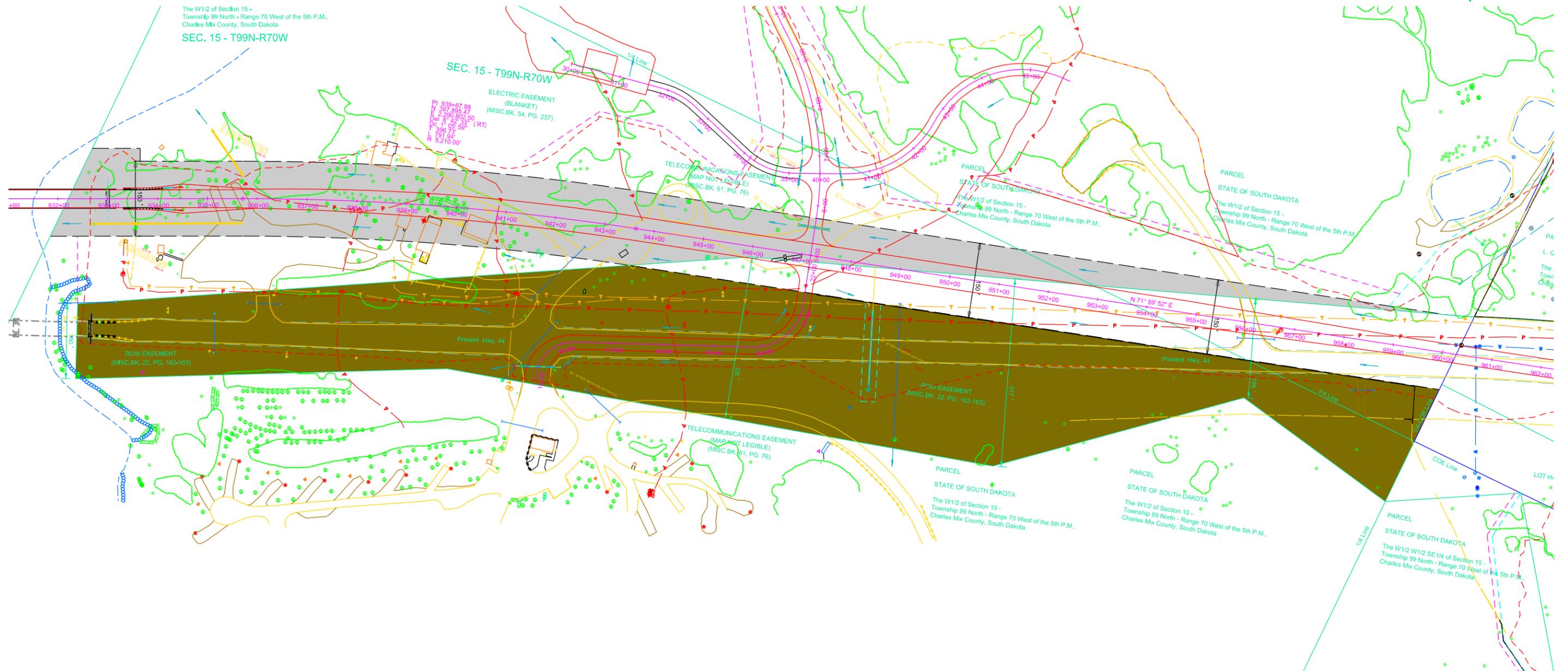


 PROPOSED ROW
 AREA = 6.205 ACRES
 EXISTING ROW
 AREA = 16.404 ACRES



STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	P 0044(207)290	2	3

Plotting Date: 2/2/2022



DOT PROPOSED ROW
 AREA = 6.205 ACRES

 DOT VACATED ROW
 AREA = 12.880 ACRES



STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	P 0044(207)290	3	3

Plotting Date: 2/2/2022



DOT ROW
 AREA = 9.730 ACRES
 DNR ROW
 AREA = 12.880 ACRES



Attachment 5

FHWA Section 4(f) Exception (g) Concurrence





Planning and Engineering
Environmental Office
700 E Broadway Avenue
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O: 605.773.4336
dot.sd.gov

December 13, 2022

Tom Lehmkuhl, Environmental Engineer
Federal Highway Administration
South Dakota Division
116 East Dakota Avenue, Suite A
Pierre, SD 57501

Subject: Section 4(f) Exception for Transportation Enhancement Activities, Transportation Alternatives Projects, and Mitigation Activities [23 CFR 774.13(g)]

**RE: Project P 0044(207)290, PCN 05X0, Charles Mix and Gregory Counties
SD44 - Missouri River Bridge Platte-Winner Bridge Replace Str Bridge, Grading,
Interim Surfacing-Section 4(f) Mitigation at West Platte Game Production Area**

Dear Mr. Lehmkuhl:

This letter requests FHWA approval as SDDOT intends to pursue an exception to the requirement of Section 4(f) review associated with the proposed Platte-Winner Bridge Replacement project. The Project's compliance with the National Environmental Policy Act will be documented as an Environmental Assessment. Included an attachment is a map detailing the project location and extents. This project will replace the Platte-Winner Bridge over the Missouri River and realign SD44 through the Snake Creek Recreation Area (SCRA).

The impacts to the SCRA require Section 4(f) mitigation of a one acre sanitary dump/drinking water station. The site selected for mitigation is the West Platte Game Production Area (GPA). The West Platte GPA is publicly owned and publicly used recreational property owned by the State of South Dakota making it also subject to the Section 4(f) protection. One acre of the West Platte GPA will be used to construct a sanitary dump/drinking water station, associated paved parking lot, leach field, and paved access from existing SD44. The SCRA and West Platte GPA are managed by the South Dakota Game Fish and Parks. I have attached maps showing the work area and the affected Section 4(f) property, West Platte GPA.

Due to the use of federal funds, the proposed transportation project is subject to the requirements of Section 4(f) of the Department of Transportation (DOT) Act of 1966, which affords protection to publicly owned parks, recreation areas, and wildlife and waterfowl refuges.

A 'Use' of Section 4(f) property occurs when:

1. Land is permanently incorporated into a transportation facility;
2. There is a temporary occupancy of land that is adverse in terms of the Section 4(f) statute's preservationist purposes; or
3. There is a constructive use of a Section 4(f) property.

In accordance with 23 CFR 774.13(g), the SCRA mitigation activities on lands associated with West Platte GPA will constitute a "Use", based on the following assessment:

- The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and
- The official(s) with jurisdiction over the Section 4(f) resource agrees in writing to the above paragraph.

The proposed mitigation at West Platte GPA are access related and considered an overall enhancement with minimal impact to the site. The proposed paved access off of SD44 and paved parking lot would improve access for all users including hunters and those with disabilities, which is line with the mission of the West Platte GPA and other GPAs located throughout the state. This use of the Section 4(f) property is solely for enhancing the activities, features, and attributes that quality the property for Section 4(f) protection. The South Dakota Game Fish and Parks (SDGFP) is the official with jurisdiction over the West Platte GPA. They have agreed in writing that the use of the West Platte GPA enhances the activities, features, and attributes that qualify the property for Section 4(f) protection. Their concurrence letter is attached.

Based on the scope of the proposed project and type of work, the construction activities are solely for the purpose of preserving and/or enhancing the protected recreational activities, features, or attributes associated with West Platte GPA that qualified the property for Section 4(f) protection and that there is no adverse effect to the property. The SDGFP Official with Jurisdiction concurrence is attached. I am requesting FHWA's concurrence that 23 CFR 774.113(g) exception applies for this project. If you have questions and/or concerns, please feel free to contact me.

Sincerely,



Joanne Hight
Administration Program Manager
605.773.8149
Joanne.Hight@state.sd.us

Attachments:

- Maps
- OWJ Concurrence
- Section 4(f) Exception to FHWA Supplemental Information

The FHWA, SD Division has reviewed the information as described in this document and concurs that the work associated with this project at this Section 4(f) resource meets the criteria set forth in 23 CFR 774.13(g), and therefore exempt from Section 4(f) regulations.



Tom Lehmkuhl
2022.12.20 16:19:06 -06'00'

Tom Lehmkuhl
South Dakota Division
Federal Highway Administration

Date

Attachment 6

SDDOT Section 4(f) DeMinimis Finding Intent



Woodson, Stacy

From: Bierle, Andrea <Andrea.Bierle@state.sd.us>
Sent: Thursday, May 18, 2023 8:19 AM
To: Kulesa, Adam
Cc: Babcock, Chad; Hight, Joanne; Woodson, Stacy
Subject: P 0044(207)290, PCN 05X0 and P 0044(228)290, PCN 08PP, Gregory and Charles Mix Counties - De Minimis Intent

Categories: Maroon

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Good morning Mr. Kulesa,

The purpose of this email is to inform SDGFP of SDDOT's intent to pursue a Section 4(f) de minimis finding for impacts to the Buryanek Game Production Area (GPA), West Bridge Recreation Area (RA), Snake Creek RA, and West Platte GPA associated with the replacement of the Platte-Winner Bridge. The purpose of this project is to replace the existing SD44 Platte-Winner Bridge over the Missouri River to maintain regional connectivity along SD44 in South Dakota.

Per 23 CFR 774.5(b)(2), the SDDOT is informing the SDGFP of our intent to make a de minimis impact finding for the Buryanek GPA, West Bridge RA, Snake Creek RA, and the West Platte GPA. The SDGFP is the owner with jurisdiction (OWJ) over the these Section 4(f) resources. The public will have an opportunity to comment on the de minimis finding at the upcoming public meetings. Following the public review comment period and after consideration of any comments received from the public, the OWJ must then concur in writing that the project will not adversely affect the activities, features, and attributes that make property eligible for Section 4(f) protection.

Please let us know if you have questions.

Thank you,



Andrea Bierle

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