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POWERTECH USA, INC.

(Dewey-Burdock In Situ Uranium Recovery Facility)

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STATE HISTORIC PRESERVATION OFFICE  
South Dakota State Historical Society

GUIDELINES FOR CULTURAL RESOURCE  
SURVEYS AND SURVEY REPORTS  
(FOR REVIEW AND COMPLIANCE)

2005

**Guidelines for Cultural Resource Surveys and Survey Reports  
in South Dakota  
(For Review and Compliance)**

**-- 2005 --**

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## **Introduction**

The purpose of these guidelines is to clarify existing regulations, to promote consistency in methods, and to assist state and federal agencies and contractors in carrying out their legal responsibilities under the National Historic Preservation Act (NHPA) of 1966 (as amended) and South Dakota Codified Law 1-19A-11.1. These guidelines describe standard procedures for projects in the state of South Dakota but do not necessarily fulfill the requirements of the sponsoring agency. For Tribes that have assumed the responsibilities of the Office of the State Historic Preservation Officer (SHPO) for Section 106 on tribal lands, the federal agency must consult with the Tribal Historic Preservation Officer (THPO) in lieu of the SHPO for all undertakings occurring on or affecting historic properties on tribal lands. See Appendix I for THPO contact information.

Specifically this document is aimed at assisting interested parties in assessing the effects of federally assisted projects on historic properties and reporting the appropriate information to the SHPO. Pursuant to 36 CFR Part 800, the implementing regulations of the NHPA, historic properties for the purposes of Section 106 are sites, districts, buildings, structures, or objects included in or that are eligible for the National Register of Historic Places. In a larger sense, however, historic properties are any locations that are part of the historic fabric of South Dakota. These include unevaluated properties, historic landscapes, and cultural places important to American Indian tribes.

## **The Role of the Office of the South Dakota State Historic Preservation Officer**

The NHPA and South Dakota Codified Law 1-19A-11.1 define the principal responsibilities of the SHPO. The SHPO plays a central role in the Section 106 process and advises and assists federal agencies in carrying out their Section 106 responsibilities. The SHPO reflects the interest of the state of South Dakota and its citizens in the preservation of their cultural heritage and ensures that agencies make a reasonable and good-faith effort to consider the effects of their undertakings on historic properties. The SHPO has no official role in other federal legislation such as the National Environmental Policy Act (NEPA), although 36 CFR Part 800 encourages federal agencies to coordinate their NHPA compliance with NEPA.

The SHPO is responsible for advising and assisting federal- and state-agency-supported undertakings that may alter directly or indirectly any of the characteristics of a historic property that qualify the property for inclusion to the National Register of Historic Places (NRHP).

Address questions or submission of information for Section 106 review to:

Review and Compliance Coordinator  
South Dakota State Historical Society  
900 Governors Drive  
Pierre, SD 57501-2217  
Phone: (605) 773-6004  
Fax: (605) 773-0641

## **Overview of Laws**

Federal and state agencies are responsible for understanding the laws that apply to South

Dakota's cultural resources, in this case its historic places.

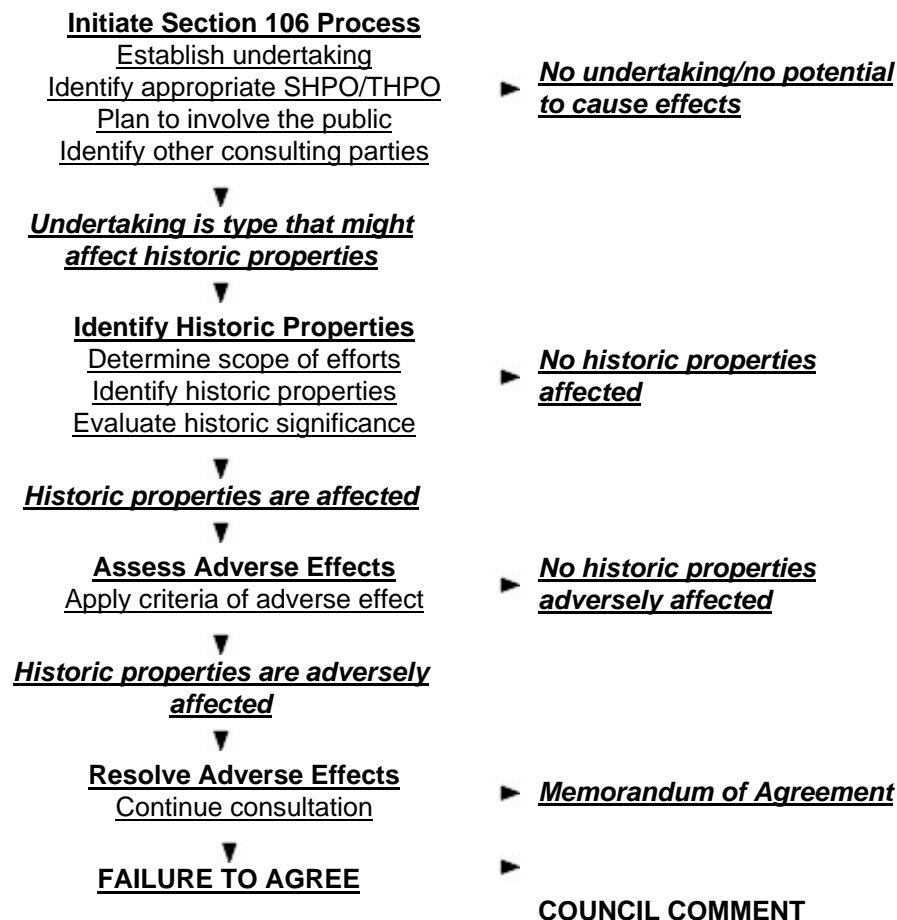
## State Law

South Dakota Codified Law SDCL 1-19A-11.1 stipulates that the state or any political subdivision of the state may not undertake any project that may encroach upon, damage, or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places until the SHPO has been given notice and an opportunity to investigate and comment on the proposed project. See the full text of SDCL 1-19A-11.1 in Appendix C.

## Federal Law

36 CFR Part 800, the implementing regulation for the NHPA, requires federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation (ACHP) reasonable opportunity to comment on these undertakings. 36 CFR Part 800 defines how federal agencies meet their statutory responsibilities through the Section 106 process.

## The Section 106 Process



The law requires federal agencies to identify historic properties that may be affected by agency undertakings and to follow procedures to avoid, minimize, or mitigate such effects (36 CFR Part 800). A federal undertaking is, according to 36 CFR Part 800.16(y), “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; those requiring a federal permit, license, or approval.” Common undertakings that may affect historic properties include ground-disturbing activities, alterations of buildings, and the removal or demolition of structures (36 CFR Part 800).

The federal agency may use the services of applicants, consultants, or designees to prepare information, analyses, and recommendations. The federal agency, however, must notify the SHPO in writing, *before* the submission of information, of its intent to have the applicant, consultant, or designees submit information directly to the SHPO. In addition to the National Historic Preservation Act and SDCL 19A-1-11.1, agency officials must be aware of other relevant state and federal laws as outlined in appendix C.

### **Agency Consultation**

The federal agency must notify the SHPO of all federal undertakings with the potential to impact historic properties. As mentioned above, the federal agency may use the services of applicants, consultants, or designees to prepare information, analyses, and recommendations. The federal agency, however, remains legally responsible for all required findings and determinations. When a nonfederal party prepares a document or study, the federal agency must ensure that its content meets applicable standards and guidelines. In addition, the federal agency must notify the SHPO in writing, *before* the submission of information, of its intent to have the applicant, consultant, or designees submit information directly to the SHPO and to begin the consultation process.

### **Information Needed For Section 106 Project Review**

When submitting a request for project review under Section 106 of NHPA, the federal agency must submit information consistent with the documentation standards established in 36 CFR Part 800.11. Direct all requests to the Review and Compliance Coordinator, South Dakota State Historical Society, 900 Governors Drive, Pierre, SD 57501. Provide the following:

1. Name of Federal Agency Funding, Licensing, or Assisting the Project: Every federal undertaking has a federal funding, licensing, or permitting agency. Include the name, address, and telephone number of the contact person at the federal agency. Without this information, the request for review may be returned. [800.1]
2. Name of State Agency Funding, Licensing, or Assisting the Project, if Applicable: Include the name, address, and telephone number of the contact person at the state agency. If this is a grant program, note the name of the program (for example, CDBG, SRF, and so forth).
3. Consultant Contact Person, if Applicable: If your organization is not a federal agency, include the name, address, and telephone number of the contact person to whom questions may be directed. Remember that the federal agency remains responsible for all findings and determinations.

4. **Project Description:** A description of the undertaking that identifies and explains any work involving disturbance of the ground or the demolition or modification of any existing structures. If no ground disturbance, demolition, or modification of an existing structure will occur, please note that. If the area has been previously disturbed by activities *other than agriculture*, include this information as well. For undertakings involving new construction on vacant land, describe what previously occupied the site and whether that site or surrounding area has any known historic properties. [800.4]
5. **Project Location:** Provide the address, city, county, section, township, range, and maps of the project area, including a United States Geological Service 7.5 minute quadrangle map showing the exact location of the project. If the project is in an urban area, show the location(s) on a city map. *Include the name of the quadrangle map and legal location for all maps submitted.* Photocopies are acceptable, but poor-quality maps or insufficient information will cause review delays. Do not enlarge or reduce the map.
6. **Project's Area of Potential Effect (APE):** Highlight the APE on the localized map. The APE consists of the geographic area or areas within which an undertaking may directly, or indirectly, cause changes in the character or use of historic properties. In most instances, the APE is not simply the project's physical boundaries or right-of-way. The scale and nature of an undertaking, including visual and auditable effects, influence the APE. Describe the steps taken to identify the APE, and justify the boundaries chosen. [800.4(a)(1) and 800.16(d)]
7. **Identification of Historic Properties:** A historic property is "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places." The federal agency must make a reasonable and good-faith identification effort. This may include background research, consultation, oral-history interviews, sample field investigations, and field surveys. [800.16 (1)(1)] [800.4(b)(1)]
  - a. For projects potentially affecting archaeological sites, recommended documentation may include [800.4(b)(1)] [800.11]:
    - Records search for all previously known archaeology surveys and sites, available at the Archaeological Research Center.
    - On-the-ground survey of project areas not previously surveyed. Survey type depends upon the scope of the project.
    - Updated archaeology site forms for all sites affected by the proposed project. For site forms see, Appendix H.
  - b. Projects affecting buildings or structures: Recommended documentation may include [800.11]:
    - South Dakota Sites Form: Complete a site-survey form for each property to be affected. For site forms, see Appendix H.
    - Photographic documentation: Clear, original photographs of any affected buildings/structures constructed more than 49 years ago, including an overall front view of each structure and any other views necessary to fully describe the structure(s) and the proposed undertaking.



- Architectural drawings: Provide as necessary to describe the project and its impact.
8. Determination of effect: The federal agency must submit a determination of effect: No Historic Properties Affected, No Adverse Effect, or Adverse Effect. Choose the determination that best represents the effect of the project on historic properties.
    - a. For a determination of *no historic properties affected* [36 CFR Part 800.4(d)(1)], the agency official finds no historic properties present or that the undertaking will have no effect upon historic properties as defined in Sec. 800.16(i). The agency official must provide documentation of this finding, as set forth in Sec. 800.11(d), to the SHPO.
    - b. For a determination of *adverse effect* [36 CFR Part 800.5(a)(1)], the agency official finds that the undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration must be given to all qualifying characteristics of a historic property, including those that may have been identified after the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects of the undertaking that may occur later in time, be farther removed in distance, or be cumulative.
    - c. For a determination of *no adverse effect* [36 CFR Part 800.5(b)], the agency official, in consultation with the SHPO, finds that the undertaking's effects do not meet the criteria of 36 CFR Part 800.5(a)(1) or that the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO to ensure consistency with the secretary's standards for the treatment of historic properties (36 CFR Part 68) and applicable guidelines, to avoid adverse effects.

Project information submitted by the federal agency cannot be returned. This documentation is kept on file at the South Dakota State Historical Society. Submission of incomplete, unclear, or confusing project information results in delay of the review process until adequate information is obtained.

The SHPO reviews faxed and electronic submissions in the same manner it examines any other submission and with the same considerations for clarity and completeness. Original documents with original signature must follow faxed and electronic submissions.

The federal agency, well in advance of beginning construction activities, must make a reasonable and good-faith effort to carry out appropriate identification. Send adequate documentation to the SHPO for review. Send all copies of archaeology-survey reports to the office of the State Archaeologist at the Archaeological Research Center (ARC), PO Box 1257, Rapid City SD 57709-1257. The early involvement of the SHPO in the planning process allows the federal agency adequate time to complete its obligations under Section 106 of the NHPA.

Obtain USGS 7.5 minute-series quadrangle maps from U.S. Geological Survey, Information Services, Box 25286 DFC, Building 810 Entrance E7, Denver, CO 80225-0046 or [www.usgs.gov/](http://www.usgs.gov/) or 1-888-ASK-USGS.

## **Cultural Resource Survey**

In consultation with the SHPO, the federal agency must take the steps necessary to identify historic properties within the project APE. The federal agency must make a reasonable and good-faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral-history interviews, samples field investigations, and field surveys pursuant to 36 CFR Part 800.4. The SHPO may recommend a cultural-resource survey to identify historic properties that may be affected by the project. The survey may be archaeological, architectural, or a combination of both. For guidance for architectural surveys see the *South Dakota Historic Resource Survey Manual 1999*, available from the South Dakota State Historical Society. For specific guidance regarding archaeology-site forms, refer to the Archaeological Research Center at <http://www.sdhistory.org/>.

## **Timing of the Survey**

The SHPO makes every reasonable effort to review federal undertakings in a timely manner once adequate documentation as defined by 36 CFR Part 800.11 has been submitted. Portions of the evaluation procedure require some time for completion. This process may be frustrating to agencies and their loan, grant, or license recipients if, for example, they are eager to let bids or get construction under way. Early consultation with the SHPO can help you avoid this frustration.

The SHPO's review of undertakings and resulting requests for survey are based on the need for adequate documentation pursuant to 36 CFR Part 800.11. If submitted documentation is incomplete or unclear, the result may be unnecessary survey or project-review delays.

## **Minimum Professional Qualifications**

A principal investigator provides professional direction for every cultural-resources survey carried out in South Dakota. This investigator must have an advanced degree in archaeology, architectural history, historical architecture, or history, as appropriate to the particular survey requirements, and meet other academic and experience requirements for his/her discipline as found in *Archaeology and Historic Preservation: Secretary of Interior's Standards and Guidelines* [As Amended and Annotated], Code of Federal Regulations, 36 CFR Part 61.

The federal agency must ensure that its principal investigator meets these requirements. Principal investigators must sign every survey report and, in so doing, attest to its completeness, accuracy, professional adequacy of content, and the competence of survey personnel. Project review is not complete without professional validation of the site and survey information.

The SHPO furnishes, upon request, a list of architectural and archaeological contractors. Listing does not guarantee that contractors meet professional standards or conduct quality work. Contractors request placement of their names and companies on this list; SHPO provides the list as a service with no endorsement. Check references before you hire.

## **Survey on State Lands**

South Dakota Codified Law SDCL 1-20-32 authorizes South Dakota Administrative Rule ARSD 24:52:08:01 Archaeological Permits, which requires a permit for any archaeological survey or excavation conducted on any property owned by the state, or its subdivision, and for the exhumation of human burials outside the control of cemetery authorities. Apply to the state archaeologist for permits.

South Dakota Codified Law SDCL 1-20-32 also authorizes South Dakota Administrative Rule ARSD 24:52:08:02 to establish minimum qualifications for professional archaeologists. A qualified professional archaeologist acting as a principal investigator or person in direct charge of a project must have a postgraduate degree in archaeology or anthropology with emphasis in archaeology or a closely related field and at least one year of full-time professional experience.

## **The Survey Report**

The need for a survey is determined by several factors, including the amount and kind of survey work previously completed in the project area, the need to assess the undertaking's potential effect on historic properties, and the potential of the project area to contain historic properties.

In consultation with the federal agency, the SHPO may recommend an archaeological survey of the project APE. Surveys are intended to provide information for determining the nature of the archaeological resource or structures located in a project area, whether or not the project will affect these resources, and what the effect will be.

To ensure that reports meet the documentation standards of 36 CFR 800.11, the SHPO has prepared a guide for survey reports. Authors may also add information pertinent to a specific project to make the report complete.

Reports that greatly deviate from the format described below may be returned for revision.

## **Levels of the Survey**

Requirements apply according to the level of survey:

1. **Level I: Record Search.** A complete records search is required to reveal the location of previously recorded properties and their determination of eligibility. The records search may be conducted at the Archaeological Research Center in Rapid City but should include other relevant sources of information. The examination of information must include all known historic properties located within the project APE. A staff member of the Archaeological Research Center or any other qualified individual meeting the minimum professional qualifications may conduct the records search for archaeology for a nominal fee. If the search reveals a Level III survey already completed for the area, consult the SHPO regarding the need for further survey work. In addition to archaeological surveys, the SHPO conducts surveys of structures in the state. Information on structure surveys available from the SHPO may help eliminate survey duplication.

South Dakota has established a policy regarding the length of time that a record search is

valid. Record searches older than six months must be updated before submission of the report.

2. Level II: Sample Survey. Level II surveys are conducted for linear projects such as roads, fiber-optic lines, telephone, electrical power lines, and pipelines. In such cases an extensive records search determines high-, moderate-, and low- probability areas for historic properties. The principal investigator must justify a sample strategy with a written proposal. SHPO must review and accept the proposed strategy in advance of the survey.
3. Level III: 100 Percent Survey. Level III surveys require a visual inspection of the project APE. Survey transects must be no more than 30 meters (100 feet) apart. The report must explain survey methods and the rationale for their use, for instance, why the archaeologist did or did not conduct subsurface testing.

Based on professional judgment, the principal investigator may carry out additional minimal subsurface testing as necessary. If the principal investigator feels more information is required than what is revealed by the ground surface or minimal subsurface testing, e.g. shovel probing, augering, or some other preliminary subsurface testing method, the principal investigator should consult SHPO and others to develop an appropriate strategy for gaining necessary information with minimal damage to the site. Extensive testing during survey within sites is not recommended, though some testing is often warranted as an exploratory tool within and between features or activity areas and to determine boundaries. All decisions to test or not to test should be justified.

The SHPO has determined that archaeological data, surveys, and reports completed within the last twenty years are valid and may not require a new survey. The twenty-year allowance does not grandfather in inadequate surveys. Areas surveyed more than twenty years before the current date may require additional survey coverage if previous surveys do not meet the Level III Standard, if the project is located along waterways, or if other factors warrant resurvey. Additional survey may also be required to reevaluate known properties for listing to the National Register of Historic Places, or if a known property has been impacted by natural or cultural processes.

### **Survey Documentation: Letter Reports and Full Reports**

Ideally, the survey identifies every property located within the project APE that may be impacted by the undertaking. Once the survey is complete, the principal investigator prepares a report detailing the outcome of the survey, the eligibility of any properties located in the project APE, the effects of the undertaking on historic properties, and strategies to avoid, minimize, or mitigate those effects.

Each report should include a letter of submission, identifying all relevant agencies, a brief project description, and explicit agency recommendations, determinations and finding for which SHPO comment and review are requested.

When submitting the information required for project review, the federal agency may use one of two report formats to support the determination of effect. If no properties are identified during a survey the letter format report may be utilized. If the inventory results in the location of properties, the agency must submit a full survey report. A copy of the full survey report or letter report must be sent to the Archaeological Research Center. The Archaeological Research Center

is the official repository for all archaeology survey reports completed in South Dakota. The SHPO is the official repository for all documentation associated with historic buildings and structures.

## Letter Reports

A letter report must include following:

1. A title that includes the name of the county (a letter format report of the survey in \_\_\_\_ County)
2. A brief description of the undertaking and its legal location (township, range, and section)
3. Total acreage surveyed
4. The date and location of the records search and the name of the person who conducted the search, including bibliography of known surveys and historic properties located within the project APE and within one mile of the project APE
5. Description of consultation efforts, with a list of federal/state agencies, tribes, local organizations and private individuals consulted as part of the undertaking and an indication of the results of such efforts, including the identification of any traditional-cultural place that may be affected
6. The name of the individual(s) who conducted the survey, ground-surface visibility, and survey and testing methodology employed including the extent of survey coverage, transect width, and other types of coverage examined (cut banks, rodent burrows, road cuts, animal trails, and so forth), as well as a discussion of the testing strategy (shovel testing, auger tests, and so forth), if applicable
7. Statement of findings and determination of effect
8. USGS 7.5 minute quadrangle map showing the location of the survey, labeled with the project name, USGS quadrangle name, and legal location (township, range, and section), do not enlarge or reduce the map
9. Signature of the qualified principal investigator attesting to the accuracy and content of the report findings.

## Full Reports

A full archaeological survey report must include:

1. Title Page
  - a. Type of investigation
  - b. Project name
  - c. Location: city, county, legal location (township, range, section)
  - d. Author(s)
  - e. Name of institution, company, or federal/state agency with which the author is associated
  - f. Name of contracting firm or federal/state agency funding or sponsoring the investigation
  - g. Date of report
  - h. Federal agency or consulting-party project number (optional).
2. Abstract
  - a. Purpose of the investigation

- b. Summary information about properties located within the project APE and their eligibility for listing to the National Register of Historic Places
  - c. Description of the potential effect of the undertaking on historic properties located within the project APE and a determination of effect: No Historic Properties Affected, No Adverse Effect or Adverse Effect (36 CFR Part 800.4).
- 3. Table of Contents (appropriate for larger projects)
- 4. Introduction
  - a. Statement of the purpose of the report
  - b. Description of the scope of work to be performed and citation of the appropriate legislation or regulations with which the work will comply
  - c. Description of the proposed project, including the total number of acres surveyed.
- 5. Background Research: A summary of previous work obtained from the record search, including:
  - a. List of sources examined
  - b. List of institutions visited or individuals consulted and the date of visit/consultation
  - c. List of recorded sites and previous survey work in project APE or within one mile of the project APE
  - d. A brief environmental history of the project APE within its regional context
  - e. A brief cultural history of the project APE within its regional context.
- 6. Survey Methods and Results
  - a. Description of the survey methodology and procedures
    - Justification for the survey method(s)
    - Description of any remote sensing techniques used
  - b. Description of the survey area(s)
    - Definition of the boundaries of the survey area(s) and indication of boundaries on a map
    - Statement of survey and field conditions, including the amount and kind of vegetation present, present-day land use, and any limiting conditions affecting the survey, such as adverse weather or lack of landowner cooperation
  - c. Description of sites found, including the boundaries of each site and their relation to topographic and cultural landmarks, and justification for omission of any portion of the site boundary
  - d. Name and location of the permanent repository for artifacts and records collected during the survey.
- 7. Statement of Significance
  - a. Description of the site's research potential based on survey information and the presence of permanent features, buried components, and so forth
  - b. Evaluation of each site according to National Register Criteria as well as the South Dakota State Plan for Archaeology.
- 8. Assessment of Project Effect
  - a. Descriptions of the expected effect of the undertaking on historic properties if the undertaking is completed as planned
  - b. Assessment of the potential loss of information about South Dakota history and prehistory if the historic property is destroyed

- c. The federal agency official must provide a determination of the undertaking's effect on historic properties.
  - For a determination of *no historic properties affected* [36 CFR Part 800.4(d)(1)], the agency official must find that there are no historic properties present or that there are historic properties present, but the undertaking will have no effect upon them as defined in Sec. 800.16(i). The agency official shall provide documentation of this finding as set forth in Sec. 800.11(d), to the SHPO.
  - For a determination of *adverse effect* [36 CFR Part 800.5(a)(1)], the agency official finds that an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The agency official considers all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.
  - For a determination of *no adverse effect* [36 CFR Part 800.5(b)], the agency official, in consultation with the SHPO, finds that the undertaking's effects do not meet the criteria of 36 CFR Part 800.5(a)(1) or that the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO to ensure consistency with the secretary's standards for the treatment of historic properties (36 CFR Part 68) and applicable guidelines, to avoid adverse effects.

9. Resolution of Adverse Effects

- a. Avoid disturbance of the historic properties through project redesign—for example, an alternate route for a water line that bypasses archaeological resources.
- b. If the project cannot be redesigned, provide a description of the process developed to minimize or mitigate the effect of the undertaking on historic properties.
  - Description of the methods needed for further evaluation, if applicable,
  - Description of alternative methods for mitigation, e.g. photographic record. Note the excavation of archaeology sites alone is not an appropriate mitigation technique.

10. References Cited

- a. Publications
- b. Published maps
- c. Personal communications

11. Appendices Containing Confidential Information

- a. One completed state of South Dakota survey form for each historic property recorded during the survey. See Appendix H for appropriate survey forms.
- b. As many maps as are necessary to show the project area, area surveyed, historic properties located during current survey, and previously recorded historic properties. Label each map with the following:
  - Legend, caption and source of map. USGS 7.5 min. quadrangle maps or copies of portions of these maps are preferred for indicating survey areas. (Do not enlarge or reduce the maps.)
  - North arrow

12. List of Survey Personnel and Their Responsibilities

Supply the vita of the author(s) if this information has not previously been made available to the SHPO. The principal investigator signing the report must meet the requirements for a professional archaeologist as indicated above.

**Cautionary Note**

If the SHPO has assigned a project number to a specific project, that number must be included in all correspondence and reports. The number must begin with a two-digit year, two-digit month, two-digit day, three-digit project number, and the letter F (Federal), for review under the NHPA, or S (State), for review under SDCL 1-19A-11.1. The number for the first project received on June 16, 2005, would be 050616001F for Federal or 050616001S for State. All reports and correspondence must list the name of the federal or state agency (s) involved in the project.

**Evaluating Sites for Listing  
on the National Register of Historic Places**

In consultation with the SHPO and any Indian tribe that attaches religious and cultural significance to identified properties, and guided by the Secretary of Interior standards and guidelines for evaluation, the agency must apply the National Register criteria (36 CFR Part 63 of NHPA) to properties identified within the project APE that have not been previously evaluated for National Register eligibility. The evaluation of properties identified within the project APE must be of sufficient detail to provide an understanding of the historical values they represent. This aids in the nomination of resources to the National Register of Historic Places, the management of the resources, and/or the planning for the mitigation of adverse effects on the historic properties if mitigation becomes necessary. However, the evaluation of the property may not be necessary if the property will be avoided by the proposed undertaking.

A federal agency that has completed a record search (Level I) or a sample survey (Level II) must present and justify the predicted significance, number, and distribution of each kind of property likely to occur within the APE on the basis of background research and/or field inspection. A federal agency that has completed an intensive survey (Level III) and located properties within the project APE must describe those properties in the report and record them on current South Dakota State Historical Society forms. If a property can not be avoided, it must be evaluated for listing to the National Register of Historic Places. All determinations of eligibility must be fully explained and justified on the basis of National Register Criteria. See Appendix E for the National Register Criteria.

The federal agency must obtain site numbers for all newly recorded sites. Site numbers for archaeology sites may be obtained from the Archaeological Research Center. Site numbers for historic structures may be obtained from SHPO.

**Determining Site Eligibility**

If the agency official determines that a site meets any of the National Register criteria and the SHPO agrees, the property is considered eligible for listing to the National Register of Historic Places for Section 106 purposes. If the agency official determines the criteria are not met and the SHPO agrees, the property is considered not eligible for listing to the National Register of Historic Places. If the agency official and the SHPO do not agree, or if the Advisory Council on



Historic Preservation or Secretary of Interior so requests, the agency official may obtain a determination of eligibility from the keeper of the National Register.

All determinations of eligibility must be fully explained and justified according to the National Register criteria. In addition, the agency official must consult the South Dakota State Plan for Archaeology as an aid to evaluating the significance of historic properties. Determinations of eligibility are required for each site unless the site is avoided by the proposed undertaking.

For all identified historic properties, the survey report *must* address National Register Criteria A, B, C, and D by explicitly answering the following questions:

1. What kinds of data is the site *known* to contain?
2. What type of data could the site contain?
3. How does this data contribute to the general understanding of the history or prehistory of the United States or South Dakota?
4. Does the site retain integrity?
5. How might the data contribute to the resolution of research questions raised by the South Dakota State Plan for Archeology?
6. What is the condition of the site and how does the site's condition affect its National Register significance?

The SHPO gives considerable weight to the principal investigator's recommendations as to a site's National Register eligibility, but the recommendations must be supported by appropriate documentation.

## Bibliography

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South Dakota Legislature Statue and Constitution, South Dakota Codified Law SDCL 1-19A-11.1. See <[legis.state.sd.us/statutes/index.cfm](http://legis.state.sd.us/statutes/index.cfm)> (5 June 2003).

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## Appendix A

### **Definitions** (36 CFR 800.16)

**Comment** means the findings and recommendations of the council formally provided in writing to the head of a federal agency under Section 106.

**Consultation** means the process of seeking, discussing, and considering the views of other participants and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process. The secretary's *Standards and Guidelines for Federal Agency Preservation Programs Pursuant to the National Historic Preservation Act* provide further guidance on consultation.

**Effect** means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

**Foreclosure** means an action taken by an agency official that effectively precludes the council from providing comments that the agency official can meaningfully consider before the approval of the undertaking.

**Head of the agency** means the chief official of the federal agency responsible for all aspects of the agency's actions. If a state, local, or tribal government has assumed or has been delegated responsibility for Section 106 compliance, the head of that unit of government is considered the head of the agency.

**Historic property** means any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional, religious, and cultural importance to an Indian tribe or Native Hawaiian organization; such properties must meet the National Register criteria. The term eligible for inclusion in the National Register includes properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

**Indian tribe** means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

**Local government** means a city, county, parish, township, municipality, borough, or other general-purpose political subdivision of a state.

**Memorandum of Agreement** means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

**National Historic Landmark** means a historic property that the Secretary of the Interior has designated a National Historic Landmark.

**National Register** means the National Register of Historic Places maintained by the Secretary of the Interior.

**National Register Criteria** means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Part 60).

**Programmatic Agreement** means a document that records the terms and conditions agreed upon to resolve the potential adverse effects of a federal agency program, complex undertaking, or other situations in accordance with Sec. 800.14(b).

**Secretary** means the Secretary of the Interior acting through the director of the National Park Service except where otherwise specified.

**State Historic Preservation Officer (SHPO)** means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the state historic preservation program or a representative designated to act for the SHPO.

**Tribal Historic Preservation Officer (THPO)** means the tribal official, appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program, who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act. The term also includes the designated representative of an Indian tribe who has not formally assumed the SHPO's responsibilities when an undertaking occurs on or affects historic properties on the tribal lands of the Indian tribe. (See Sec. 800.2(c)(2)).

**Tribal lands** mean all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

**Undertaking** means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; those requiring a federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

## Appendix B

### **Acronyms**

ACHP	Advisory Council on Historic Preservation
ARC	Archaeological Research Center
APE	Area of Potential Effect
MOA	Memorandum of Agreement
NEPA	National Environmental Protection Act
NHPA	National Historic Preservation Act
NPS	National Park Service
NRHP	National Register of Historic Places
PA	Programmatic Agreement
SDCL	South Dakota Codified Law
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer

## Appendix C

### **Relevant Laws**

#### South Dakota Codified Law: SDCL 1-19A-11.1

SDCL 1-19A-11.1 Preservation of Historic Property Procedures. The state or any political subdivision of the state, or any instrumentality thereof, may not undertake any project which will encroach upon damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places until the Office of History (SD State Historical Society) has been given notice and an opportunity to investigate and comment on the proposed project. The office may solicit the advice and recommendation of the board with respect to such project and may direct that a public hearing be held thereon. If the office determines that the proposed project will encroach upon, damage or destroy any historic property that is included in the National Register of Historic Places or the State Register of Historic Places or the environs of such property, the project may not proceed until:

1. The Governor, in the case of a project of the state or an instrumentality thereof or the governing body of the political subdivision has made a written determination, based upon the consideration of all relevant factors, that there is not feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to the historic property, resulting from such use; and
2. Ten day's notice of the determination has been given, by certified mail, to the Office of History. A complete record of factors considered shall be included with such notice.

Any Person aggrieved by the determination of the Governor or governing body may appeal the decision pursuant to the provisions of chapters 1-26. The failure of the office to initiate an investigation of any proposed project within thirty days from the date of receipt of notice thereof is approval of the project.

Any project subject to a federal historic preservation review need not be reviewed pursuant to this section.

#### South Dakota Codified Law 1-20-32, Chapter 34-27, Cemeteries and Burials

### Other Relevant Executive Orders, Bulletins, and Federal Laws

1906	Antiquities Act
1935	Historic Sites Act
1960	Reservoir Salvage Act of 1960
1966	Freedom of Information Act
1966	National Historic Preservation Act (as amended)
1970	National Environment Policy Act
1974	Archaeological and Historic Preservation Act
1978	The American Indian Religious Freedom Act
1979	Archaeological Resources Protection Act
1990	Native American Graves Protection and Repatriation Act
1971	Executive Order #11593 Protection and Enhancement of the Cultural Environment
1996	Executive Order #13007 Indian Sacred Sites
2000	Executive Order #13175 Consultation and Coordination with Indian Tribal Governments
2003	Executive Order #13287 Preserve America

NPS Bulletin	<i>How to Apply the National Register Criteria for Evaluation</i>
NPS Bulletin No. 18	<i>How to Evaluate and Nominate Designed Historic Landscapes</i>
NPS Bulletin No. 36	<i>Guidelines for Evaluating and Registering Archaeological Properties</i>
NPS Bulletin No. 38	<i>Guidelines for Evaluating and Documenting Traditional Cultural Properties</i>
NPS Bulletin No. 41	<i>Guidelines for Evaluating and Registering Cemeteries and Burial Places</i>

## Appendix D

### **Resources Available through the South Dakota SHPO**

#### Contexts

*Federal Relief Construction in South Dakota, 1929-1941*

*German-Russian Folk Architecture in Southeastern South Dakota*

*Historic Bridges in South Dakota: Final Report on the Determination of Eligibility to the National Register of Historic Places for Historic Bridges in South Dakota*

*Historic Churches in South Dakota*

*Homesteading and Agricultural Development Context*

*Indian Housing in South Dakota*

*Schools in South Dakota*

*South Dakota's Railroads*

#### Other

*Architectural History in South Dakota*

*After the Flood: Water and Your Historic Building* (Video)

*Barns by Mail: Pre-cut Kit Barns by Mail-order Catalog in the Midwest from 1900 to 1930*

*Historic Property Owners' Guide*

*South Dakota Historic Resource Survey Manual*

*State Comprehensive Plan for Historic Preservation*

National Register Forms and Bulletins

National Park Service Preservation Briefs and Technical Briefs



## Appendix E

### **National Register of Historic Places**

The quality of significance in American history, architecture, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that:

- a. are associated with events that have made a significant contribution to the broad patterns of our history or
- b. are associated with the lives of persons significant in our past or
- c. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction or
- d. that have yielded, or may be likely to yield, information important in prehistory or history.

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years shall not be considered eligible for the National Register. However, such properties will qualify if they fall within [one of] the following categories:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance or
- b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his [or her] productive life or
- d. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance or
- g. A property achieving significance within the past fifty years if it is of exceptional importance.

## Appendix F

### **Recommended Report Format**

A Level III Cultural Resource Survey of

---

in \_\_\_\_\_ County, South Dakota

Prepared by

---

(Senior Authors)

---

(Report Date)

---

(Signature of  
Principal Investigator/Title  
Consulting Organization  
Address)

---

(Agency/Organization Contracting Project)

---

Address of Office

1. **Abstract:** A reconnaissance/intensive cultural resource survey was conducted in the \_\_\_\_\_ study unit.

(DELETE OR ALTER AS APPROPRIATE)

Cultural resources were located in the project area that are (eligible/not eligible) for the National Register of Historic Places. Recommend a determination of No Historic Properties Affected, No Adverse Effect or Adverse Effect for the following reasons \_\_\_\_\_.

A total of \_\_\_\_\_ acres surveyed.

Location: \_\_\_\_\_ County, South Dakota.

Legal Location of Area(s) Surveyed:

1/4 1/4 Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_

USGS 7.5—quadrangle: \_\_\_\_\_

2. **Project Description:** Discussion of proposed undertaking, types of possible direct, and indirect effects including long- and short-term effects on historic properties.
3. **Environment/Setting:** (Describe the project area and the soil/general geomorphologic characteristics). The ground surface visibility ranged from \_\_\_\_\_ to \_\_\_\_\_ percent with an average visibility of \_\_\_\_\_. The vegetation consisting primarily of (description of prominent land forms, dominant tree/grass species, drainages and water sources.)

Elevation of the project area is \_\_\_\_\_ feet/meters above mean sea level.

Previous surface disturbance/current land use.

Review of earlier cultural resource studies: A files search was conducted on (date) at the State Archaeological Research Center by (Name). Results (No previous inventories or cultural resources were known for the sections of and adjacent to the project area/The following previous inventories and/or cultural resources are known for the project area:).

*Note: Previous inventories and sites may be presented in tabular form.*

Field work: Date: \_\_\_\_\_ Personnel: \_\_\_\_\_

Type of Survey: (Reconnaissance/Intensive/Other).

The project area was surveyed with a series of parallel pedestrian transects spaced approximately 30 meters (100 feet) apart. The examination was of prominent features, drainages, plateaus, and other areas with a high likelihood for the presence of sites. The surface visibility was approximately \_\_\_\_\_ percent.

A description of any site-testing activity with appropriate maps, photographs/drawings and narrative of results.

The artifacts and samples collected are being stored at \_\_\_\_\_, under a curation agreement with \_\_\_\_\_.

3. **Results:** A description of identified cultural resources, site maps, and other solid justifications for National Register eligibility or ineligibility (including a discussion of the site's integrity and of which National Register criteria the property meets or does not meet) and recommendations for further work if needed.
4. **Recommendations:** (No historic properties/historic properties) were located. (No further work/Further work) is recommended because . . . The project (should/should not) proceed as planned because . . . A determination of (No Historic Properties Affected/ No Adverse Effect/ Adverse Effect) is recommended because . . .
5. **State Planning:** This part of the \_\_\_\_\_ Study Unit contained (significant cultural resources/no significant resources/other). This finding contributes negative or positive location information to the management of the study unit.
6. **List of attachments** (as appropriate). When cultural resources are located, the report must include, as appropriate, a South Dakota Archaeological Site Form and/or a South Dakota Historic Inventory Form.

## Appendix G

### Section 106: Frequently Asked Questions and Answers Office of the South Dakota State Historic Preservation Officer (SHPO)

The National Historic Preservation Act (NHPA), as amended, was passed in 1966 in reaction to the loss or alteration of many historic properties. The NHPA is intended to preserve the cultural and historical foundations of our nation. Section 106 of the NHPA is a law pertaining to cultural resources and the built environment. The regulations that govern the Section 106 review process are set forth in CFR 36 § 800.

Question	Citation	Answer
What is Section 106?	36 CFR § 800.1 (a)	“Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties . . . The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties.”
What is an undertaking?	36 CFR § 800.16(y)	An undertaking is “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; those requiring a federal permit, license or approval.”
When must a Section 106 review take place?	36 CFR § 800.1(c)	The Section 106 process must be completed, “prior to the approval of the expenditure of any federal funds on the undertaking or prior to the issuance of any license . . . The Agency Official shall ensure that the Section 106 process is initiated early in the undertaking’s planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.”
Why is the federal agency or consultant (and not SHPO) responsible for gathering documentation for Section 106 review?	36 CFR § 800.2(a)  36 CFR § 800.4(b)(1)  36 CFR § 800.2(c)(1)(i)	“It is the statutory obligation of the federal agency to fulfill the requirements of Section 106 . . .”  Federal agencies or federally delegated authorities must “make a reasonable and good-faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral-history interviews, sample field investigation, and field survey.”  The SHPO is a consulting party in the Section 106 review process. The SHPO “advises and assists federal agencies in carrying out their Section 106 responsibilities.” The SHPO is not the authority. The SHPO is not a regulatory agency. The SHPO opinion, however, can trigger certain actions.
What is a federally delegated authority?	36 CFR § 800.2(a)	“The agency official may be a State, local or tribal government official who has been delegated legal responsibility for compliance with Section 106 in accordance with federal law.”

What is the role of a consultant?	36 CFR § 800.2(a)(3)	Consultants or designees contracted to prepare information are not recognized as federally delegated authorities. Federal agencies or federally delegated authorities “may use the services of applicants, consultants, or designees to prepare information, analyses, and recommendations under this part.” The federal agency or federally delegated authority “remains legally responsible for all required findings and determinations.”
Why doesn’t the information submitted for <i>a NEPA</i> review suffice for a Section 106 review?	36 CFR § 800.3(b)	Federal agencies or federally delegated authorities may choose to “coordinate the steps of the Section 106 process, as appropriate, with the overall planning schedule for the undertaking and with any reviews required under other authorities such as the National Environmental Policy Act.” Where consistent with the procedures, the agency official may use information developed for other reviews under federal, state or tribal law to meet the requirements of Section 106. In many instances, however, the information submitted to complete a NEPA review will not suffice for a Section 106 review. Section 106 is not simply a component of a NEPA review. Section 106 and NEPA are two distinct reviews, requiring different information.
What is the area of potential effects (APE)?	36 CFR § 800.16(d)	The area of potential effects is the “geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” In many instances, the APE is not simply the project’s physical boundaries or right-of-way.
What is a historic property?  What makes a property “historic”?	36 CFR § 800.16(l)  36 CFR § 800.4(c)(1)	A historic property is “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places . . .”  Federal agencies or federally delegated authorities “shall apply the National Register Criteria (36 CFR Part 63) to properties identified within the area of potential effects . . .” The National Register criteria are: <ul style="list-style-type: none"> <li>a. association with events, activities, or broad patterns of history</li> <li>b. association with persons significant in the past</li> <li>c. characteristic of a type, period, or method of construction, has high artistic value</li> <li>d. potential to yield information.</li> </ul> In addition to meeting at least one of the criteria, a property generally must be at least fifty years of age, and retain its integrity.

What is the National Register of Historic Places?	36 CFR § 800.16(l)(2)	<p>The National Register is the official list of properties recognized by the federal government as worthy of preservation. It is honorary and does not, by itself, afford properties any protection. Listing does not prevent property owners from remodeling, repairing, altering, selling, or even demolishing the property, unless federal dollars are involved. Property owners are not obligated to make any repairs or improvements to the property.</p> <p>The National Register of Historic Places is not a complete list of all historic properties; such properties are continually added. A historic property may never be listed in the National Register, and for this reason it is necessary to consider properties that are eligible for inclusion in the National Register in the Section 106 review process. “The term <i>eligible for inclusion in the National Register</i> includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.”</p>
What is consultation?	36 CFR § 800.2(a)(4)	“The agency official shall involve the consulting parties described [in the law]. The agency official should plan consultations appropriate to the scale of the undertaking and the scope of federal involvement and coordinated with other requirement of other statutes, as applicable.”
What is a Tribal Historic Preservation Office (THPO)?	36 CFR § 800.16(w)	“Tribal Historic Preservation Officer (THPO) means the tribal official appointed by the tribe’s chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands...”
How are non-THPO tribes involved in the Section 106 process as consulting parties?	36 CFR § 800.2(c)(2)(B)	When an Indian tribe has not assumed the responsibilities of the SHPO for Section 106 on tribal lands, the agency official shall consult with a representative designated by the Indian tribe in addition to the SHPO regarding undertakings occurring on or affecting historic properties on its tribal lands. Indian tribes have the same rights of consultation and concurrence that the THPOs are given except that consultations shall be in addition to and on the same basis as consultation with the SHPO.
Why can’t the SHPO consult with tribes or THPOs on behalf of the federal agency for Section 106 projects?	36 CFR § 800.2(c)(2)(ii)(C)	“Consultation with an Indian tribe must recognize the government-to-government relationship between the federal government and Indian tribes.”

What is a determination of effect and why can't the SHPO make the determination for my project?	36 CFR § 800.4	A determination of effect is based on the results of the identification and evaluation of historic properties within the project area of potential effect.
	36 CFR § 800.4(d)(1)	For a determination of: <i>no historic properties affected</i> : “If the agency official finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in Sec. 800.16(i), the agency official shall provide documentation of this finding as set forth in Sec. 800.11(d), to the SHPO.”
	36 CFR § 800.5(a)(1)	For a determination of: <i>adverse effect</i> : “An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.”
	36 CFR § 800.5(b)	For a determination of: <i>no adverse effect</i> : “The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking’s effects do not meet the criteria of 36 CFR Part 800.5(a)(1) or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary’s standards for the treatment of historic properties (36 CFR Part 68) and applicable guidelines, to avoid adverse effects.”
	36CFR § 800.2	It is the obligation of the federal agency to fulfill the requirements of Section 106 and to ensure that an agency official with jurisdiction over an undertaking takes legal and financial responsibility for Section 106 compliance. It is SHPO’s responsibility to advise and assist federal agencies in carrying out their Section 106 responsibilities.



What is an adverse effect?	36 CFR § 800.5(a)(1)	<p>“An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.”</p>
	36 CFR § 800.5 (a)(2)	<p>“Adverse effects on historic properties include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a. Physical destruction of or damage to all or part of the property</li> <li>b. Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines</li> <li>c. Removal of the property from its historic location</li> <li>d. Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance</li> <li>e. Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features</li> <li>f. Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization, and</li> <li>g. Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property’s historic significance.”</li> </ul>

Where can I obtain specific information regarding documentation standards for a Section 106 review?	36 CFR § 800.11(a)	Federal agencies or federally delegated authorities must ensure that a determination, finding, or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis.
	36 CFR § 800.11(a)	<p>“Finding of no historic properties affected. Documentation shall include:</p> <ol style="list-style-type: none"> <li>1. A description of the undertaking, specifying the federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;</li> <li>2. A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to 800.4(b); and</li> <li>3. The basis for determining that no historic properties are present or affected.”</li> </ol>
	36 CFR § 800.11(e)	<p>“Finding of no adverse effect or adverse effect. Documentation shall include:</p> <ol style="list-style-type: none"> <li>1. A description of the undertaking, specifying the federal involvement and its area of potential effects, including photographs, maps, drawings as necessary</li> <li>2. A description of the steps taken to identify historic properties</li> <li>3. A description of the affected historic properties, including information on the characteristics that qualify them for the National Register</li> <li>4. A description of the undertaking’s effects on historic properties</li> <li>5. An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize, or mitigate adverse effects, and</li> <li>6. Copies or summaries of any views provided by consulting parties and the public.”</li> </ol>
What is a memorandum of agreement (MOA)?	36 CFR § 800.15(0)	“Memorandum of agreement means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.”
What is a programmatic agreement (PA)?	36 CFR § 800.15 (t)	Programmatic agreements are used to establish federal agency program alternatives that streamline the Section 106 process.
How can my agency enter into a programmatic agreement with the SHPO?	36 CFR § 800.14(a)(1)	The agency official must consult with the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, or individual SHPOs in the development of alternative procedures.

## Appendix H

### **Tribal Historic Preservation Office Contacts**

Cheyenne River Sioux Tribe  
Cultural Preservation Office  
PO Box 590  
Eagle Butte, SD 57625  
Phone: (605) 964-7554  
Fax: (605) 964-7552

Tribal Historic Preservation Office  
Rosebud Sioux Tribe  
PO Box 658  
Rosebud, SD 57570-0658  
Phone: (605) 747-2381  
Fax: (605) 747-4227

Tribal Historic Preservation Office  
Sisseton-Wahpeton Oyate  
PO Box 509  
Agency Village, SD 57262-0509  
Phone: (605) 698-3966  
Fax: (605) 698-3132

Tribal Historic Preservation Office  
Standing Rock Sioux Tribe  
PO Box D  
Fort Yates, ND 58538  
Phone: (701) 854-2120  
Fax: (701) 854-2138

## Appendix I

### **South Dakota Site Forms**

1. Archaeology Site Form –May be obtained from the Archaeological Research Center
2. Intensive Level Site Form—structure form
3. Reconnaissance Level Site Form—structure form
4. Secondary Reconnaissance Level Site Form—structure form
5. Not Eligible Site Form—structure form
6. Bridge Site Form—structure form
7. Cemetery Site Form

## South Dakota Historic Sites Inventory Intensive Level Survey Form

Historic Name	<input type="text"/>	Site Number	<input type="text"/>
Common Name	<input type="text"/>	Survey Date	<input type="text"/>
Site Street Address	<input type="text"/>	DOE:	<div>NR Eligible SR Eligible Future Eligible Not Eligible</div>
Site City	<input type="text"/>		
Legal Location: Lot, Block, and Addition	<input type="text"/>	A=Historic Event, B=Person, C=Architecture, D=Ability to yield Information	
Occupied	<input type="checkbox"/>	CRITERIA	<input type="checkbox"/>
P=Private, L=Local, S=State, F=Federal		CRITERIA2	<input type="checkbox"/>
Owner Code 1	<input type="checkbox"/>	CRITERIA3	<input type="checkbox"/>
Owner Code 2	<input type="checkbox"/>	CRITERIA4	<input type="checkbox"/>
Owner Code 3	<input type="checkbox"/>	L=Local, S=State, N=National	
Surveyor	<input type="text"/>	Significance Level 1	<input type="checkbox"/>
Photographer	<input type="text"/>	Significance Level 2	<input type="checkbox"/>
Attach Photos Here		Roll #	<input type="text"/>
		Frame #s	<input type="text"/>

## Architectural Evaluation

Site Number

Window - Type and Location

Door - Type and Location

Chimney - Type and Location

Dormers - Type and Location

Porch - Type and Location

Porch Height

Porch Roof

Bays/Towers - Type and Location

Interior

Architectural Details

P=Poor, F=Fair, G=Good, E=Excellent

Overall Condition

Foundation Condition

Wall Condition

Window Condition

Roof Condition

Porch Condition

Interior Condition

## History and Context

Date of Area Settlement	<input type="text"/>	Date Town or Addition Platted	<input type="text"/>
Original Owner	<input type="text"/>		
Owner Origin	<input type="text"/>		
Owner Info	<input type="text"/>		
Other Owners	<input type="text"/>		
Significant Person	<input type="text"/>	Cultural Affiliation	<input type="text"/>
Builder/Architect	<input type="text"/>		
History Notes	<input type="text"/>		
State Context Topic	<input type="text"/>		

## Planning

Mark with Y for Yes, N for No

No Threat	<input type="checkbox"/>	Abandoned	<input type="checkbox"/>
Stable Structure	<input type="checkbox"/>	Deterioration	<input type="checkbox"/>
Site Protected	<input type="checkbox"/>	Vandalism	<input type="checkbox"/>
Public Support	<input type="checkbox"/>	Alterations	<input type="checkbox"/>
High Research Value	<input type="checkbox"/>	No Maintenance	<input type="checkbox"/>
		Unstable Structure	<input type="checkbox"/>

Environmental Effects i.e. weather, erosion, etc.

# South Dakota Historic Sites Inventory Reconnaissance For

Survey Date:  Site Number:  FIPS Code:  SURVEYOR:

Property Name:  TWP:  RG:

Site Street:  SECTION:  Q1:  Q2:

Site City:  Acres:

County:  USGS Map:

Location:  UTM Zone:

Legal Location:  UTM Easting:  UTM Northing:

Owner Name:  Owner Address:

Owner City:  Owner State:  Owner Zip Code:

Historic Function	Current Function	Style	Type	Exterior Cladding	Roof Shape
Domestic, Single Dwelling	Domestic, Single Dwelling	Italianate	Gable Front	Wood	Gable
Domestic, Multiple Dwelling	Domestic, Multiple Dwelling	Egyptian Revival	Gable and Wing	Stucco	Hip
Secondary Structure	Secondary Structure	Gothic Revival	Side Gable	Stone	Truncated Hip
Hotel	Hotel	Second Empire	Cross Gable	Vinyl/Aluminum	Hipped Gable
Business	Business	Stick/Eastlake	Foursquare	Asphalt	Mansard
Financial Institution	Financial Institution	Queen Anne	Bungalow	Brick	Shed
Specialty Store	Specialty Store	Shingle	Duplex	Log	Saltbox
Department Store	Department Store	Romanesque Revival	Falsefront	Concrete	Pyramidal
Restaurant	Restaurant	Folk Victorian	Sod House	Asbestos	Gambrel
Warehouse	Warehouse	Colonial Revival	Commercial	Slate	Conical
Social	Social	Neoclassical/Classical Revival	Basement House	Permastone	Arch
Government Office	Government Office	Tudor Revival	Mobile Home	Terra Cotta	Flat
City Hall	City Hall	Beaux Arts	Prefab House	Masonite	Parapet
Post Office	Post Office	Mission	Depot	Tile Block	
Education	Education	Prairie	Barn	Metal	
Religion	Religion	Craftsman	Granary	Earth	
Funerary	Funerary	Art Deco	Silo		
Recreation and Culture	Recreation and Culture	International	Quonset		
Theater	Theater	Moderne			
Auditorium	Auditorium	Minimal Traditional			
Sports Facility	Sports Facility	Lustron			
Monument/Work of Art	Monument/Work of Art	Ranch			
Agriculture/Subsistence	Agriculture/Subsistence	Split Level			
Industry	Industry	Commercial			
Utility/Public Works	Utility/Public Works	Wisconsin Dairy Barn			
Health Care	Health Care	Round/Polygonal Barn			
Defense	Defense	No Style			
Landscape	Landscape	Mixed			
Transportation, Road-related	Transportation, Road-related				
Transportation, Rail-related	Transportation, Rail-related				
unknown	Work in Progress				
	Vacant/Not in Use				

Stories:  Altered/Moved: w/date

Date Built:

Other Physical Notes  
i.e. window types, porches, outbuildings, etc.

DOE	Category	Nomination Status	Historic District Rating:	Criteria:	A, B, C, or D
NR Eligible	Building	NR listed	C or NC <input type="text"/>	1	<input type="text"/>
SR Eligible	District	SR listed		2	<input type="text"/>
Not Eligible	Structure	Removed		3	<input type="text"/>
	Site	Owner Object		4	<input type="text"/>
	Object	Board Reject			

Significance Notes:



# Secondary Structure Reconnaissance Form

Site Number:	<input type="text"/>	SURVEYDATE:	<input type="text"/>	SURVEYOR:	<input type="text"/>
<hr/>					
Property Name:	<input type="text"/>	TWP:	<input type="text"/>	RG:	<input type="text"/>
Site Street:	<input type="text"/>	Section:	<input type="text"/>	Q1:	<input type="text"/>
Site City:	<input type="text"/>	Acres:	<input type="text"/>	Q2:	<input type="text"/>
County:	<input type="text"/>	USGS Map:	<input type="text"/>		
Location Info:	<input type="text"/>	UTM Zone:	<input type="text"/>		
Legal:	<input type="text"/>	UTM Easting:	<input type="text"/>	UTM Northing:	<input type="text"/>
<hr/>					
Owner Name:	<input type="text"/>	Owner Address:	<input type="text"/>		
Owner City:	<input type="text"/>	Owner State:	<input type="text"/>	Owner Zip Code:	<input type="text"/>

Historic Use	Current Use	Styles	Types/Plan	Exterior Material	Roof Shape
Dairy	Dairy	Shingle	Rectangular Barn	Wood	Round
Horse	Horse	Prairie	L' Shape Barn	Metal	Hip
Grain	Grain	Craftsman	T' Shape Barn	Stone	Gambrel
Farm Machinery	Farm Machinery	Ranch	Round	Brick	Gable
Hog	Hog	Midwest/Transverse Frame	Multi-sided	Clay Tile	Saltbox
Sheep	Sheep	Arched Barn	Combination Barn	Concrete	Monitor
Utility/Public Works	Recreational Facility	Dutch Barn	Raised Barn	Sod	Conical
Storage	Restaurant	Swedish Barn	Bank Barn	Log	Gothic Arch
Secondary Structure	Lodging	Finnish Barn	Granary	Chalk Rock	Shed
Agriculture/Subsistance	Offices	Czech Barn	Grain Elevator	Stucco	Pyramidal
Domestic, Single Dw	Utility/Public Works	Round/Polygonal Barn	Silo		Flat
Other	Storage	Mountain Horse Barn	Quonset		
Unknown	Secondary Structure	Wisconsin Dairy Barn	Windmill		
	Agriculture/Subsistance	Pole Barn	Shed		
	Domestic, Single Dwelling	No Style	Garage-Front Gable		
	Vacant/Not in Use	Other	Garage-Side Gable		
	Other		Garage-Hip		
	Demo		Garage-Flat		
			Privy		
			Grain Bins		
			Root/Storm Cellar		
			Hog House		
			Cistern		
			Corn Crib		
			Chicken Coop		
			Irrigation System		
			Electric Pole		

STORIES:	<input type="text"/>	Date of Construction:	<input type="text"/>
ALTERED/MOVED:	<input type="text"/>		
	w/date		

Other Description: Include decorative elements such as woodwork, round/oval windows, number of garage doors, or murals.

DOE	Category	Nomination Status	Historic District Rating:	Criteria A, B, C, or D
NR Eligible	Building	NR listed	C or NC <input type="text"/>	1 <input type="text"/>
SR Eligible	District	SR listed		2: <input type="text"/>
Not Eligible	Structure	Removed		3: <input type="text"/>
	Site	Owner Object		4: <input type="text"/>
	Object	Board Reject		

Significance Notes

## South Dakota Historic Sites Form for Ineligible Properties

S I T E  R E C O R D	County	<input type="text"/>	Site_Number	<input type="text"/>	Survey Date	<input type="text"/>	SURVEYOR:	<input type="text"/>
	OTHRNAME1:	<input type="text"/>						
	Street Address	<input type="text"/>						
	Site City	<input type="text"/>	Site Zip	<input type="text"/>	TWP	<input type="text"/>	Q1	<input type="text"/>
	Map	<input type="text"/>	ACRES:	<input type="text"/>	RG	<input type="text"/>	Q2	<input type="text"/>
	UTM Zone	<input type="text"/>	UTM Easting	<input type="text"/>	UTM Northing	<input type="text"/>	Section	<input type="text"/>
	Type	<input type="text"/>	Historic Function	<input type="text"/>	Category			
	Date Built	<input type="text"/>	Current Function	<input type="text"/>	Building District Structure Site Object			
	DOE	<input type="checkbox"/> Not Eligible <input type="checkbox"/> Potential Eligibility after 50 years old		Reason for Ineligibility				
	Historic District Rating	<input type="text"/>	<input type="checkbox"/> Outside Period of Significance <input type="checkbox"/> Lack of Integrity					
Physical Notes		<input type="text"/>						

## SOUTH DAKOTA HISTORIC BRIDGE INVENTORY FORM

### Survey Information

Site Number:  Surveyor:   
Survey Date:

### Location Information

DOT Structure Number:  TWP:  RG:   
Local Name:  SECTION:  Q1:  Q2:   
County:  Map:   
City/Town:  UTM Zone:   
Street:  UTM Easting:   
Feature Crossed:  UTM Northing:

### History/Significance

Date Built:  ALTERED/MOVED: w/date   
Builder/Manufacturer:   
Determination Of Eligibility: ☐ NR Eligible ☐ SR Eligible ☐ Not Eligible  
Criteria: A, B, C, or D 1 ☐ 2 ☐ 3 ☐ 4 ☐

Statement of Significance:

### Description

Structural System i.e.: pin-connected or riveted

#### Bridge Type

Through Truss  
Pony Truss  
Deck  
Cantilever Truss  
Girder  
Stringer  
Concrete Slab  
Culvert  
Concrete T-Beam  
Movable  
Suspension  
Arch

#### Style

King Post  
Queen Post  
Warren  
Warren-Polygonal  
Parker  
Pennsylvania  
Pratt  
Pratt Half-Hip  
Bedstead  
Lattice

#### Materials:

Steel  
Timber  
Concrete  
Stone

Length:

Number\_Spans:

Approach\_Span\_Types:

Physical description:

## South Dakota Cemetery Survey Form

Site Number:   
Survey Date:

Surveyor:

### Location Information

Site Street:  Township:  Range:  Section:  Qtr1:  Qtr2:   
Site City:  USGS Map:  Acres:   
County:  UTM Zone:  UTM Easting:  UTM Northing:   
Location:  Owner Name:   
Owner Address:   
Owner City:  Owner State:  Owner Zip:

### Historical Information

Historic Function:  Property Name:   
Current Function:  Started by: i.e.:religious institution, family or town   
Cultural Affiliation:  Date Started:  Actively Used:  Accessible:   
Oldest and Newest Interment: years from tombstone   
Physical Notes: including landscape features, unusual markers, etc

### Significance

DOE ☐ NR Eligible  
☐ SR Eligible  
☐ Not Eligible

Criteria: A, B, C, or D

1 ☐  
2 ☐  
3 ☐  
4 ☐

Significance Notes: