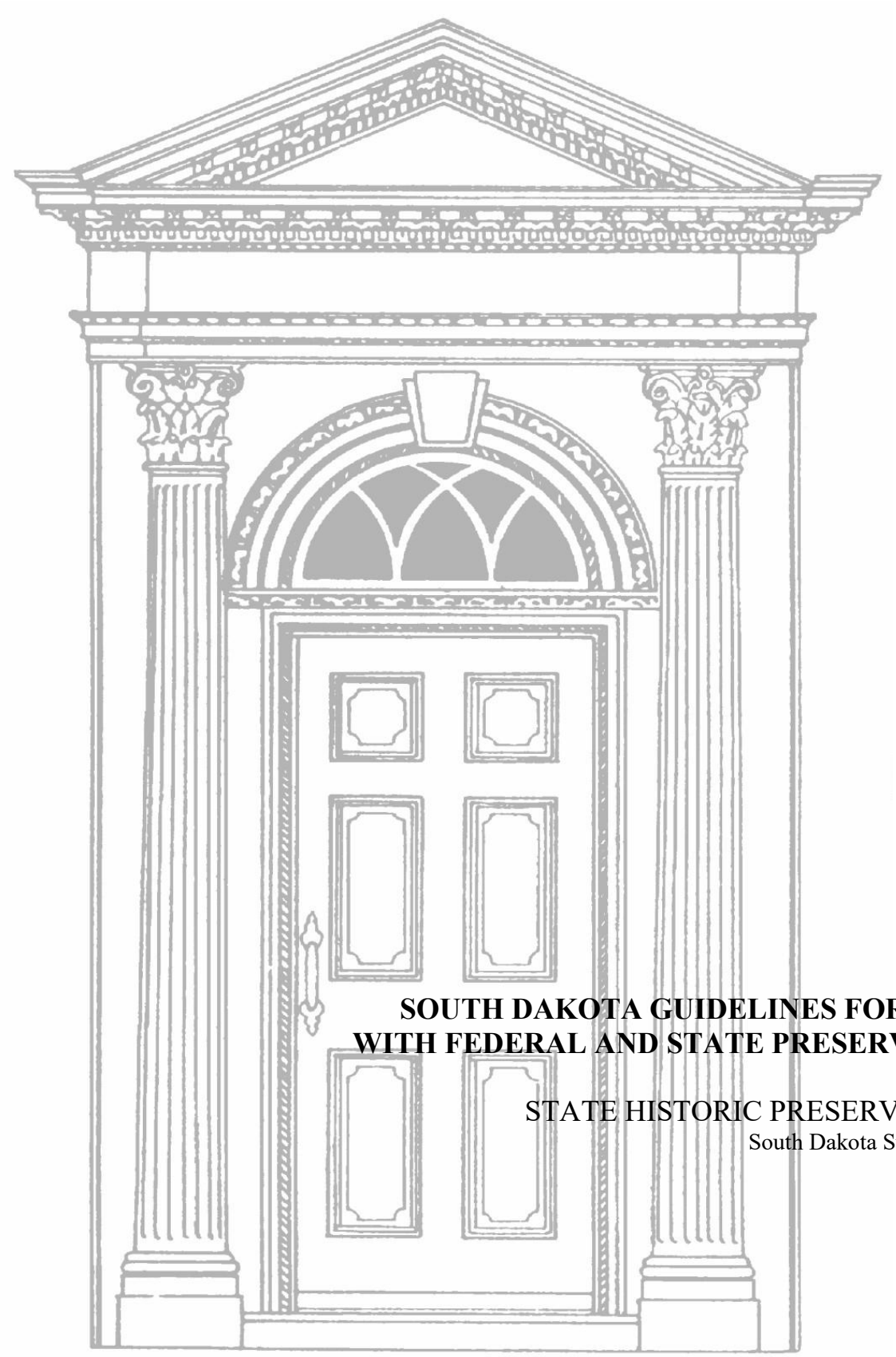

SOUTH DAKOTA GUIDELINES FOR COMPLYING WITH FEDERAL AND STATE PRESERVATION LAWS

STATE HISTORIC PRESERVATION OFFICE

South Dakota State Historical Society
2023

South Dakota Guidelines for Complying with

Federal and State Preservation Laws

-- 2023 --

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I. INTRODUCTION

Purpose of the Document

This document is designed to provide federal and state agencies and the consultants working for federal and state agencies with an overview of existing regulations, to promote consistency in methods for identifying and recording historic properties within South Dakota, and to assist federal and state agencies who need to fulfill their legal responsibilities under the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C.§§ 300101-307108), and South Dakota Codified Law (SDCL) 1-19A-11.1. These guidelines describe the standard procedures of preservation laws in South Dakota and offer recommendations for complying with the various regulations of those laws so the South Dakota office of the State Historic Preservation Officer (SHPO) may offer meaningful comments on projects subject to Section 106 of NHPA (54 U.S.C. § 306108) or SDCL 1-19A-11.1 in a timely manner.

The specific requirements of certain preservation laws which may apply in South Dakota are summarized within this document, and the document provides citations, links, and suggestions for additional information regarding each law's requirements. Additionally, the sponsoring state or federal agency may have further requirements or approved alternative procedures / program alternatives for compliance with the relevant preservation law(s). As such, consultants working for a state or federal agency should contact the state or federal agency directly for additional guidance.

The current 2023 document supersedes all previous editions of the guidelines established by SHPO for complying with Section 106 of NHPA and SDCL 1-19A-11.1. It is the agency's responsibility to ensure that the current guidelines and recommendations therein are taken into account when submitting projects to SHPO for consultation or comments.

Please note that these guidelines are not intended to be used for projects occurring on lands for which a Tribal Historic Preservation Officer (THPO) has assumed the responsibilities of the SHPO for Section 106 consultation. Many of our Tribal Partners have entered into an agreement with the National Park Service to establish and maintain a THPO who assumes responsibilities of Section 106 of the National Historic Preservation Act of 1966, as amended. In instances where a federal undertaking occurs on or affects a historic property on tribal lands, the federal agency must consult with the THPO in lieu of SHPO. THPOs in South Dakota are discussed in greater detail in Section V of this document.

Role of the South Dakota State Historic Preservation Officer

The National Historic Preservation Act (NHPA) of 1966 created a State Historic Preservation Officer in each state and territory to administer each state's and territory's historic preservation program. Under Section 101b of NHPA, each State Historic Preservation Officer, with the support of qualified staff, is charged with:

- Conducting a comprehensive survey of historic properties

- Maintaining an inventory of historic properties
- Administering state programs of Federal assistance
- Identifying and nominating eligible properties to the National Register of Historic Places
- Advising and assisting Federal, State, and local governments in matters of historic preservation
- Preparing and implementing a statewide historic preservation plan
- Providing public information, education, training, and technical assistance
- Working with local governments in the development of local historic preservation programs and helping them become "certified local governments"
- Providing consultation for Federal undertakings under Section 106 of NHPA

In South Dakota, the office of the State Historic Preservation Officer (SHPO) is a program of the South Dakota State Historical Society and is housed in the Cultural Heritage Center in Pierre, South Dakota. SHPO reflects the interests of South Dakota and its citizens in the preservation of their cultural heritage and ensures that federal agencies make a reasonable and good faith effort to consider the effects of their undertakings on historic properties, as required by Section 106 of NHPA. SHPO also assists federal agencies with their historic preservation responsibilities under Section 110 of NHPA by reviewing surveys conducted pursuant to Section 110, providing comments on the National Register eligibility of properties under federal management, and offering assistance in developing management plans for historic properties.

Under South Dakota's state preservation law, South Dakota Codified Law (SDCL) 1-19A-11.1, SHPO's role is to comment on projects with the potential to damage, destroy, or encroach upon any historic property listed in the State Register of Historic Places (SRHP) or National Register of Historic Places (NRHP). Multiple staff within the Historic Preservation program of the South Dakota State Historical Society assist the State Historic Preservation Officer in fulfilling their duties under both federal and state laws.

SHPO staff responsible for the review of projects under federal and state preservation laws include the Review & Compliance Coordinator, Review & Compliance Archaeologist, and Restoration Specialist. Questions about Section 106 or SDCL 1-19A-11.1 or the submission of project information for review should be addressed to:

Review & Compliance Coordinator
South Dakota State Historical Society
900 Governors Drive
Pierre, SD 57501-2217
Phone: (605)773-3458
Fax: (605)773-6041

Unless alternate procedures have been approved previously, SHPO requests that all submissions for Section 106 consultation, Section 110 comments, or SDCL 1-19A-11.1 review be submitted through the Electronic Review and Compliance (ERC) system, a part of the State of South Dakota's Citizen Portal found online at https://www.sd.gov/cs. Details on accessing and utilizing ERC can be found in Section IV of this document.

Additional information on SHPO can be found at https://history.sd.gov/preservation or by emailing SHPO@state.sd.us.

Role of the Archaeological Research Center

The Archaeological Research Center, also a program of the South Dakota State Historical Society, has an office in Rapid City, South Dakota. Under the direction of the State Archaeologist, the Archaeological Research Center maintains the state's archaeological archives, including site files, reports, field documentation, maps, photographic media, and project data, and is a repository for artifacts and comparative collections. Whereas SHPO maintains all records pertaining to standing architecture in the state and assigns SHPO ID numbers to surveyed architectural resources, the Archaeological Research Center maintains the records pertaining to archaeological resources in the state and assigns site numbers to recorded archaeological sites. SHPO partially funds the maintenance of archaeological records at the Archaeological Research Center; in turn, the Archaeological Research Center assists SHPO in meeting its responsibility to maintain an inventory of historic properties within the state. The Archaeological Research Center is also responsible for managing archaeological resources on state-owned lands in South Dakota and issues permits for cultural resources work on state lands.

Archaeological Research Center staff curate the documentary and artifactual archaeological record of the state and conduct archaeological surveys for a variety of federal, state, and private agencies. The Archaeological Research Center can be reached at:

Archaeological Research Center
South Dakota State Historical Society
937 East North Street, Suite 201
Rapid City, SD 57701

PO Box 1257
Rapid City, SD 57709
Phone: (605)394-1936

Additional information on the Archaeological Research Center can be found at https://history.sd.gov/archaeology or by emailing archaeology@state.sd.us.

Overview of Preservation Laws in South Dakota

The two main preservation laws in South Dakota with which federal agencies and the state government or subdivisions thereof must comply are Section 106 of NHPA and SDCL 1-19A-11.1, respectively.

SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. The implementing regulations of Section 106 [36 C.F.R. § 800 – Protection of

Historic Properties (incorporating amendments effective August 5, 2004)] define an undertaking as "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; and those requiring a federal permit, license, or approval." For example, if an individual applies for assistance from a federal agency to put in a water pipeline or to install energy-efficient windows in a house, that action is considered an undertaking under Section 106. Although the individual or applicant may need to assist the federal agency in supplying correct information on the action and/or its possible effects on historic properties to the SHPO, the federal agency is ultimately responsible for compliance with Section 106.

Section II of this document summarizes the Section 106 process and includes the procedures SHPO recommends federal agencies or their delegated authorities follow to meet the requirements of Section 106 and its implementing regulations.

SOUTH DAKOTA CODIFIED LAW 1-19A-11.1

SDCL 1-19A-11.1, referred to as "11.1" in shorthand, requires the State, or any political subdivision of the State (cities, counties, etc.), to consult with SHPO on any project which may encroach upon, damage, or destroy any property included in the NRHP or the SRHP. For example, if a city in South Dakota is going to issue a construction permit to replace the windows, doors, and siding of a home listed in the NRHP, the city should submit the project to SHPO for review under 11.1 prior to the issuance of any permits.

Section III of this document lays out the steps for complying with SDCL 1-19A-11.1.

Please note that some projects may have both state and federal involvement. In those instances, Section 106 supersedes 11.1, and only information pertaining to Section 106 review should be submitted to SHPO. As an example, if a county highway department plans to replace a NRHP-listed bridge, but the project requires a permit from a federal agency, the federal agency should submit information on the project for consultation under Section 106 rather than 11.1.

SHPO Project Numbers

To track the hundreds of projects which SHPO receives for review each year, each submission is assigned a unique project number. Project numbers are assigned based on the date SHPO receives the information and whether the project is a federal project undergoing Section 106 or Section 110 consultation or a state project reviewable under SDCL 1-19A-11.1. Project numbers contain a two-digit year, two-digit month, two-digit day, three-digit project number, and an "F" or an "S" designating it as a federal or state project, respectively. For instance, if the fourth new project received on March 26, 2017, is a federal undertaking, that project receives number **170326004F**.

When contacting SHPO to inquire about the status of a review or to notify SHPO of changes to a proposed project which has already been reviewed, please refer to the SHPO project number. Once a SHPO project number has been assigned, it should be included in all correspondence and reports.

II. SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Summary of Section 106 Process

As stated above, Section 106 of NHPA (54 U.S.C. § 306108) requires federal agencies to take into account the effects of their undertakings on historic properties. Under Section 106, a historic property is defined as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places." This includes properties of religious and cultural significance to American Indians that meet the National Register criteria and other traditional cultural properties. Taking these properties into account requires following a process for identifying the properties, assessing and resolving the undertaking's effects, and consulting with appropriate parties.

At its most basic, Section 106 is a four-step process (Figure 1):

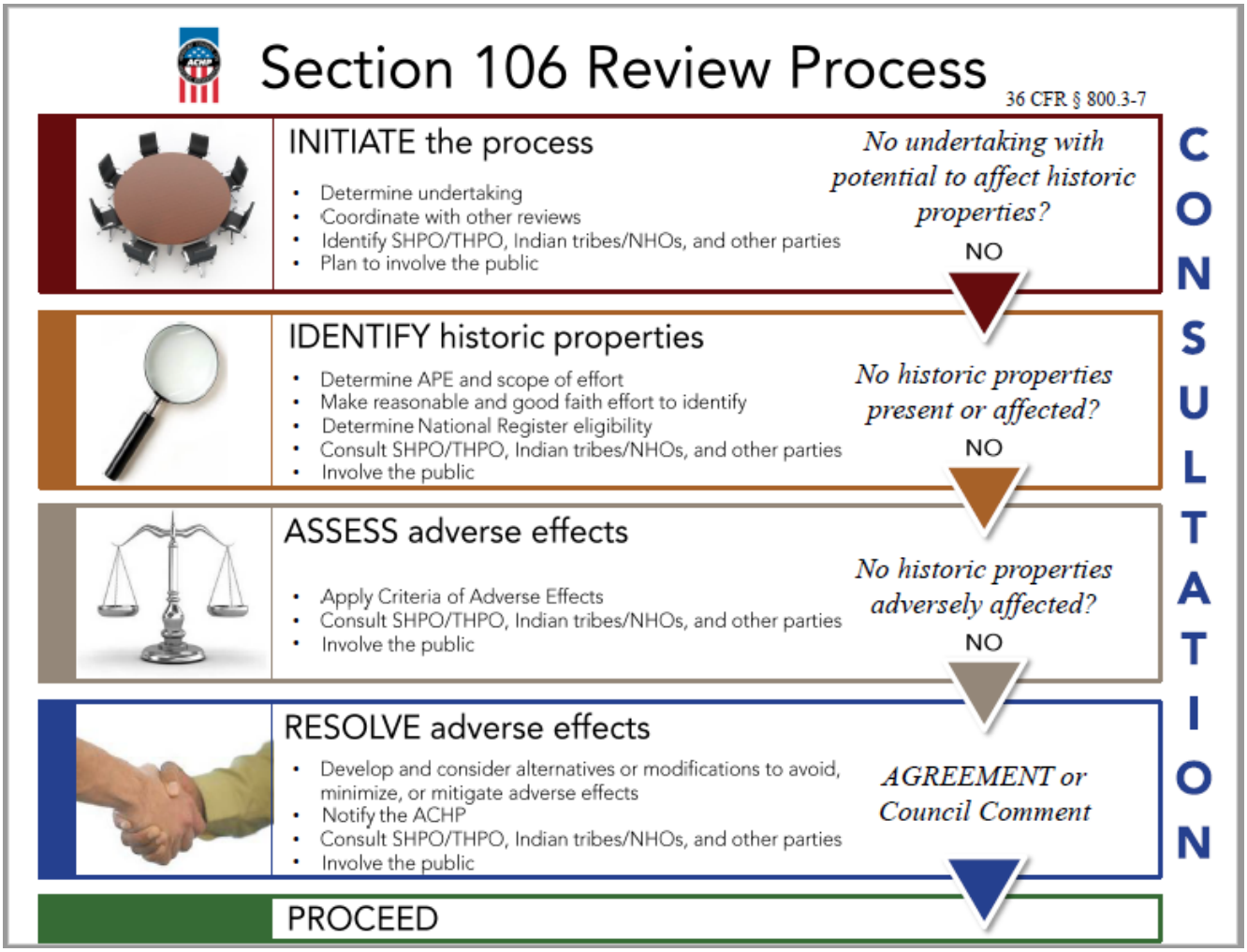


Figure 1. The Advisory Council on Historic Preservation's Section 106 Review Process Flowchart.

The specific process by which federal agencies comply with Section 106 is laid out in 36 C.F.R. § 800, the implementing regulations of Section 106. Under 36 C.F.R. § 800, federal agencies may develop program alternatives which dictate the procedures the agency follows to comply with the all or part of the Section 106 process. Additional information on the implementing regulations and the Section 106 process as well as training and resources can be found at https://www.achp.gov/. Because all federal agencies in all states and territories are required to follow the processes laid out in or allowed by 36 C.F.R. § 800, the individual procedures are not detailed here. The remainder of this section is devoted to the specific recommendations SHPO has for complying with the requirements of Section 106 in South Dakota to ensure that SHPO can issue meaningful comments on the proposed undertaking in a timely fashion.

Identifying Historic Properties in South Dakota

If a federal undertaking has the potential to affect historic properties, such as any ground-disturbing activities or alterations to standing architecture, the federal agency, in consultation with SHPO, shall determine the scope of identification efforts and then make a reasonable and good faith effort to identify historic properties within the undertaking's Area of Potential Effects (APE), as described in 36 C.F.R. § 800.4. The specific identification efforts employed will depend upon the individual undertaking and the type(s) of properties which may be affected. Identification efforts may include background research such as a search of the NRHP database or research at a local historical society, consultation with our Tribal Partners and members of the general public, oral history interviews, sample field investigations, and field survey. Although it is ultimately up to the federal agency to decide what constitutes a "reasonable and good faith effort to carry out appropriate identification efforts," the agency should take into account the magnitude and nature of the undertaking and should consider the guidelines presented in this document and in other relevant documents when determining the scope of identification efforts, as described in 36 C.F.R. § 800.4(b)(1). An undertaking to replace a 1980s sewer line under the roadway in an urban area and an undertaking to transform a two-lane highway to a four-lane divided highway will likely have completely different scopes of identification efforts, both of which are considered reasonable and good faith efforts for their respective undertakings.

The research design of the specific undertaking's identification efforts may include surveys to identify historic properties. The survey(s) may be aimed at identifying architectural properties, archaeological properties, properties of religious and cultural significance to American Indians, traditional cultural properties, or any combination thereof.

ARCHITECTURAL PROPERTIES

SHPO maintains records pertaining to South Dakota's built environment, including buildings, districts, structures, objects, and some sites (refer to pages 4-6 of National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation). Architectural resources may be stand-alone built resources, resources within a larger district, or resources associated with an archaeological site. If an

architectural resource contains an archaeological component, the archaeological component should be recorded following the procedures for archaeological properties described later in these guidelines. If a structure is standing and intact or if the structure is mostly intact and its full form can be recognized easily at the time of recordation and possibly replicated to rehabilitate the structure (such as may be the case in a standing structure with a collapsed roof), it is considered an architectural property and should be recorded as such; if a structure is in ruins or its full form is not easily recognizable, it is considered an archaeological property. If questions arise on whether to record a structure as an architectural or an archaeological property, agencies and surveyors can check with SHPO to confirm if a structure should receive a SHPO ID number as an architectural property.

Survey Procedures

The federal agency official shall make a reasonable and good faith effort to identify architectural properties which may be affected by an undertaking. The agency official may conduct or have federal agency staff or a professional who meets the appropriate Secretary of the Interior's Professional Qualifications Standards conduct on their behalf a Record Search, a Reconnaissance Survey, and/or an Intensive Survey, each of which are described below. For full details on the procedures to conduct architectural surveys in South Dakota, please consult the South Dakota Architectural Survey Manual.

Prior to conducting any type of architectural survey, it is imperative the surveyor conduct adequate background research on the undertaking's APE to become familiar with the cultural history of the area and to gauge the potential for identifying historic properties within the APE. Background research may include consulting sources such as (but not limited to): context and thematic studies from the SHPO, published local and state histories, state architectural histories, and geographic information from sources such as: aerial imagery, historic county atlases, Sanborn or Fire Underwriter insurance maps, the Bureau of Land Management (BLM) General Land Office (GLO) records, and United States Geological Survey (USGS) 7.5' quadrangle maps. This background research typically is conducted in concert with a survey methodology detailed below rather than as a stand-alone effort to identify architectural properties.

Record Search

A Record Search is needed to reveal the locations of previous Reconnaissance and Intensive Field Surveys, locations of previously recorded properties, and determinations of NRHP eligibility of the previously recorded properties. A search for recorded architectural properties can be conducted through the SHPO's Cultural Resource Geographic Research Information Display (CRGRID) and/or through a Record Search conducted through the Archaeological Research Center, which will include data on both archaeological and architectural properties. For the latter, refer to the Record Search procedures under the guidelines for identifying archaeological properties in this document.

SHPO's CRGRID web application shows all unrestricted Structure, Bridge, and Cemetery forms that have been entered into the state survey database. Records can be selected by clicking the icon of a desired record or by running searches by attributes, in a selected area (such as project APE), or within a buffer area around a selected point. Individual records (in detail or summary format) or a table of selected records can be downloaded as PDF or Excel files. A Help Guide for users of CRGRID is available online, or questions can be directed to Historic Preservation Specialists at the SHPO office.

The general contact information for the office is shpo@state.sd.us or (605) 773-3458. Or you can identify and contact the appropriate Specialist by region at https://history.sd.gov/preservation/contact.aspx.

Tribal Historic Preservation Offices with land and/or interests in South Dakota may also maintain their own survey databases, tribal register of historic places, or other information on the proposed project area and should be consulted separately.

SHPO recommends that surveyors confirm the eligibility of all architectural properties that will be affected by the proposed undertaking that were recorded or evaluated more than five years before the current Record Search. Confirmation of eligibility of architectural properties can be accomplished through a field check and/or through digital aerial or street-view imagery, as appropriate. As described in 36 C.F.R. § 800.4(c)(1), the passage of time or changing perceptions of significance may require a re-evaluation of properties previously determined eligible or ineligible. If there are changes in status, such as the destruction of a historic architectural property or the removal of a non-historic slipcover from the façade of a structure that previously was determined ineligible, the surveyor should contact SHPO to request permission to update the existing record(s), using procedures described below. Please notify SHPO at shpo@state.sd.us when any edits are made to existing records, so the regional Historic Preservation Specialist can agree or not agree with recommendations for determinations of eligibility.

If the Record Search indicates that architectural properties that have not been evaluated for NRHP eligibility exist within the APE, additional survey work may be needed to evaluate the properties. If the Record Search indicates that architectural properties determined eligible for the NRHP exist within the APE and the project cannot be modified to avoid these properties, additional survey work may be needed to develop strategies to minimize the effects to the properties.

Reconnaissance Survey

A reconnaissance survey for architectural properties provides minimal information on a large number of sites. This process generally is used for determining which resources should receive closer scrutiny. Each newly surveyed architectural property is entered into the survey database online at https://history.sd.gov/SHPOHS/ on the appropriate Structure, Bridge, or Cemetery form. General requirements include a recommendation for or a determination of eligibility, a brief physical description, and basic location information such as township, range, section, quarter sections, and UTM coordinates. Users of the state survey database at https://history.sd.gov/SHPOHS/ are required to have a password-protected account approved by the SHPO to add or edit records. More details on using the application can be found in the South Dakota Architectural Survey Manual.

SHPO has different survey record forms for Structures, Bridges, and Cemeteries, each with additional fields specific to those property types. SHPO survey records have Site and Structure sections (each with identification numbers assigned automatically by the survey database web application). Architectural properties with a single resource will have just one Structure (or Bridge, or Cemetery) sub-form within the general Site form. For properties with multiple associated resources, like a farmstead or a business complex, surveyors recording new properties should add multiple Structure

sub-forms to describe each resource under a single Site. Refer to the SHPO Survey Manual for details about the forms.

For each resource, photographs of the architectural property and its location on a site map should be submitted to the SHPO with the survey form. The current web application for entering/editing survey forms allows users to upload .jpg, .tif, or .pdf files to the form directly as attachments, which SHPO can access and download when reviewing the form, or attachment files can be emailed to the Historic Preservation Assistant with the request for review: https://history.sd.gov/preservation/contact.aspx. Refer to the South Dakota Architectural Survey Manual for additional details about the attachments.

Notes for Farmsteads and Ranches. Most farmsteads and ranches should be recorded with multiple sub-forms. Substantial buildings, objects (like a hand-pump for a well), sites (like a produce garden), or structures (like a corn crib) should be recorded on their own sub-forms. Smaller features of a farmstead, such as tool sheds, utility poles, fences, mailboxes, etc. generally do not need to be recorded unless they provide particular contributions to the historic significance of the property. Farmsteads and ranches sometimes include significant landscape features. Large or significant landscape features, or a particular type of feature such as a network of corrals, can be recorded on their own sub-form. In some cases, smaller or simpler landscape features can just be included as a list as part of a general property description within the primary house or barn sub-form according to the professional judgement of the surveyor. Surveyors also can consult the Historic Preservation Specialist for the applicable region of the state for guidance on how to coordinate survey records.

Notes for Cultural Landscapes. Landscapes such as gardens, parks, etc. can be complex, multi-component sites to record in the current SD SHPO survey forms. Defined, discrete landscapes like a garden or park can be recorded on a single Structure form with layout and the types of features and components described as part of the physical description. The location description should describe how the landscape boundary is defined. Large, multi-component landscapes, or landscapes with prominent building, structure, or site resources, may require the use of multiple Structure sub-forms.

Intensive Survey

An intensive survey is designed to gather all available information about a particular architectural property. This process addresses specific questions about a limited number of architectural properties. General requirements for reconnaissance level survey apply. Intensive level surveys also may include detailed documentation of the architectural resource, a chronology of changes to the building, interior notes and photographs, and/or site and floor plans, which can be uploaded as .jpg, .tif, or .pdf files to the form. They also may include archival research about the history of the land, histories of past owners, and study of the resource's context and construction.

Though a measure of additional details and research can often be accommodated in the space provided in the basic survey form, users in https://history.sd.gov/SHPOHS/ also can add details about architectural property features and history to the Intensive section of the forms. Such details may include information regarding porches, windows, doors, land history, architects/builders, building condition, etc. Completion of the Intensive section of the form is generally not required for the purposes of NHPA Section 106 or SDCL 1-19A-11.1 review.

Evaluating Architectural Properties for the National Register of Historic Places

When entering survey records into CRGRID, evaluations of the property for the National Register of Historic Places should follow National Park Service criteria for eligibility and be based in knowledgeable understanding of the property's history and role in applicable state and local historic contexts. When evaluating an architectural property, the surveyor should have the appropriate expertise relevant to the resource under evaluation. All architectural properties should be evaluated under each of the four NRHP criteria. Significance should be assessed before integrity; the assessment of integrity should not be used as an initial step by which to screen properties. The National Register criteria are discussed more in the Determining Property Eligibility section below. More details are included in National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation and the NPS's associated bulletins for specific property types found at: https://www.nps.gov/subjects/nationalregister/publications.htm.

Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning within history or prehistory is made clear. An architectural property should be evaluated within its historic context to judge its significance. Although not comprehensive, SHPO has multiple context and thematic studies on certain geographic areas, time periods, and site or property types for both architectural and archaeological properties to assist in evaluation for eligibility to the National Register of Historic Places. These documents are listed in Appendix D and are available at https://history.sd.gov/preservation/SHPOdocs.aspx.

When evaluating an architectural property that includes more than a single resource, the entire property should be assessed for eligibility, not just the portion within the project area. In most cases, architectural properties with multiple associated resources should be evaluated as a district with a single boundary. If the district is NRHP eligible, individual resources should be evaluated for Contributing or Non-Contributing status based on their age and/or integrity. In some cases, historically-associated resources that do not have a unified boundary should still be evaluated together as a discontiguous district following National Park Service guidance. In situations where an entire architectural property cannot be evaluated, the surveyor must clearly indicate the reasons why the entire resource could not be evaluated. The property as a whole should be considered not evaluated for listing in the NRHP.

Please remember that the surveyor can only make a recommendation regarding the eligibility of an architectural property. Only the federal agency, in consultation with SHPO, can provide a determination on the eligibility of an architectural property for listing in the NRHP, as described in 36 C.F.R. § 800.4(c). Even if SHPO agrees with a surveyor's recommendation regarding the eligibility of the property through the CRGRID application, the federal agency must include the property and its determination of eligibility in its consultation with SHPO.

SHPO ID Numbers

Architectural properties in South Dakota are identified by a unique SHPO ID number. SHPO ID numbers are composed of a two-letter county code (Appendix L), a three-digit district code (individual properties use "000"), and a sequential five-digit number for that county and, if applicable, district.

To obtain a SHPO ID number for an architectural property, the surveyor must submit sufficient information on a new form (see Appendix C) within the survey entry portal of CRGRID at https://history.sd.gov/SHPOHS. Requests for SHPO ID numbers are processed by the Historic Preservation Assistant at SHPO and should be emailed to shpo@state.sd.us. The system will *not* automatically notify SHPO that a form has been added.

With the request for a SHPO ID number, send:

- The Site ID number(s) assigned sequentially by the https://history.sd.gov/SHPOHS web application (SHPO-preferred option); OR the name of the surveyor; OR the name of the user that entered the record(s)
- Any photographs or site map attachments that could not be uploaded to the form directly.

The Historic Preservation Assistant will then review the forms submitted for completeness, assign a SHPO ID number to each surveyed property, and forward the form to the appropriate regional Historic Preservation Specialist. The Historic Preservation Specialist will agree or disagree with the recommendation of NRHP eligibility for the property and initial and lock the form. The Historic Preservation Specialist will reply with the list of SHPO ID numbers and their comments regarding eligibility. Copies of the approved survey forms can then be downloaded from https://apps.sd.gov/DE71SHPOCRGRID/ or from https://history.sd.gov/SHPOHS, or the Historic Preservation Specialist can attach the approved forms as PDFs to their reply.

Editing Previously Recorded Architectural Properties

SHPO wants its survey records to reflect the current status and condition of historic places in South Dakota so editing records is a frequent need. Many architectural survey records are locked by SHPO staff as they are reviewed, so if an existing record is locked but needs editing, contact SHPO staff to open the required records; include a list of those SHPO ID numbers and/or Site ID numbers. SHPO ID numbers and Site ID numbers can be looked up and/or downloaded from https://apps.sd.gov/DE71SHPOCRGRID/.

For architectural property records older than five years, SHPO recommends that surveyors confirm that the information in the record is current. Records within the APE that do not have eligibility determinations or unevaluated determinations should be updated and a recommendation for or a determination of eligibility made. Many legacy records from pre-2006 brought into the digital system are especially sparse and may require substantial editing and additions to substantiate the recommendation for or determination of NRHP eligibility.

Surveyors who have re-visited sites and are substantially editing records with description information or recommendations for determinations of eligibility should update the Surveyor Name and Survey Date fields with their information.

Though architectural property records should prioritize current information, there is research use for some legacy data. Drop-down fields should reflect the current status; text fields can accommodate the retention of older notes. Surveyors editing a record for a building that has physically changed can add the former survey date in brackets at the start of the old description and add their current description with the current year in brackets at the start. If space constraints in the form do not allow this, older

descriptions can be abridged or deleted; Historic Preservation Specialists can be consulted for guidance if needed. For an existing record of a building that has been demolished, the record often is retained and a note about the demolition added. Only SHPO staff can delete records entirely.

ARCHAEOLOGICAL PROPERTIES

An archaeological property is at least fifty years old and contains archaeological evidence, whether artifacts or features or a combination thereof, of past human activity. An archaeological property and an architectural property may coexist at the same locale, such as a farmstead with a standing outbuilding, the ruins of a barn, a foundation from the house, an unknown depression, and multiple artifact scatters. The farmstead would be recorded as an archaeological site with various archaeological features, and the standing outbuilding would be recorded as an architectural property. If a structure is standing and its full form is recognizable, even if slightly deteriorated, at the time of recordation, it is considered an architectural property; if a structure is in ruins at the time of recordation, it is considered archaeological. Similarly, archaeological properties and properties of religious and cultural significance may be recorded within the same boundary. The recording of the different property types within that boundary should follow their respective procedures.

Survey Procedures

To identify archaeological properties within an undertaking's APE, the federal agency official may conduct or federal agency staff or an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards may conduct on their behalf a Record Search, a Sample Survey and/or an Intensive Field Survey, each of which are described in detail below. Prior to conducting any type of archaeological investigation, it is imperative the archaeologist conduct adequate background research on the undertaking's APE to familiarize himself or herself with the cultural history of the area and to gauge the potential for identifying archaeological properties within the APE. Background research may include consulting the South Dakota State Plan for Archaeological Resources and other context documents and thematic studies; examining aerial imagery, United States Geological Survey (USGS) 7.5' quadrangle maps, and/or Light Detection and Ranging (LiDAR) imagery of the APE; consulting with local landowners and those knowledgeable about the area; and checking the Bureau of Land Management (BLM) General Land Office (GLO) records and county atlases. This background research typically is conducted in concert with a survey methodology detailed below rather than as a stand-alone effort to identify archaeological properties.

Record Search (Level I)

A Record Search is needed to reveal the locations of previous Sample and Intensive Field Surveys, locations of previously recorded archaeological properties, and determinations of NRHP eligibility of the previously recorded properties. A Record Search may be conducted through the Archaeological Research Center, the official repository for archaeological information in South Dakota. A qualified archaeologist may conduct a Record Search in person at the Archaeological Research Center in Rapid City or Archaeological Research Center staff may conduct a Record Search and provide the data to the requesting agency/applicant for a fee. The current fee structure for the Archaeological Research

Center can be found at https://history.sd.gov/archaeology/resources.aspx or at https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=24:52:05:02. Record Searches obtained through the Archaeological Research Center include data on both archaeological and architectural properties. Federal agencies which maintain their own accurate, up-to-date databases concerning archaeological investigations and properties on the lands they manage may utilize their own databases to conduct a Record Search. Federal agencies may compare and/or supplement the results from their internal Record Search with data held by the Archaeological Research Center to ensure that data is consistent and that no previously recorded historic properties are inadvertently omitted from consideration in the Section 106 process.

If a Record Search reveals that the entire APE has been subject to an adequate Intensive Field Survey, additional field survey may not be required. Generally, previous Intensive Field Surveys are considered adequate if they were conducted within the last twenty years and considered the recommendations in the SHPO compliance guidelines in place at the time of the survey or were conducted according to the standards established in a program alternative. However, if the project is located along waterways or if additional factors warrant resurvey, such as the vertical APE of the proposed undertaking, the agency should consult SHPO regarding the need for further survey work. Additionally, if the Record Search indicates that historic properties or properties which have not been evaluated for NRHP eligibility exist within the APE and the project cannot be modified to avoid these properties, additional survey work may be needed to develop strategies to minimize the effects to these properties or to evaluate the properties.

A Record Search older than six months must be updated before submission of the report or other documentation to SHPO to ensure that no additional properties have been identified recently within or near the proposed APE.

Sample Survey (Level II)

Sample Surveys are intensive archaeological surveys of a sample of the undertaking's APE and are most often conducted for linear projects that exceed 100 consecutive miles, such as fiber optic lines, pipelines, or electrical power lines. The Federal agency should consult with SHPO on the applicability of a sample survey as an identification strategy for other types of large-scale undertakings.

A Sample Survey allows the federal agency to focus intensive field survey efforts on areas that contain known properties or that have the highest potential for containing previously unrecorded properties. As such, a Record Search must be conducted to identify the nature and distribution of existing properties and to aid in the identification of areas with a high, moderate, and low potential for containing unrecorded properties. Prior to conducting the Sample Survey, the federal agency must justify the sampling strategy with a written proposal submitted to SHPO for review in advance of the survey. A Record Search must accompany or be included in the written proposal. The agency should wait to receive a response on the proposal from SHPO before conducting the field survey. The actual field methods used during the Sample Survey should follow the recommendations delineated for Intensive Field Surveys below.

Intensive Field Survey (Level III)

Intensive Field Surveys require a visual inspection of the APE via pedestrian survey and may include subsurface testing. Due to the multitude of landforms and vegetation types encountered across South Dakota, the exact methods used during an Intensive Field Survey may vary from survey to survey and from project to project. In the survey report, the principal investigator (PI) must explain the methods employed during the survey in detail (transect spacing during pedestrian survey; generalizations of areas of increased or decreased transect spacing; type(s) and location(s) of any subsurface testing conducted, if applicable; any remote sensing utilized, if applicable; etc.). In the report, the PI also must justify the reasons for employing said methods during the survey, taking into consideration the nature of the undertaking, the local environment of the APE, the likelihood of encountering historic properties within the APE, guidance from the federal agency, and the recommendations included in these guidelines. A Record Search must be completed prior to conducting an Intensive Field Survey and should be included with any report(s) generated from the Intensive Field Survey.

A necessary component of an Intensive Field Survey is pedestrian survey. SHPO recommends that transects for pedestrian survey be 15 meters (approximately 50 feet) or less to aid in the identification of small surface indicators of a site, such as exposed lithics, as well as surficial features of a site, such as depressions, stone features, or foundations. In general, soils on slopes greater than 20 degrees do not need to be surveyed unless the cultural history of the area suggests a potential for human activity, such as areas where mining activities or rock shelters may be present, or if slope erosion has the potential to expose subsurface cultural resources. The PI should use professional judgment, guidance from the federal agency, and the recommendations within this document when deciding the width and patterning (meandering versus linear) of the pedestrian survey transects.

For some Intensive Field Surveys, subsurface testing may be appropriate to supplement the pedestrian survey. In instances of poor ground surface visibility (<30%), SHPO recommends that subsurface testing—such as 30 to 50 cm-diameter shovel tests (ST), 4-inch diameter or larger auger tests (AT), ground-truthing of metal detector hits, or other minimally invasive techniques which expose subsurface soils and deposits—be conducted in areas where the vertical APE of the undertaking extends below the ground surface and/or in areas with the highest potential for containing unrecorded archaeological properties, such as on landforms overlooking permanent water sources or along natural springs. Depending on the individual undertaking and its APE, systematic subsurface testing, such as in a grid or linear pattern, may be appropriate to supplement pedestrian survey as a means of identifying archaeological properties, especially if there is no to little ground surface visibility. However, extensive subsurface testing is not recommended when identifying archaeological properties, as it has the potential to cause adverse effects to historic properties if the site is determined as such. Rather, subsurface tests should be judiciously placed in the location(s) with the best potential for containing previously unrecorded cultural deposits and/or in the area(s) where the undertaking has the greatest potential to affect archaeological historic properties. Based upon the soils and/or cultural materials encountered in the subsurface test and the overall ground surface visibility, the PI should use their professional judgment to determine the number and location of any additional subsurface tests. In general, a relatively small number of judiciously placed subsurface tests is often adequate to characterize the subsurface potential of an area and to supplement the findings of the pedestrian survey aimed at identifying archaeological properties when ground surface visibility is less than thirty percent (30%).

If subsurface testing is conducted to identify archaeological properties, the PI should justify the type of subsurface testing employed (e.g., shovel tests or metal detector ground-truthing) and locations selected for subsurface testing as well as include the results of all subsurface tests, whether positive or negative for cultural material, in the report. The locations of each subsurface test must be clearly labeled on a map with a unique identifier for each test (i.e., ST1, AT1, etc), and the UTM coordinates of each subsurface test should be included in the report for records management. The Archaeological Research Center also encourages the PI to submit the shapefiles of all subsurface test locations with the final report for permanent storage in its archived data files, which are available to future researchers working at the site. Any soils removed from subsurface tests should be screened through a maximum of ¼ inch mesh. All subsurface tests should be excavated to a minimum of 10 cm deeper than the last cultural level or until bedrock or a discernable change in sterile soils which suggests low to no potential for cultural components has been reached. The depth of subsurface tests should also take into consideration the vertical APE of the undertaking. The PI must include the justification for the depth at which each subsurface test is terminated in the final report. If a project has the potential to affect deeply buried cultural deposits, please refer to our guidelines on deep testing strategies, A Geoarchaeological Overview of South Dakota and Preliminary Guidelines for Identifying and Evaluating Buried Archaeological Sites.

If known historic properties exist within the APE, the agency should consult with SHPO and other consulting parties on any planned subsurface testing that may occur within the properties' boundaries as part of the intensive field survey efforts, as extensive subsurface testing could adversely affect a historic property.

In consulting on undertakings for which Intensive Field Surveys were conducted, SHPO will likely recommend the federal agency conduct additional efforts to identify historic properties if the following activities were performed in an effort to identify archaeological properties:

- Conducting a surface inspection from a motorized vehicle (i.e., windshield survey)
- Conducting survey work with pedestrian transects spaced greater than 30 meters apart
- Conducting survey work under conditions of snow cover, heavy vegetation, or any other conditions that create ground surface visibility of less than 30%, unless judicious subsurface testing is conducted to supplement the pedestrian survey
- Conducting subsurface testing when the ground is frozen

If an archaeological site is encountered during an Intensive Field Survey, close-interval pedestrian transects and/or radial subsurface testing should be used to determine the boundary of the site. Site information should be recorded on an Archaeological Research Center site form (Appendix C), which must be submitted to the Records Coordinator at the Archaeological Research Center to obtain a site number and must be included as an appendix to the report submitted to SHPO for consultation. Additionally, the report submitted to SHPO should include a sketch map or GIS-created map showing all natural and cultural features, piece plots, artifact concentrations, etc. within the site boundary (Figure 2). The boundary of the site should be recorded with a Global Positioning System (GPS)-enabled device so the Geographic Information System (GIS) shapefile can be submitted to the Archaeological Research Center or through ERC along with the survey report and site form. It is strongly recommended to include intrasite shapefiles (representing features, artifact concentrations, locations of subsurface tests, etc.) in the submission to the Archaeological Research Center or through ERC.

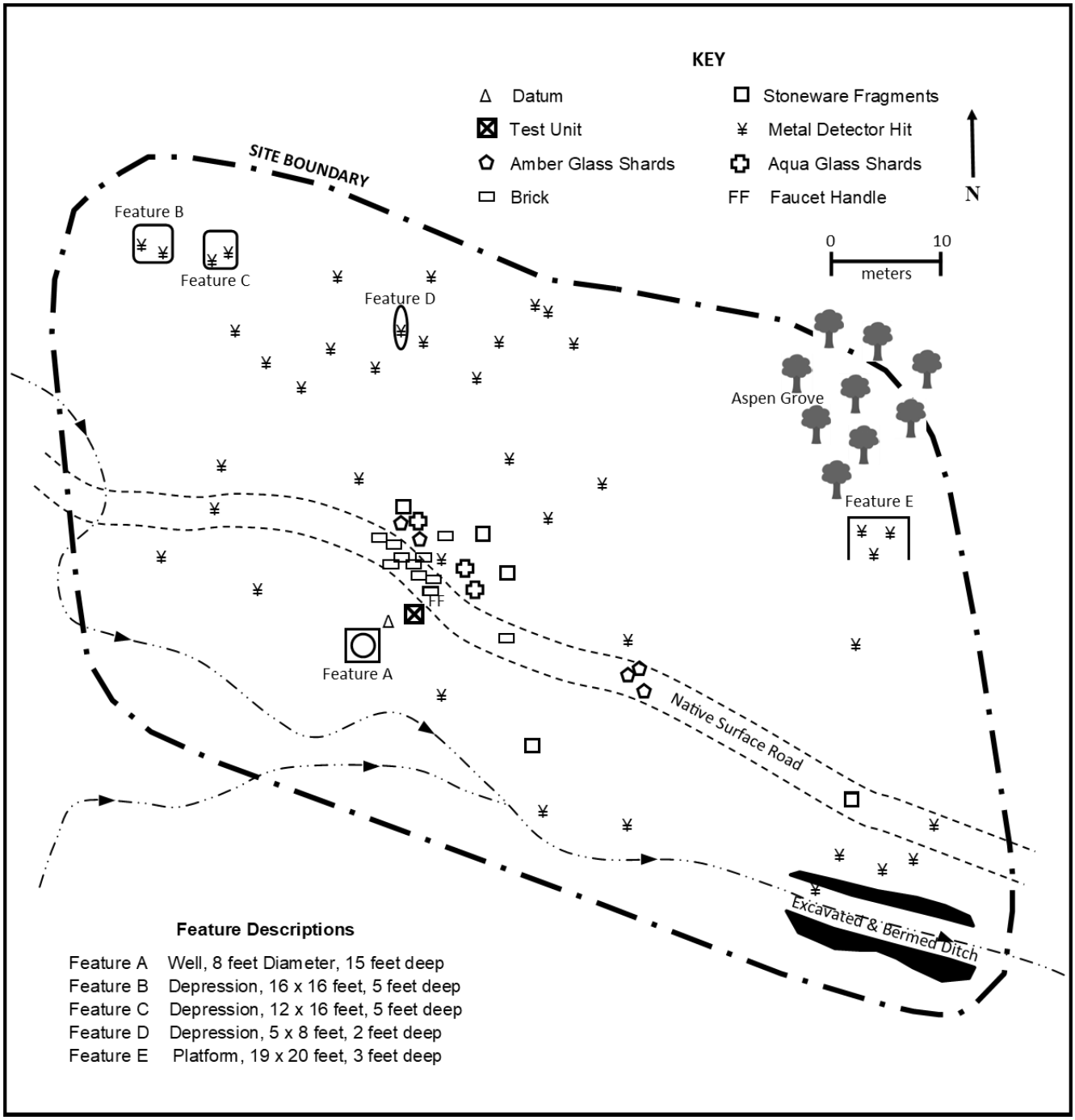


Figure 2. Example of hypothetical site sketch map showing the site boundary, archaeological features, artifact concentrations, individual piece plots, and natural terrain.

The results of Sample and Intensive Field Surveys may be presented in one of two report formats, depending on the results of the survey. These reports must be included in the agency's information submitted through ERC for Section 106 consultation with SHPO. In the survey report, it is imperative that the methods used during the Intensive Field Survey are described in detail. Details should include the total number of acres surveyed, the spacing of pedestrian transects, the ground surface visibility at the time of the survey, and the type, depth(s), and location(s) of any subsurface testing, if applicable. The report must also include the rationale behind the methods utilized during the survey, such as why the archaeologist did or did not conduct subsurface testing. For additional information on reporting requirements, please see Recommended Report Format below.

Evaluating Archaeological Properties for the National Register of Historic Places

Please note that identifying an archaeological site and delineating its boundary is not considered an evaluation of the property for listing in the NRHP. In evaluating a site, thoughtful subsurface testing should be utilized to obtain full descriptive and evaluative data on the site, provided soil deposition is adequate. Depending on the nature and location of the site, evaluative subsurface testing could be strategically placed shovel tests or the excavation of formal test unit(s). It is not reasonable to make recommendations regarding the eligibility of a site or a determination of eligibility based on a lack of artifacts in a 1-inch diameter soil probe. However, care should be taken so the subsurface testing does not damage or destroy the resource being evaluated. If it appears that testing will seriously impact a site, the agency should consult with SHPO to develop an appropriate plan for evaluation. If a site has the potential to be a property of religious and cultural significance to American Indian tribes, SHPO recommends that the agency consult with our Tribal Partners regarding the evaluation of the site prior to any subsurface testing.

Additionally, subsurface testing should never be conducted on known or suspected burial mounds, and the agency should try all means possible to avoid impacts to burials, as they are protected by federal and state laws, as described in Section VI. Evaluation of known or possible burial mounds for NRHP eligibility may include detailed literature searches, oral history interviews, land-use histories, and geophysical survey methods, such as ground-penetrating radar, LiDAR, and magnetometry.

When evaluating an archaeological site, the entire site should be assessed for eligibility to the NRHP, not just the portion of the site within the project area. It is impossible for SHPO to concur with a determination of eligibility for an archaeological site if the entire site has not been adequately described and evaluated. In situations where the entire site cannot be evaluated, as may be the case if landowners deny access to the portion(s) of the site on their land, the PI must clearly indicate the reasons why the entire site could not be evaluated, and the site as a whole should be considered not evaluated for listing in the NRHP. The PI must provide explicit justification for all testing decisions and recommendations and must clearly indicate how the undertaking could affect both the accessible and inaccessible portions of the site for SHPO to issue meaningful comments.

PIs evaluating archaeological sites should have the appropriate expertise relevant to the sites under evaluation. For example, a PI with no experience in historical archaeology should not be making recommendations regarding the eligibility of a historic-era site. For historic sites or sites with a historic component, the evaluation should include detailed historic research into the possible significance of the site, such as research of Register of Deeds records, historic maps, BLM GLO

records, and local histories. Additionally, regardless of the archaeological site's age, it should be evaluated within its appropriate historic context. Although not comprehensive, historic context documents listed in Appendix D are available at https://history.sd.gov/preservation/SHPOdocs.aspx to assist in evaluating the significance of archaeological properties.

All archaeological sites should be evaluated under each of the four NRHP criteria, and significance should be assessed before integrity. The assessment of integrity should never be used as an initial step by which to screen properties. Just because a site is identified within a plowed field does not automatically indicate that the site lacks integrity and is not eligible for listing in the NRHP. For additional information on evaluating archaeological properties, see Determining Property Eligibility below and National Register Bulletin 36, Guidelines for Evaluating and Registering Archeological Properties.

Please remember that the PI can only make a *recommendation* regarding the eligibility of an archaeological property. Only the federal agency, in consultation with SHPO, can provide a *determination* on the eligibility of an archaeological site for listing in the NRHP, as described in 36 C.F.R. § 800.4(c).

Site Numbers

All archaeological sites within South Dakota should be recorded and obtain a site number from the Records Coordinator at the Archaeological Research Center. An archaeological site is a location with physical remains of past human activity, such as cultural features and artifacts, that originated at least 50 years ago. In South Dakota, prehistoric archaeological sites are associated with early American Indian cultural groups and are not associated with written records, while historic archaeological sites are associated with any number of Native or non-Native cultural groups and are associated with written records, such as newspapers, photographs, government records, or documented personal accounts.

South Dakota uses the Smithsonian Institution Trinomial System to identify and number archaeological sites within the state. Site numbers begin with the number 39 to indicate the state of South Dakota, followed by the standard two-letter abbreviation for the county in which the site is located (Appendix L), and then a unique number indicating the specific site (39XX####).

To obtain a site number for a newly recorded archaeological site, the PI must complete the Archaeological Research Center Site Form, available as an MS Access file or a PDF file at https://history.sd.gov/archaeology/resources.aspx, and submit it to the Records Coordinator at the Archaeological Research Center along with a GIS shapefile of the site boundary and a 1:24,000 scale quadrangle map showing the site location. Text in the narrative sections of the Archaeological Research Center Site Form also should be provided to the Records Coordinator in a digital format (e.g., Microsoft Word) to ensure that information is copied into the database correctly and efficiently. Once all Site Form documentation has been received and approved, the Records Coordinator will assign a site number. For guidance on completing the Site Form, please consult Guide for Completing a South Dakota Field Site Form for Submittal to the South Dakota Archaeological Research Center.

Isolated Finds

Isolated finds are considered a type of archaeological site in South Dakota. All isolated finds should be recorded on an Archaeological Research Center Site Form and should receive a Smithsonian trinomial site number. An archaeological isolated find is a discrete location that includes limited physical remains of past human activity originating over 50 years ago *and* has no possibility of buried cultural features or artifacts. An isolated find must also meet one of these specific criteria:

a. One formal lithic tool or prehistoric ceramic fragment is present, or
b. One formal lithic tool or prehistoric ceramic fragment is present plus no more than nine additional artifacts, or
c. Six to ten definitive (not questionable) pieces of lithic debitage or other non-tool or non-ceramic artifacts are present, or
d. An isolated historic feature, such as a well, cistern, corral, or windmill, that is unassociated with a larger historic site.

To ensure that an isolated find has no possibility of buried cultural features or artifacts and, therefore, fits the definition of an isolated find, subsurface testing must be conducted unless the isolated find was discovered on bedrock or in a deflated area and no soil development occurs within 15 meters of the discovery. Shovel tests with all removed soils screened through a maximum of ¼ inch mesh must be excavated in the area surrounding the isolated find; a single shovel test excavated where the isolated find was found is not considered a means of sufficient subsurface testing. If an isolated find is discovered in a plowed field, subsurface testing must be conducted to a depth below the plow zone disturbance. All testing strategies must be justified on the site form and in the final report.

Isolated finds that meet the aforementioned criteria and are, therefore, properly tested with the testing strategy adequately justified are considered to be not eligible for listing in the NRHP. However, the PI can only make this recommendation of ineligibility; the federal agency must consult with SHPO on determinations of eligibility for all evaluated archaeological sites, including isolated finds.

Some physical remains do not merit recordation as isolated finds or any other type of archaeological site. The PI should use his or her professional judgment to determine what remains merit recordation and which do not and must justify the decision to not record any cultural manifestations in the final report. However, SHPO acknowledges that the following examples typically are not considered isolated finds or any other type of archaeological site:

a. One to five historic ceramic fragments, glass fragments, nails, cans, and/or other historic artifacts that are unassociated with a feature or a larger historic site and have little research value on their own.
b. Traffic signs, fence poles, utility poles, utility lines, non-historic pipelines, common gravel or paved roads unassociated with significant historic trails, isolated stock dams and/or windmills with no significant historic associations, rip-rap, pasture fences or enclosures with no significant historic associations, and other ubiquitous features of this nature on the built landscape.
c. One to five questionable flakes of any size or unmodified animal bone fragments less than 5cm in length.
d. Isolated prospect pits or prospect trenches with no associated artifacts that are not associated with any other features or a larger historic site and have little research value on their own.

e. Modern animal skeletons or animal bones resulting from automobile accidents, hunting, or farm animal death.

Revisited Sites and Site Boundary Modifications

The results of revisiting any previously recorded site(s) during an Intensive Field Survey or an informal site visit should be included in the final report. The site revisit, discovery of any new features or artifacts, conducting of evaluative efforts such as subsurface testing or additional close-interval survey, a change in the boundary of the site, or any other changes to the site narrative should be recorded on an updated Site Form in addition to in the body of the report. Site form updates may be recorded by filling out a complete site form, with updates in the data where necessary, and clearly noting "update" on the top of the form. For site updates on site forms submitted separately to the Archaeological Research Center, the agency may choose to only include the Smithsonian Trinomial site number and changes to any fields for which the information has changed or is being newly provided, such as site condition, UTM coordinates, narrative updates, project name, recorder, date, etc. If a site revisit was conducted strictly as a monitoring or condition assessment effort, the agency may use its own monitoring/condition assessment form in lieu of an updated site form, provided that the agency's form contains all the necessary information pertaining to any updates to the site and full project information, such as project name, the date(s) of the site visit, etc.

If a site boundary is being modified from what was previously recorded, the suggested changes must be justified in the report and in an updated site form. A map showing the boundary changes also should be included in the body of the report and in the updated site form. The Archaeological Research Center has a Site Boundary Modification Form (Appendix C) which should be used to record and justify boundary modifications for sites on state and private lands. PIs and federal agencies may use the Site Boundary Modification Form to record and justify boundary modifications for sites on federal lands if they so choose. If the Site Boundary Modification Form is used, please include a copy of the completed form with the report submitted to SHPO through ERC for Section 106 consultation.

PROPERTIES OF RELIGIOUS AND CULTURAL SIGNIFICANCE AND TRADITIONAL CULTURAL PROPERTIES

The implementing regulations of Section 106 at 36 C.F.R.§800.2(c)(2)(ii) and Section 101(d)(6)(B) of the NHPA require federal agencies to consult with any American Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking, regardless of the location of the historic property. To assist in identifying these historic properties, federal agencies shall gather information from American Indian tribes on properties, including those located off tribal lands, which may be of religious and cultural significance to them and may be eligible for listing in the NRHP, as described in 36 C.F.R. § 800.4(a)(4). Some, but not all, properties of religious and cultural significance also may be considered traditional cultural properties (TCPs). TCPs are properties which are eligible for listing in the National Register because of their association with the cultural practices or beliefs of a living community that (a) are rooted in the community's history, and (b) are important in maintaining the continuing cultural identity of the community. TCPs may be associated with any cultural group. However, many TCPs within South Dakota are associated with American Indian

Tribes. For more information on how TCPs are considered and documented in the context of the NRHP, refer to National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties.

Properties of religious and cultural significance and TCPs associated with American Indian Tribes may be missed by traditional archaeological, historical, or architectural surveys and may require interviews with knowledgeable users of the area or ethnographic research by those attuned to the subtleties of locations significant to certain ethnic groups. Upon consultation with American Indian tribes, the federal agency may determine that field investigations are required with the specific intent of identifying properties of religious and cultural significance.

Survey Procedures

To identify historic properties that may be places of religious and cultural significance to American Indian tribes or TCPs associated with American Indian Tribes, federal agencies should consult with our Tribal Partners on a government-to-government level. In the case of TCPs not affiliated with Tribes, federal agencies should consult with other groups who may ascribe traditional cultural significance to locations within the study area. If, through consultation with Tribes, the federal agency determines that field investigations are required, the agency should continue consulting with the Tribe(s) to determine the appropriate procedures for identifying properties of religious and cultural significance and/or TCPs and the appropriate individual(s) for conducting those identification efforts, such as traditional cultural specialists or other designated tribal representatives. These individuals are specialists in their field, and their work to identify properties of religious and cultural significance and/or TCPs associated with American Indian Tribes is equivalent to an archaeologist conducting an archaeological survey or an architectural historian conducting a survey of architectural properties.

Unless an archaeologist has been specifically identified by an American Indian Tribe to speak on its behalf or has been determined by the American Indian Tribe to be qualified to record such properties, the federal agency official should never assume that an archaeologist possesses the appropriate expertise to identify TCPs associated with American Indian Tribes or properties of religious and cultural significance to our Tribal Partners. Similarly, archaeological investigations to identify historic properties in no way relieve the federal agency of their responsibilities to consult with American Indian tribes on the identification of historic properties of religious and cultural significance that may be affected by an undertaking.

The means of recording a property of religious and cultural significance or a TCP associated with a Tribe should be decided in consultation with the Tribe(s), if the property is to be recorded at all. Options for recording properties of religious and cultural significance may include a TCP form developed by or in consultation with our Tribal Partners, the TCP site form developed by the Archaeological Research Center, or any other means of recording the property deemed appropriate by our Tribal Partners. A Tribe may assign a site number to the property, if it is deemed appropriate to do so, and store the data on the property, if it wishes to do so. Recording of TCPs associated with a Tribe or properties of religious and cultural significance is not required if the Tribe does not wish for the property to be recorded. However, if that property may be eligible for the National Register, federal agencies must still take that property into account, pursuant to Section 106 of the National Historic Preservation Act.

If a property of religious and cultural significance or a TCP also has an archaeological or architectural component, that component should be recorded separately following the appropriate procedures described above. The religious and cultural significance of a property to an American Indian Tribe and our Tribal Partners' evaluation of the NRHP significance of such a property may be discussed separately from the archaeological and/or historical significance of the property but must be given full consideration by the agency when making a determination of eligibility. Our Tribal Partners may prefer that information pertaining to the religious and cultural significance of a property be included in an appendix which easily can be separated or redacted from a report, rather than within the body of the report, to protect sensitive information.

Please note that if a property of religious and cultural significance does not meet the NRHP eligibility criteria to be considered under Section 106, that does not exclude the property from consideration under other executive orders or laws.

CONFIDENTIALITY

Documentation of the efforts to identify historic properties must be supplied to SHPO for the project to undergo Section 106 consultation. However, some of the information contained in this documentation may be protected and should not be made available to the general public. Section 304 of NHPA allows the agency, after consulting with the Secretary of the Interior, to withhold information about the location, character, or ownership of a historic property when such disclosure may cause a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners.

Unless the information is made subject to Section 304 of NHPA, information pertaining to architectural resources is not confidential and is available to the public at https://apps.sd.gov/DE71SHPOCRGRID/ and https://npgallery.nps.gov/nrhp .

Archaeological properties, however, are protected under SDCL 1-20-21.2. The location of archaeological properties, whether they are eligible, not eligible, or have not yet been evaluated for listing in the NRHP, is confidential information. Pursuant to SDCL 1-20-21.2, the state archaeologist may make archaeological site records available to agencies that may conduct activities with the potential to affect the sites, to the owner of the land on which the site is located, and to any qualified researcher or research entity. However, archaeological site records should never be made publicly available, and reports that include information about the location(s) of archaeological site(s) should not be shared with the public.

The location, nature, and activities associated with TCPs and properties of religious and cultural significance to American Indian Tribes are protected information. To obtain information on TCPs associated with American Indian Tribes and properties of religious and cultural significance, please consult with our Tribal Partners. However, please be aware that our Tribal Partners may be reluctant to divulge such information. If data on TCPs or properties of religious and cultural significance are obtained, this information should never be made publicly available.

DETERMINING PROPERTY ELIGIBILITY

The implementing regulations of Section 106 define a historic property as one that is included in or eligible for inclusion in the NRHP. As such, evaluating properties for inclusion in the NRHP is a crucial step in the identification of historic properties. If a property was recorded during previous identification efforts, the property already may have been evaluated and determined to be eligible or not eligible for listing in the NRHP. However, the federal agency should be cognizant that restoration, passage of additional time, and/or changes in the interpretation of the significance of a property may mean that, even if a property was previously determined eligible or not eligible, a re-evaluation of the property may be necessary. If a property has not been previously determined eligible or not eligible, but it can be completely avoided by all project activities, it may not be necessary to evaluate that property for listing in the NRHP.

To determine property eligibility, the agency official consults with SHPO and any American Indian Tribe(s) that attaches religious and cultural significance to the property and applies the NRHP criteria, guided by the Secretary of the Interior's Standards for Evaluation. To qualify for the NRHP, a property must represent a significant part of history, architecture, archaeology, engineering, or culture and possess historic integrity.

Properties that are considered significant are those that meet at least one of the following criteria:

A) That are associated with events that have made a significant contribution to the broad patterns of our history; or

B) That are associated with the lives of persons significant in our past; or

C) That 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.

Ordinarily, certain properties—including 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, or properties that achieved significance within the past 50 years—are not considered eligible for listing in the National Register. However, properties such as these are considered eligible if they are integral parts of eligible districts or if they fall within the following categories:

a) A religious property deriving primary significance from architectural or artistic distinction or historic 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 which 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 50 years if it is of exceptional importance.

A property should be evaluated within its historic context to judge its significance. Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning within history or prehistory is made clear. Appendix D lists the documents available through the South Dakota SHPO which help provide historic contexts for archaeological and architectural properties. These documents are also available for online viewing or download at https://history.sd.gov/preservation/SHPOdocs.aspx. National Register Bulletins with further context information that may be useful in evaluating properties for eligibility to the National Register of Historic Places can be found online at https://www.nps.gov/subjects/nationalregister/publications.htm. If a document does not already exist which aids in providing the historic context for the property under evaluation, the PI should conduct their own research of the historic context, especially the local historic context.

Once the property has been shown to be significant under the NRHP criteria, its integrity must be assessed. Integrity is the ability of a property to convey its significance. The NRHP criteria recognize seven aspects or qualities that, in various combinations, define integrity: location, design, setting, materials, workmanship, feeling, and association. To retain integrity, a property will possess several aspects of integrity. Determining which aspects are most important to a particular property requires knowing why, where, and when the property is significant. Therefore, consultants, contractors, or agencies tasked with evaluating a property must first assess the property's significance and then assess the property's integrity. The assessment of integrity should never be used as an initial step by which to screen properties.

For additional information on evaluating properties, please consult the following National Register Bulletins: How to Apply the National Register Criteria for Evaluation, Guidelines for Evaluating and Registering Archeological Properties, and Guidelines for Evaluating and Documenting Traditional Cultural Properties.

NATIONAL HISTORIC LANDMARKS

National Historic Landmarks (NHLs) are historic places designated for their national significance. These historic properties receive special consideration under Section 106, as described in 36 C.F.R. § 800.10. Agencies are to minimize harm to any NHL that may be directly and adversely affected by an undertaking. If an undertaking will affect an NHL, even if the agency believes the effect is not adverse, the agency must notify the National Park Service. A list of NHLs in South Dakota can be found in Appendix E or at https://www.nps.gov/subjects/nationalhistoriclandmarks/list-of-nhls-by-state.htm .

Determinations of Effect

After identifying historic properties within the undertaking's APE, the federal agency must determine what effect the undertaking will have on those properties. The determination of effect should take into account all of the historic properties within the APE. The federal agency may make one of three determinations of effect for an undertaking:

- No Historic Properties Affected
- Adverse Effect
- No Adverse Effect

NO HISTORIC PROPERTIES AFFECTED

If the agency official finds that either 1) there are no historic properties present within the undertaking's APE or 2) there are historic properties present but the undertaking will have no effect upon them, such as through complete avoidance, the agency official shall document a finding of "No Historic Properties Affected," as described in 36 C.F.R. § 800.4(d)(1). This finding must be clearly identified and justified in the correspondence the federal agency submits to SHPO for Section 106 consultation.

ADVERSE EFFECT

To determine if an undertaking will adversely affect a historic property, the federal agency, in consultation with SHPO, applies the Criteria of Adverse Effect, as described in 36 C.F.R. § 800.5(a). For undertakings that may alter, either 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 effect on that historic property is considered adverse. Adverse effects may also include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. As described in 36 C.F.R. § 800.5(a)(2), examples of adverse effects may include:

- Physical destruction of or damage to all or part of the property (Figure 3)
- Alteration of a property that is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and applicable guidelines (Figure 4)
- Removal of the property from its historic location (Figure 5)
- Change in the character of the property's use or physical features within the property's setting that contribute to its historic significance (Figure 6)
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historical features (Figure 7)
- 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 American Indian tribe (Figure 8)
- 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 (Figure 9)

When an agency makes a finding of an Adverse Effect, this finding must be clearly documented in the information submitted to SHPO for consultation, and the agency must be prepared to continue consultation to resolve the adverse effect, as described below.

Photographic examples of adverse effects are included on the following pages.

Figure 3. Examples of damage or destruction to a historic property. The top photos illustrate how agricultural activity has destroyed a petroform that had been listed in the National Register. Even if an undertaking would not directly harm a property, federal involvement in the development of the surrounding area into agricultural fields could indirectly cause the destruction of such a site, as it may eventually be incorporated into that agricultural land. In the bottom photo, erosion caused by raising and lowering water levels has damaged a portion of a Middle Missouri village site.

Figure 4. Examples of alterations to properties which are not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In the top photographs, enclosing the porch caused drastic changes to the house's historic character. In the bottom photograph, repointing with inappropriate mortar forced moisture through the wall, eventually causing the brick to spall, crack, and disintegrate. The latter is an example of an adverse effect that can occur later in time.

Figure 5. Example of the removal of the property from its historic location. Moving the Poker Alice House from a rural location in Meade County to Sturgis, South Dakota, adversely affected the house's integrity of location, setting, and feeling.

Figure 6. Example of a change in the character of a property's use and of physical features within the property's setting that contribute to its historic significance. The bridge is no longer used for its intended purpose, and the setting of the bridge has been entirely altered by moving the bridge to a new location.

Figure 7. Example of the introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features. The activities in the foreground introduce noise and visual intrusions into the setting of Bear Butte and its environs.

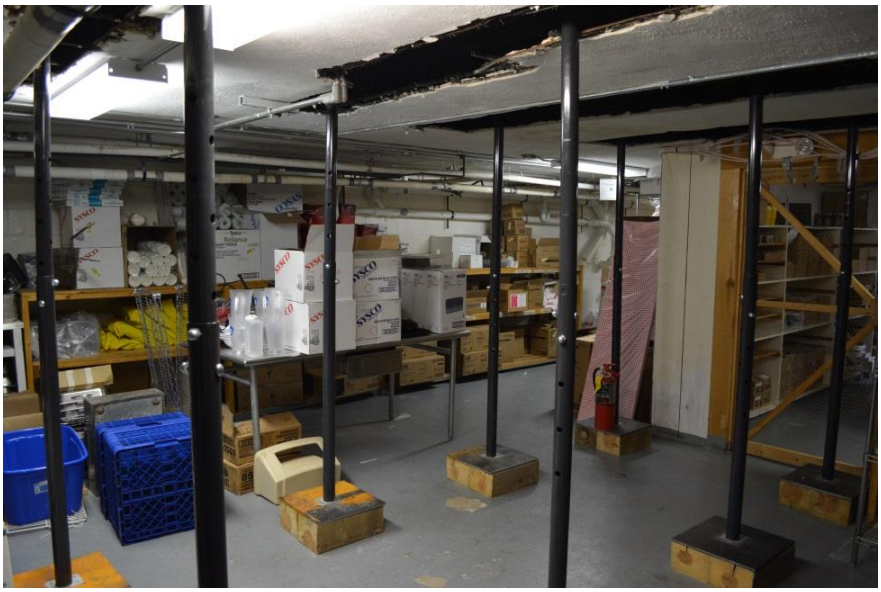


Figure 8. Example of the neglect of a property which causes its deterioration.

Figure 9. Example of the transfer, lease, or sale of a property out of federal ownership or control. Once a property is out of federal ownership or control, it is no longer automatically subject to Section 106 and the measures to take into account the effects a project may have on that property.

NO ADVERSE EFFECT

If historic properties are present in the undertaking's APE and will be affected, but agency official finds that the undertaking's effects do not meet the criteria of adverse effect or the undertaking is modified or conditions are imposed to avoid adverse effects to the property, the agency official may make a finding of No Adverse Effect. When the federal agency consults with SHPO on the undertaking, the finding must be clearly documented and any and all conditions placed upon or modifications to the undertaking must be clearly explained to illustrate how the undertaking will not adversely affect the historic property. This may include the need to submit additional, detailed photographs or site maps detailing the features of the historic property in relation to the undertaking's effect(s) on that property.

If, after the agency has consulted with SHPO on the finding of No Adverse Effect, the agency decides that it cannot modify the undertaking as planned or not all of the previously decided conditions can be applied to the undertaking, the agency must reopen consultation with SHPO and other consulting parties and reassess the effects of the undertaking to historic properties.

Resolving Adverse Effects

If the agency official finds that an undertaking will have an adverse effect on an historic property and SHPO agrees, the agency official must notify the Advisory Council on Historic Preservation (ACHP) of the finding and continue to consult with SHPO and other consulting parties to resolve the adverse effect.

Resolution of an adverse effect often is accomplished through the development and execution of a Memorandum of Agreement (MOA) which outlines the agreed upon measures that the agency will take to avoid, minimize and/or mitigate the adverse effect to the historic property/properties. The exact measures to minimize or mitigate adverse effects are decided on a case-by-case basis through consultation with SHPO and consulting parties. When drafting an MOA, SHPO recommends the agency follow the ACHP template, available at https://www.achp.gov/template_moa.

If the MOA requires photographic documentation, SHPO recommends the agency follows SHPO's Photography Guidelines for the Purposes of Section 106 Mitigation, found in Appendix F.

Consultants and Professional Qualifications

Federal agencies may use consultants or contractors to prepare information, conduct analyses, or provide recommendations for fulfilling the requirements of Section 106, as described in 36 C.F.R. § 800.2(a)(3). However, the agency official is still legally responsible for all required findings and determinations and must ensure that any documents prepared by consultants or contractors meet the appropriate standards and guidelines.

SHPO maintains lists of preservation consultants and contractors, including archaeologists and architectural historians. SHPO does not recommend, endorse, or assume responsibility for the quality of the work nor guarantee that the work products will necessarily meet federal or state requirements. Rather, contractors and consultants ask to be placed on our consultants lists, and SHPO provides the list as a service. The consultants lists are available online at https://history.sd.gov/preservation/consultantscontractors.aspx.

The PI, whether an employee of the federal agency or a consultant, provides professional direction for every cultural resource survey carried out in South Dakota. PIs directing cultural resource surveys for archaeological and architectural properties should meet the Secretary of the Interior's Professional Qualifications Standards in the appropriate field. These standards dictate the minimum requirements for education and experience in history, archaeology, architectural history, architecture, and historic architecture.

The federal agency is responsible for ensuring that its PI is a qualified professional. The PI must sign every report and, in so doing, attest to its completeness, accuracy, professional adequacy of content, and the competence of survey personnel. SHPO will not accept cultural resources survey reports without the PI's signature.

Summary of Information Needed for 106 Consultation

When submitting a request to SHPO for Section 106 consultation, the information must be consistent with the documentation standards established in 36 C.F.R. § 800.11. For SHPO to review the project in a timely manner, SHPO requests the following information, which should be supplied through an ERC Project Submission request:

1. Project Name

   Provide a descriptive name for the project which can be used to easily reference and track the project.

2. County

   Indicate the county or counties in which the proposed undertaking will take place. If the project will be occurring statewide, select "statewide."

3. Location

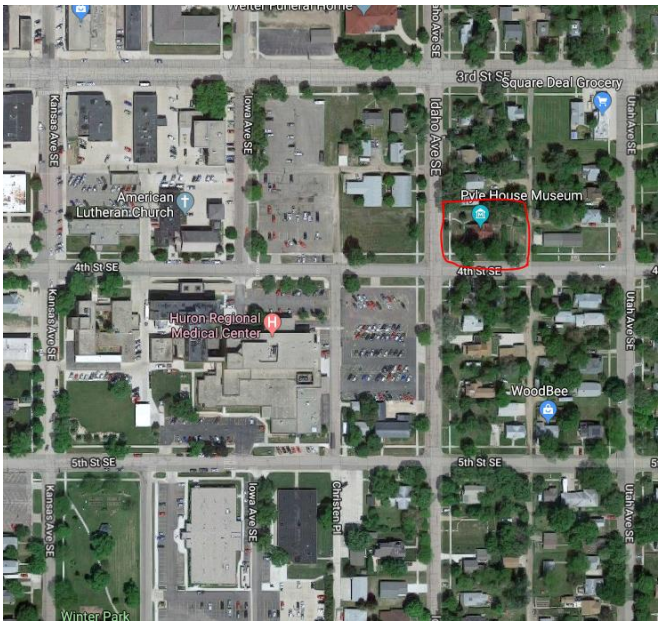
   Provide specific location information such as a street address and a city, a legal location (section, township, and range), and/or a written description of the location. A map of the project area must be attached to the submission that shows the exact location of the project. If the project is in an urban area, show the location(s) on a city map. If the project is in a rural area, show the location(s) on a USGS topographic map or appropriately scaled and labeled aerial photograph. If the project area is very large, such as a long linear project or a project encompassing multiple square miles of land, multiple maps may be necessary to adequately show the project location. If multiple maps are submitted, please include a key showing the overall project area with the locations of individual maps indicated. Poor quality maps, maps at too small of a scale to accurately show the location(s), or insufficient information may cause review delays.

4. Project Description

   The project description should explain all anticipated work in lay terminology. Plans, drawings, engineering specifications, etc. may be attached to the submission to help explain the project, but these cannot replace the verbal description. If new construction is involved, elevation drawings and plans should be included. If this is a grant program, please note the name of the program [for example, Community Development Block Grant (CDBG), State Revolving Fund (SRF), etc.].

5. Nature of Properties Potentially Affected

   To assist SHPO in assigning your request to the appropriate reviewer(s), indicate if the proposed project primarily affects or has the potential to affect properties of an architectural nature, of an archaeological nature, or both.



Map of Huron, SD. Red line circles property location.

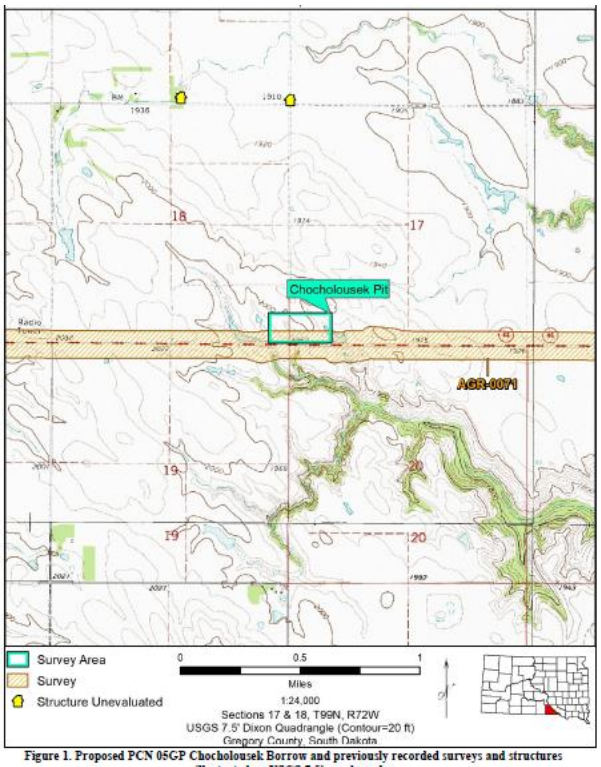
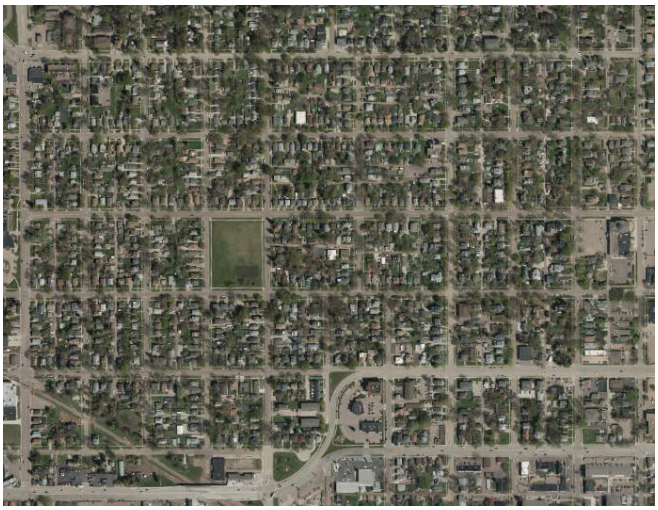


Figure 1. Proposed PCN 05GP Chocholousek Borrow and previously recorded surveys and structures illustrated on USGS 7.5' quadrangle.

Figure 10. Examples of acceptable maps that have been scaled down from their original dimensions. These maps are clearly labeled and plainly show the location of the proposed undertaking.



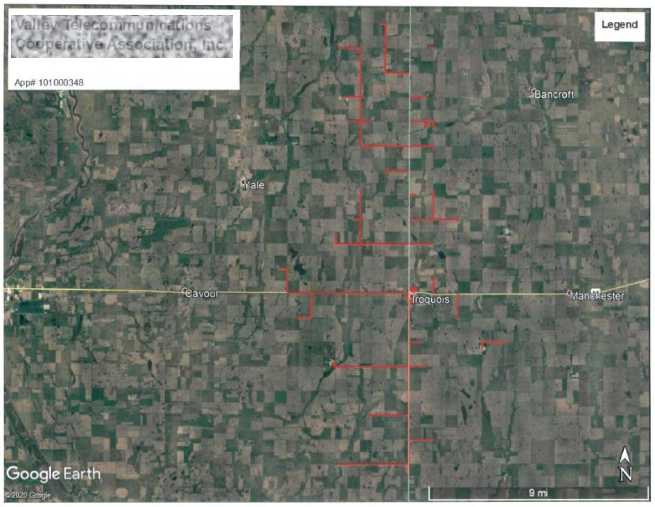


Figure 11. Examples of unacceptable maps. The map on the left does not include street names, a north arrow, an indication of the project location, or even the name of the town. The map on the right has no legend and is at too small of a scale to accurately depict the location of project activities.

6. Name of federal agency funding, permitting, licensing, or assisting the project

   Include the name, mailing address, e-mail address, and telephone number of the contact person at the federal agency. If there is no federal involvement in the project, Section 106 does not apply; however, SDCL 1-19A-11.1 may still be applicable.

7. Name of state agency funding, licensing, or assisting the undertaking, if applicable

   If there is a state agency assisting with the project, include the name, mailing address, e-mail address, and telephone number of the contact person at the state agency. If there is no state agency assisting with the project, this section of the ERC Project Submission form may be left blank.

8. Area of Potential Effect (APE)

   The APE consists of the geographic area or areas where a project may directly or indirectly cause changes in the character or use of historic properties. In many instances, the APE is not simply the project's physical boundaries, but includes all ancillary features such as access roads, placement of utilities, additional outbuildings, fences, material borrow areas, staging areas, etc. Depending on the project, it may be necessary to take into consideration visual and audible effects within a wider area. Highlight the APE on a localized map and attach the map to the submission.

9. Identification of Historic Properties

   Provide information on the efforts used to identify historic properties within the APE and the results of those efforts. Identification efforts may include the following:

   - Record Search
     - A qualified archaeologist can search all previously recorded archaeological and architectural properties and surveys within the project area using the data held by the Archaeological Research Center in Rapid City. Federal agencies may search their own databases for information on previously recorded archaeological properties and surveys on lands they manage. More information is available at: https://history.sd.gov/archaeology/recordsearches.aspx or in the archaeological survey procedures described previously.

   - On-the-Ground Survey
     - A survey for archaeological, architectural, traditional cultural properties, or properties of religious and cultural significance can be conducted by a qualified professional in the specific field. For information on conducting surveys, please see the section on Identifying Historic Properties in South Dakota above. For information on using consultants to conduct the identification efforts, please see Consultants and Professional Qualifications above.
     - For newly recorded properties, please include the site or structure form for the property with the submission.

    - If new properties are recorded during a cultural resources survey and they are evaluated for listing in the National Register of Historic Places, the agency official must determine whether the properties are eligible. The Determination(s) of Eligibility should be clearly stated in the submission from the federal agency.

- Search of National Register of Historic Places Database
    - The National Register of Historic Places Database is available online at https://www.nps.gov/subjects/nationalregister/database-research.htm. Please note that this database only includes properties *listed* in the National Register of Historic Places. Properties that are *eligible* for the National Register must also be taken into account under Section 106.

- Search of Cultural Resource Geographic Research Information Display (CRGRID)
    - SHPO maintains a publicly accessible GIS database of surveyed architectural properties (structures, cemeteries, and bridges) within the state, available online at https://apps.sd.gov/DE71SHPOCRGRID/ . CRGRID includes information on all surveyed architectural properties within the state, including those which are Listed in the National Register or are Eligible for listing in the National Register.

- Other
    - Other efforts to identify historic properties may include background research at local historical societies or county courthouses; oral history interviews; or consultation with additional consulting parties, such as American Indian Tribes, historic preservation commissions, and the public. For all additional identification efforts, please include details on the methods employed and the results of said identification efforts.

10. Determination of Effect

Based upon the identification efforts, the responsible agency official must determine if and how historic properties will be affected by the project. Choose **one** of the following determinations and explain the basis for the decision:

- No Historic Properties Affected
- Adverse Effect
- No Adverse Effect

The federal agency or its delegated authority must supply the Determination of Effect. Depending on the individual completing the ERC Project Submission form, this may mean that the determination of effect may need to be supplied as an attachment signed by the agency official to the ERC submission. For additional information, please see Determinations of Effect above.

11. Supporting Documentation

All necessary supporting documentation should be attached to the ERC Project Submission form. This may include a cover letter, report(s), shapefile(s), map(s), project plan(s), photographs, and/or any other relevant attachments.

For architectural projects, please include photographs of every affected building/structure, including an overall front view of each structure and other views necessary to describe fully the structures and the project. In urban settings, streetscape photographs of surrounding buildings and structures also should be included. Photographs also should be submitted of any archaeological sites which may be affected by the undertaking, including views of the overall site and photographs of any notable features or artifacts. Photographs should be color and can be attached individually or embedded within a report or attached document. Photographs also should either be labeled or include a key which provides descriptive information on what the photograph shows.

All submitted photographs should be of appropriate resolution and composition to exhibit necessary details. Below are examples of acceptable and not acceptable photographs which have been scaled down:

Above: The front (east) of the house. Note the garage on the north side. 09/12/2019

Above: The garage on the north side of the house that will be demolished. 09/12/2019

Above: The interior of the garage showing severe deterioration and mold issues. 09/12/2019

Figure 12. Examples of acceptable photographs for an architectural project involving the demolition of an attached garage. The photographs are clear, unobstructed, and contain descriptive captions.

Figure 33. PCN 05EM Area 1 overview with Fremont, Elkhorn, & Missouri Valley Railroad grade from southwest end. View is to the north northeast. Date: 11/20/2019.

Figure 38. PCN 05EM Area 2 overview from south boundary. View is to the north. Date: 11/20/2019.

Figure 13. Examples of acceptable photographs from a project with the potential to affect archaeological resources. The photographs have descriptive captions and show the overall project area, conditions at the time of the survey, and features of archaeological sites within the APE.

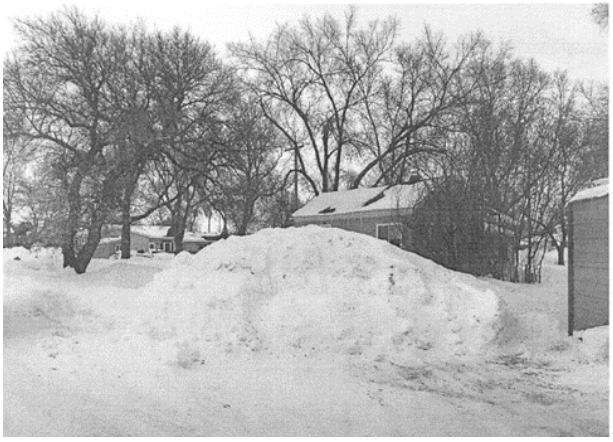


Figure 14. Examples of unacceptable photographs for any project. The photographs of these structures are unclear, have obstructions, and give no indication of the project location or project activities.

Please note that a Project Submission form cannot be submitted through ERC unless all required information has been provided. During the review, SHPO may request additional information or clarification.

SUMMARY OF INFORMATION TO BE SUBMITTED TO THE ARCHAEOLOGICAL RESEARCH CENTER

If any survey for archaeological resources was conducted as part of the efforts to identify historic properties, the Archaeological Research Center in Rapid City requires a copy of the archaeological survey report and its supporting documentation. SHPO will make all digital archaeological report files (including any shapefiles or other documents associated with the survey report) submitted through ERC available to the Archaeological Research Center. However, paper copies of any archaeological survey reports and any digital report files not submitted through ERC must still be submitted to the Archaeological research Center.

The Archaeological Research Center requests the following documentation for each archaeological survey conducted in South Dakota:

Required submission materials	**Can be digitally submitted through ERC**	**If not submitted through ERC, must be submitted to ARC on CD or flash drive**	**Hard copy required, sent directly to ARC**
Complete final report, including site forms as appendix	X	X	X
Separate set of final site forms	X	X	X
Table cross-referencing field site number and Smithsonian Trinomial site numbers	X	X	
Accessioned collections and associated documentation			X
Final shapefiles for site boundaries	X	X	
If applicable: site boundary modification form for previously recorded sites	X	X	X
Final shapefiles for survey boundaries	X	X	
Recommended: intra-site shapefiles	X	X	

If any of the aforementioned digital files are submitted as attachments through SHPO's Electronic Review & Compliance (ERC) System, the digital files do not need to be submitted directly to the Archaeological Research Center; Archaeological Research Center staff will be able to access them through ERC. However, hard copies of the reports and any digital files not submitted through ERC still will need to be submitted separately to the Archaeological Research Center, either at the same time that documentation is submitted to SHPO for Section 106 consultation or within one month of receiving SHPO concurrence and/or comments on the undertaking for which the report was generated.

Additional details on submitting archaeological survey reports and supporting documentation to the Archaeological Research Center for long-term curation and records management can be found at https://history.sd.gov/archaeology/resources.aspx.

If no efforts were made to identify archaeological properties as part of the identification of historic properties, no information needs to be submitted to the Archaeological Research Center. However, please be sure that the appropriate information detailed on pages 34-39 is submitted to SHPO for Section 106 consultation.

Timing

The implementing regulations of Section 106 allow SHPO 30 calendar days to respond to an adequately documented finding or determination. The ability of SHPO to complete the review and engage in meaningful consultation on the proposed undertaking is dependent upon the federal agency or its delegated authority submitting complete information. Every reasonable effort is made to review project information in a timely manner. This process may be frustrating to agencies and their applicants if, for example, they are eager to let bids or get construction under way. Early consultation with SHPO and other consulting parties can help avoid this frustration. Failure to submit complete information may result in delays.

Recommended Report Format

When cultural resources surveys are completed, the PI should prepare and sign a report detailing the outcome of the survey, recommendations regarding the eligibility of any properties located in the APE, recommendations regarding the effects of the undertaking on historic properties, and any recommended strategies to avoid, minimize, or mitigate those effects. The federal agency, or its appointed designee, must include this report in its ERC Project Submission to SHPO along with any other correspondence or information from the federal agency, including the agency's finding(s) and/or determination(s), for the project to be reviewed under Section 106. Because the federal agency is responsible for all findings and determinations, the SHPO cannot issue meaningful comments unless findings and determinations are submitted directly from the agency official or its delegated authority through ERC or are attached to the ERC submission as correspondence from the agency official or its delegated authority.

The PI may use one of two report formats, depending on the results of the identification efforts. If no new properties are recorded during a cultural resources survey, a letter format report may be submitted. The letter format report must include detailed descriptions of all identification efforts, including the methodologies employed, and the results of those identification efforts. A map must be included in the letter format report that clearly indicates the location for which the identification efforts were conducted. If any field survey was conducted, the letter format report should include photographs of any previously recorded historic properties located within the APE and photographs of the overall project area, including ones that showcase the conditions at the time of the survey.

If the cultural resources survey results in the recordation of any new properties, the agency must submit a full survey report. The recommendations for the full survey report are listed in Appendix G. These recommendations were written with surveys for archaeological resources in mind. However, the format recommended in Appendix G can be adapted as needed for any surveys for historic properties.

III. SOUTH DAKOTA CODIFIED LAW 1-19A-11.1

Summary of Review and Compliance Procedures for SDCL 1-19A-11.1

SDCL 1-19A-11.1 (referred to as "11.1") applies to projects conducted by the state, or any political subdivision of the state (cities, counties, etc.), and requires government entities to take into account listed properties that may be encroached upon, damaged, or destroyed by their projects. 11.1 requires that the state or local government entity notify the SHPO of projects that have the potential to encroach upon, damage, or destroy properties listed in the SRHP or NRHP and allow SHPO the opportunity to investigate and comment on such projects. The full text of SDCL 1-19A-11.1 can be found in Appendix H. A sample of the submission and review process for 11.1 can be found on page 44 under the heading titled "Steps to Compliance."

There are four important points to remember about 11.1 review:

1. In most cases, 11.1 reviews are triggered by the issuance of a permit. For instance, if a property owner applies for a building permit from the city to rehabilitate a property that is listed in the NRHP, the city may not issue any permits until it has contacted SHPO for comments on the project. Types of projects subject to 11.1 reviews include, but are not limited to, those which require building permits and those which require demolition permits. In other cases, the government entity may be doing the work directly (for example, a city renovating its city hall or a county adding an elevator tower to the county courthouse). Work conducted by a government entity on a listed property would also be subject to the 11.1 review process.

2. Unlike Section 106 review, 11.1 review does not require agencies to consider properties that may be *eligible* for listing in the NRHP. Reviews under 11.1 only take into account properties that are already *listed* in the NRHP or SRHP.

3. Section 106 of NHPA supersedes 11.1 when a project has both federal and state involvement. Determine if there is federal involvement in your project before submitting 11.1 information to the SHPO. Federal involvement makes the project reviewable under Section of 106 of NHPA; please see Section II of these guidelines for further information on Section 106.

4. Projects involving new construction or additions within a historic district are subject to review under 11.1 and also must comply with the administrative rules at 24:52:07:04 (see Appendix I). These administrative rules dictate that new construction or additions within a historic district must comply with The Secretary of the Interior's Standards for the Treatment of Historic Properties and regulate the height, width, massing, materials, and other design features of the new construction or addition.

Steps to 11.1 Compliance

This information is also included in visual format as Figure 15 on page 47.

1. An application comes to the state or local government, or the state or local government proposes to undertake a project.
2. The state or local government determines whether the project has the potential to encroach upon, damage or destroy a property listed in the SRHP or NRHP. A complete list of properties listed in the State Register can be found at https://history.sd.gov/preservation/docs/SRHP2021.pdf. Properties listed in the National Register can be found at https://npgallery.nps.gov/nrhp or by using the CRGRID online application at https://apps.sd.gov/DE71SHPOCRGRID/.
3. The state or local government sends notification of the project to SHPO via an ERC Project Submision. Notification should include, at a minimum, the following information:
    a. Name of state or local government entity requesting review
    b. Contact person, mailing address, phone number, and email
    c. Project information:
        i. Location of project, including a street map.
        ii. Property/properties listed in the SRHP/NRHP individually or as part of a historic district
        iii. Description of project. (Example: The property owner has applied for a building permit to construct a one-story addition to the John Smith House. The addition will be located on the east side of the house and will be approximately 20' x 15'. The John Smith House is a one-and-a-half story bungalow with a modern, detached garage on the alley. The house has wood siding, wood windows, and an asphalt shingle roof. It is located near the center of town in a residential neighborhood. The addition will have an asphalt shingle roof, cement fiberboard siding, and aluminum clad wood windows in a style similar to the existing windows.)
    d. Current photographs of the property, including at least an overall photograph of the main façade and additional photographs of other features that may be impacted.
4. Upon receiving the notification, SHPO has 30 days to initiate an investigation of the project and may request a Case Report (ARSD 24:52:07:03). The "Standards for Case Report" can be found in Appendix J.
    a. If no Case Report is requested, skip to item #5.
    b. If a Case Report is requested:
        i. The Case Report is the responsibility of the state or local government, but they may request that the applicant prepare the Case Report.
        ii. Once complete, the Case Report is reviewed by the state or local government for preliminary approval of content and completeness.

iii. After the state or local government reviews the Case Report, all required entities, such as the local historic preservation commission, review and comment on the Case Report within 180 days.

iv. After allowing all required entities to review the Case Report, the state or local government forwards the Case Report and all entity comments to SHPO for review.

5. SHPO reviews the project information or the Case Report with comments from all entities and submits final comments to the state or local government.

6. The state or local government takes SHPO comments, other entities' comments, and the Case Report into consideration and makes one of the following determinations regarding the project.

   a. The state or local government can decide not to approve the project.

   b. The state or local government can decide to approve the project. If SHPO determined through its review that the project would damage, destroy, or encroach upon a property listed in the SRHP or NRHP, then the state or local government cannot undertake the project or approve the application until it has made a written determination, based upon the consideration of all relevant factors, that there are no feasible and prudent alternatives to the project and that all possible planning to minimize harm to the historic property has been included. Ten days' notice of the state or local government's determination must be given to SHPO by certified mail prior to the approval of the project.

Professional Qualifications for Projects on State Lands

SDCL 1-20-32 authorizes South Dakota Administrative Rule (ARSD) 24:52:08:02 which establishes minimum qualifications for professional archaeologists conducting field investigations on state lands or within the boundaries of sites listed in the State Register of Historic Places. A qualified professional archaeologist acting as a PI 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.

Recommendations for Wind Energy Projects

Energy projects are becoming increasingly common in South Dakota. Some of these projects are subject to Section 106 review because they require a permit from a federal agency (such as Western Area Power Administration). Other projects, however, do not have a federal connection but do require a permit from the South Dakota Public Utilities Commission (PUC), which triggers the 11.1 review process. The PUC permit application requires the applicant to document cultural resources as part of the application process. For proposed energy projects without a federal connection, SHPO recommends the applicant conduct / obtain the following to fulfill the requirements of the PUC application and SDCL 1-19A-11.1:

1) An official Record Search from the Archaeological Research Center

   Record Searches can be obtained for a fee from the Archaeological Research Center by calling (605)394-1936, or a qualified archaeologist can conduct the Record Search in person at the Archaeological Research Center in Rapid City. The Record Search will provide information on all recorded properties, including archaeological sites and architectural properties, within the selected area. Additional information on Record Searches can be found at http://history.sd.gov/Archaeology/recordsearches.aspx or in the survey procedures for Record Searches above.

2) An Intensive Field Survey

   A qualified archaeologist should complete an Intensive Field Survey of the project area, including any necessary access roads and staging areas, to document any unrecorded archaeological properties that could be affected by the project. Additional information on the Intensive Field Surveys can be found in the survey procedures for Intensive Field Surveys above.

3) An analysis of the visual effects on cultural resources within a one-mile buffer surrounding the project

   Due to the high visibility of wind energy facilities, the applicant should include an analysis of the visual effects the project may have on all cultural resources within one mile of the project, including archaeological resources, architectural properties, and places of religious and cultural significance to American Indian Tribes.

4) Contact Tribal Historic Preservation Officers and Tribal governments

   The applicant should contact the THPOs and Tribal governments of American Indian Tribes with an interest in cultural resources within or near the project area concerning the project's effects on traditional cultural properties (TCPs) associated with American Indian Tribes and/or properties of religious and cultural significance.

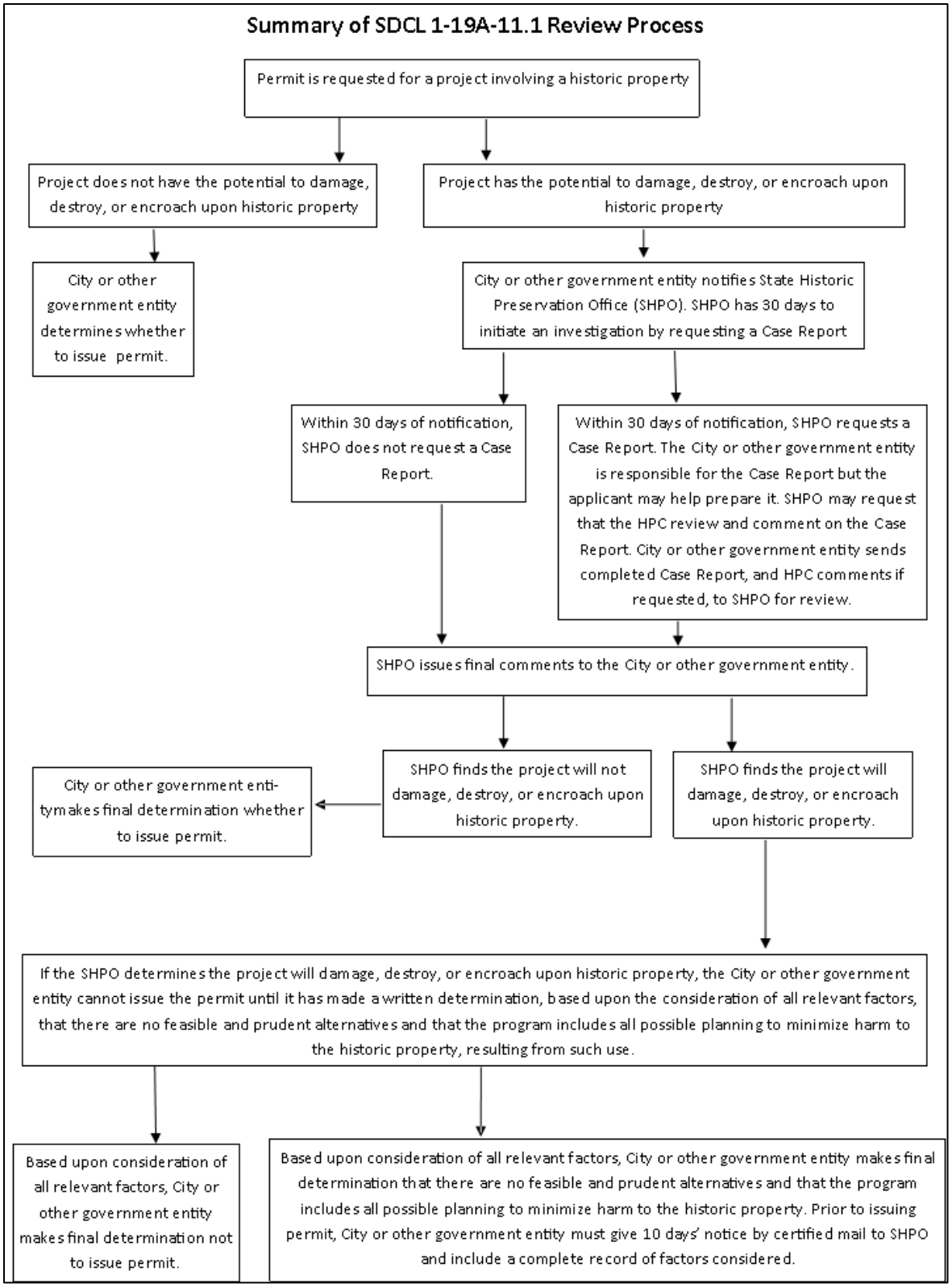


Figure 15. Flowchart of the 11.1 Review Process

IV. ELECTRONIC REVIEW & COMPLIANCE (ERC) SYSTEM

In 2022, SHPO developed an online system for the submission and review of projects for consultation under the National Historic Preservation Act of 1966, as amended, and comments under SDCL 1-19A-11.1. The Electronic Review & Compliance (ERC) System is for use by federal and state agencies and appropriate applicants wishing to submit projects to SHPO. ERC can only be used to consult with SHPO and cannot be used to consult with any other consulting parties in the Section 106 process. Unless alternative procedures have been approved previously, all projects requiring consultation or comments from SHPO must be submitted through the ERC System. SHPO will no longer accept hard copy submissions of new projects for comment or consultation and will respond to all ERC requests electronically.

The ERC System is part of the State of South Dakota's Citizen Portal, available online at https://www.sd.gov/cs. To access and utilize the ERC System, users will need to have an account established through South Dakota's Citizen Portal. The ERC System will pull the contact information from the user's account to populate certain fields on the ERC form. As such, SHPO recommends users create a business account utilizing work contact information, rather than utilizing an existing personal account on the Citizen Portal. Users can create an account in the Citizen Portal by going to https://www.sd.gov/cs and clicking on "Log In" in the upper right-hand corner of the screen.

The ERC System allows users and SHPO staff to track and manage project submissions and to communicate regarding project submissions through a completely digital medium. Users will receive notifications and communications from the ERC system to the email address used to create their Citizen Portal account. All notifications and communications from the ERC system will be labeled as from "SD.gov Portal" in the user's email inbox.

Accessing ERC

Once an account has been created through South Dakota's Citizen Portal, agencies and applicants can request access to the ERC System. Agencies and applicants will not be able to submit a project for consultation or comment until access to ERC has been approved.

An ERC System Access Request can be submitted by completing the form available online at https://www.sd.gov/cs?id=sc_cat_item&sys_id=a57c33ee1b4a05101c4fa97ae54bcb29. Required fields on the form are marked with a red asterisk (*) which changes to black once the field has been completed. Users will not be able to submit their access request until all required information has been entered on the form.

Figure 16. ERC – System Access Request

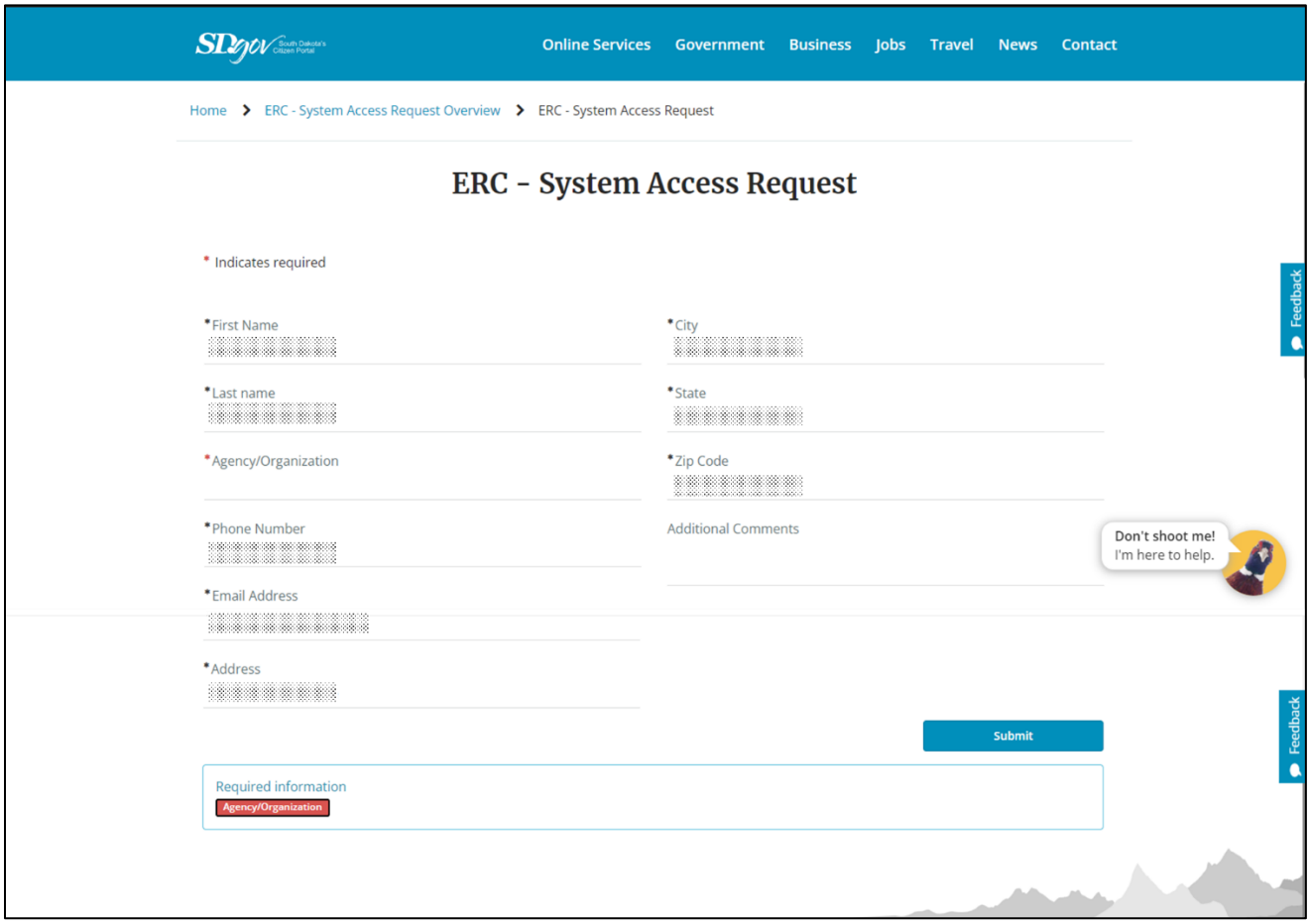


Figure 17. ERC – System Access Request Form

Once the request for access has been submitted, SHPO staff will approve or reject the request within two business days. Once approved, the user does not need to submit any other ERC System Access Requests and will be able to access the ERC Project Submission form to submit projects to SHPO for comments or consultation. Information pertaining to a project submission should never be attached to a System Access Request and must be submitted through a Project Submission request.

Submitting a Project through ERC

To submit a project to SHPO for comments and/or consultation through the ERC System, users must submit an ERC – Project Submission request. The ERC Project Submission form can be found online at https://www.sd.gov/cs?id=sc_cat_item&sys_id=b09f17d11bca89101c4fa97ae54bcb1a.

Figure 18. ERC – Project Submission

On the Project Submission form, required fields are again noted by a red asterisk (*) which changes to black once the field has been completed. Additionally, a box with "Required Information" at the bottom of each page contains a list of the fields which must be completed before the user can move to the next page. Help text is available for many of the fields which clarifies the information requested.

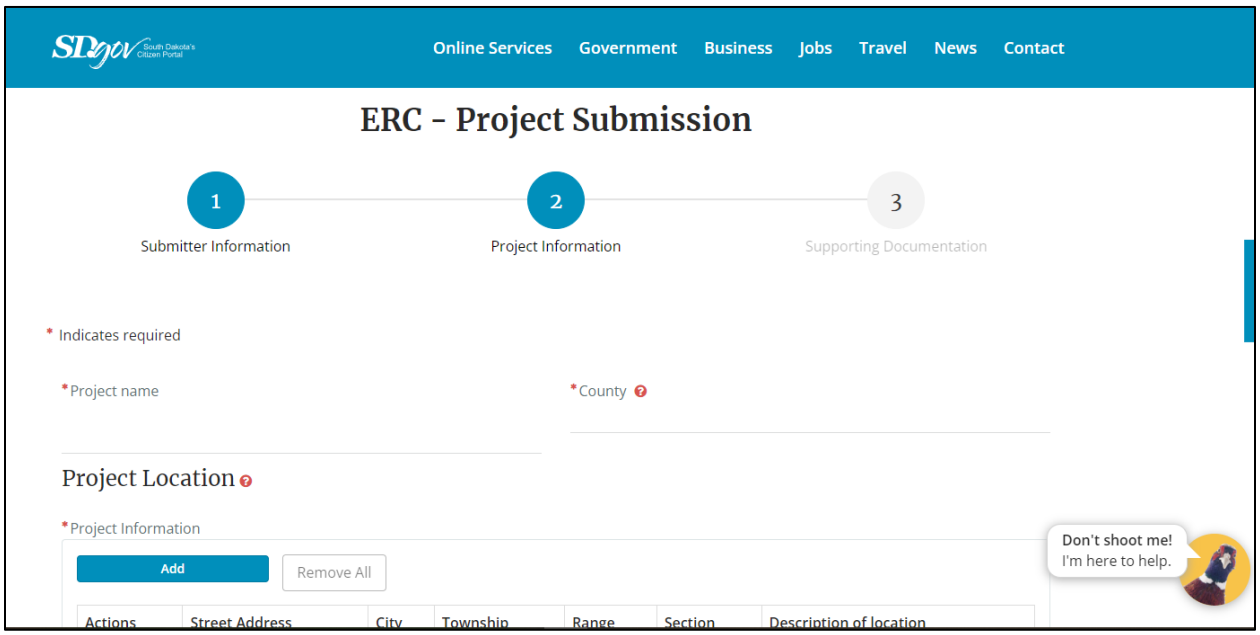


Figure 19. Partial view of ERC – Project Submission Form

Users should be aware that the Project Submission form adapts depending on the responses to certain questions. As SHPO requires slightly different information to review projects under Section 106 versus SDCL 1-19A-11.1 and the form adapts accordingly, users must indicate accurately whether the project is a state project subject to review under SDCL 1-19A-11.1 or a federal project subject to review under Section 106 or Section 110 of the National Historic Preservation Act. SHPO may cancel project submission requests and ask the user to resubmit a project if fields of the form were completed incorrectly.

All projects submitted in the ERC system, whether state or federal, require at least one attachment before the form can be submitted. Any project submitted through ERC should be accompanied by at least a map showing the project location. However, many submissions may need multiple attachments with supporting documentation, all of which should be attached to the form. Supporting documentation may include maps, photographs, survey reports, PDFs of engineering plans, shapefiles, or any other relevant information. ERC will not accept more than 25 attachments per submission. If your submission has over 25 attachments or exceptionally large attachments, attachments can be compressed and submitted as zip files (.zip).

Any archaeological survey reports (and any shapefiles or other documents associated with the survey report) attached to the ERC Project Submission form will be made available to the Archaeological Research Center for long-term curation and records management. Paper copies of archaeological survey reports must still be submitted to the Archaeological Research Center, but any digital files submitted through ERC do not need to be submitted also to the Archaeological Research Center. For additional information on submitting information to the Archaeological Research Center, please see the Summary of Information to be Submitted to the Archaeological Research Center in these guidelines.

Tracking and/or Updating ERC Submissions

Once a project has been submitted in ERC, users will receive automatic email notifications when the status of the project changes or if SHPO staff have added comments to the project. Users also can check the status of project submissions and/or add additional information to project submissions, if needed, by accessing their requests through the Citizen Portal.

To access requests through the Citizen Portal, users must log into South Dakota's Citizen Portal at www.sd.gov/cs and then click either their name or "My Requests" in the upper right-hand corner. Clicking on the user's name allows the user to access their profile, where they can see their requests and update contact information. Clicking on "My Requests" opens a list of the user's open requests and allows the user to filter between open requests and closed requests. Open requests are those which are currently under review or for which SHPO has requested additional information. Closed requests are those for which SHPO has completed the project review and changed the project status to "Review Complete." Projects are placed in "Review Complete" status once SHPO has issued final comments, usually in the form of a concurrence letter or other formal letter indicating that SHPO has no further role in the consultation or comment process at this time.

After accessing the list(s) of their requests, users can access an individual submission by clicking the ERC short description ("ERC – [project name] – [SHPO Project #]) of that submission. Users cannot edit any of the information that was submitted previously on the ERC Project Submission form, which can be seen in the grey fields on the details tab of the individual submission. However, users can view all comments and attachments to the submission and can add additional comments and attachments to the submission, if needed, by clicking the comments and attachments tabs, respectively.

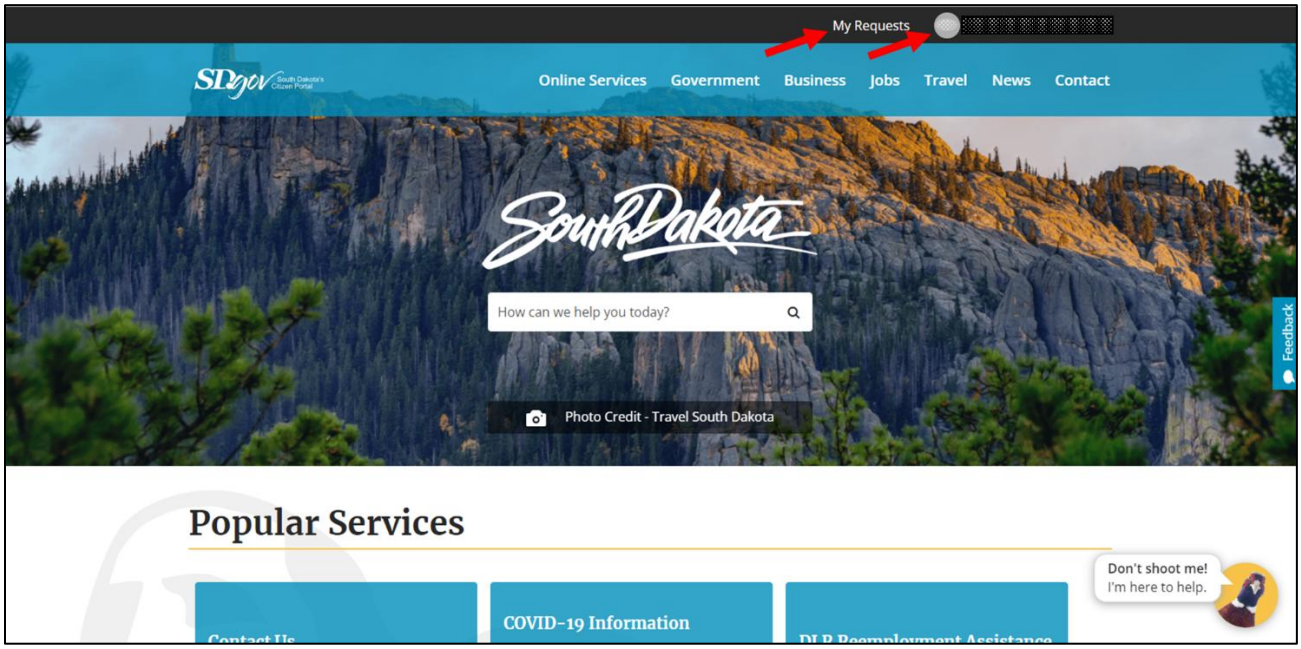


Figure 20. Accessing "My Requests" and user profiles on the Citizen Portal.

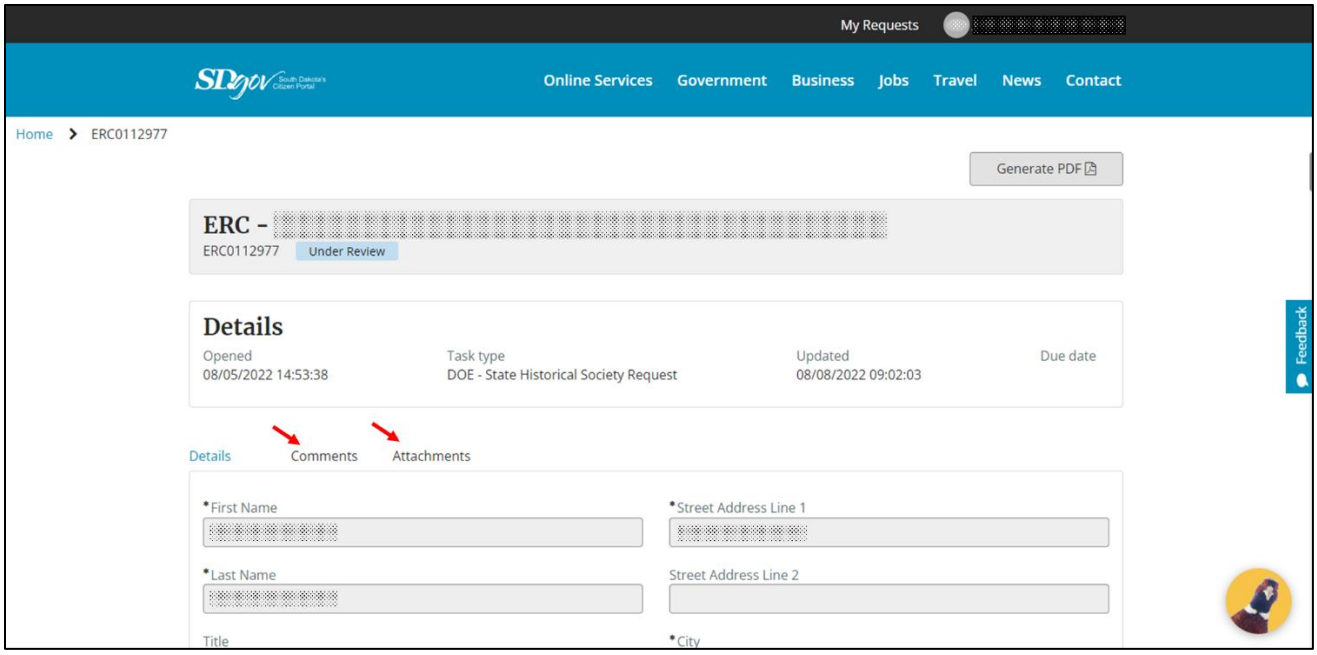


Figure 21. Accessing details, comments, and attachments of previous submissions.

If SHPO requests additional information regarding a project submission, users should provide the additional information and attach any necessary additional attachments to the existing ERC submission. SHPO may request additional information via a comment to the ERC submission or through a formal letter. Users will receive an email from "SD.gov Portal" any time SHPO staff request additional information. Please do not reply to the "SD.gov Portal" email. Rather, users can click the "view request" link at the bottom of the email to view the request and add any requested information as a comment and/or attachment(s) in the request. Users also can email the SHPO staff member who sent the request for additional information directly at their state-issued email address.

All comments and letters issued by SHPO become part of the permanent ERC record. When SHPO issues formal letters, users will receive an email from "SD.gov Portal" with a copy of the letter attached to the email. Users also can access copies of the letters by accessing the request through Citizen Portal and clicking on the "Attachments" tab of the individual submission. Formal SHPO letters will be saved as PDF files and labeled with the SHPO project number (YYMMDD###X) in the file name.

V. TRIBAL HISTORIC PRESERVATION OFFICERS

In 1992, the U.S. Congress adopted amendments to the NHPA that allow federally recognized Indian tribes to take on more formal responsibility for the preservation of historic properties on tribal lands. At the time of this writing, eight out of nine tribal governments in South Dakota have established a Tribal Historic Preservation Officer (THPO) under Section 101(d)(2) of NHPA for functions aimed at the preservation of historic properties (Figure 16). These functions vary for each tribe and may include identifying and maintaining inventories of culturally significant properties, nominating properties to the National and/or Tribal Register of Historic Places, conducting Section 106 reviews for federal agency undertakings on tribal lands, and conducting educational programs on the importance of preserving historic properties.

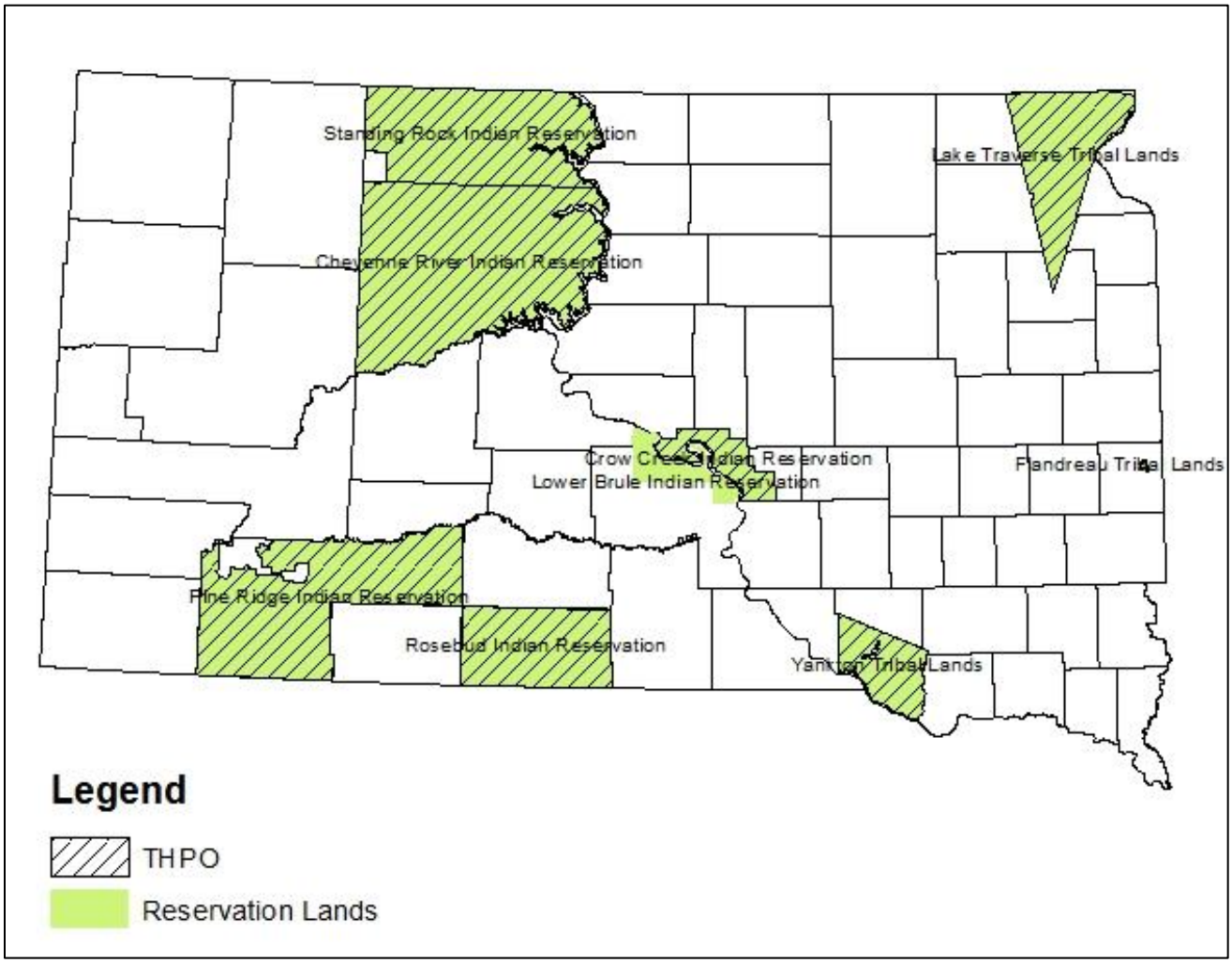


Figure 22. Reservation lands and Tribal governments with a Tribal Historic Preservation Officer (THPO) in South Dakota.

Where our Tribal Partners have assumed the responsibilities for reviewing Section 106 compliance on their tribal lands, the federal agency must consult with the THPO instead of SHPO and should take into account the guidelines established by that THPO for compliance with Section 106. If an undertaking occurs on the tribal lands of a Tribe without a THPO, the federal agency must consult with SHPO as well as a designated representative of the Tribe, as described in 36 C.F.R. § 800.2(c)(2)(i)(B).

The following THPOs should be consulted in lieu of SHPO for undertakings on or affecting tribal lands:

- Cheyenne River Sioux Tribe
  - Is responsible for all lands located within the Cheyenne River Sioux Reservation, which encompasses all of Dewey and Ziebach Counties in South Dakota

- Crow Creek Sioux Tribe
  - Is responsible for all lands located within the Crow Creek Reservation, which encompasses portions of Buffalo, Hughes, and Hyde Counties in South Dakota

- Flandreau-Santee Sioux Tribe
  - Is responsible for all Tribal trust lands, which encompasses a portion of Moody County in South Dakota

- Oglala Sioux Tribe
  - Is responsible for all lands located within the Pine Ridge Reservation, which includes all of Oglala Lakota County and portions of Jackson and Bennett Counties

- Rosebud Sioux Tribe
  - Is responsible for all lands within the Rosebud Sioux Tribe of Indians' Reservation, which encompasses all of Todd County, and any land outside of the reservation that is held in trust for the tribe, which includes portions of Mellette, Tripp, Lyman, and Gregory Counties in South Dakota

- Sisseton-Wahpeton Oyate
  - Is responsible for all Tribal trust lands, which include portions of Marshall, Day, Roberts, Grant, and Codington Counties in South Dakota

- Standing Rock Sioux Tribe
  - Is responsible for lands within the Standing Rock Sioux Reservation, which encompasses all of Corson County in South Dakota, any land outside of the reservation which are owned by the Tribe subject to a restriction on alienation, and any additional lands held in trust for the tribe

- Yankton Sioux Tribe
  - Is responsible for all Tribal trust lands, which encompasses a portion of Charles Mix County in South Dakota

Contact information for the tribal chairs and THPOs or Cultural Resource Management Offices of tribes within South Dakota or with an interest in historic properties within South Dakota can be found at https://history.sd.gov/preservation/docs/TribalChairsTHPOs-July2026.pdf.

Please note that although the Archaeological Research Center is the official repository for all archaeological information in South Dakota, BIA and the THPO may have information concerning known properties on tribal lands that is not on record at the Archaeological Research Center.

Please also note that the implementing regulations of Section 106 at 36 C.F.R. § 800.2(c)(2)(ii) and 36 C.F.R. § 800.4(a)(4) require the federal agency to consult with American Indian Tribes that attach religious and cultural significance to historic properties that may be affected by an undertaking, regardless of the location of the historic property. This includes providing American Indian Tribes with a reasonable opportunity to identify concerns about historic properties, advise on the identification and evaluation of historic properties, articulate views on the undertaking's effects on such properties, and participate in the resolution of adverse effects.

For additional guidance concerning consultation with American Indian Tribes, please visit the ACHP's Office of Native American Affairs website, including ACHP's guidance on consulting with Indian Tribes, and the website of the National Association of Tribal Historic Preservation Officers (NATHPO).

VI. DISCOVERY OF HUMAN REMAINS

Human remains in South Dakota are protected by federal and state burial laws. The treatment of American Indian human remains discovered on Federal or Tribal lands is dictated by the Native American Graves Protection and Repatriation Act (25 U.S.C. 32 § 3001 et seq.), or NAGPRA. Under NAGPRA, anyone can inform the appropriate Federal agency or Tribal official of a discovery of human remains. Then, the Federal agency must follow the process to determine, in consultation with the appropriate parties, if the remains are of American Indian ancestry and protect the remains and any associated objects until this determination is made. If the remains are American Indian, the Federal agency is responsible for repatriating the remains and funerary objects to the appropriate party. If the remains found on Federal lands are not American Indian, the agency follows state laws. If human remains are found on Tribal lands, the Tribe would follow NAGPRA and/or Tribal ordinances regarding the discovery. Additional information on NAGPRA can be found at https://www.nps.gov/subjects/nagpra/index.htm.

On state and private lands in South Dakota, SDCL 34-27 provides the procedures by which the discovery and treatment of human remains should be handled. Only authorized individuals may knowingly disturb human remains or funerary objects. When human remains are discovered inadvertently, all activities which may disturb those remains must cease immediately and local law enforcement must be made aware of the discovery. Law enforcement then notifies the landowner and the coroner. If the remains are not associated with or suspected of association with any crime or missing person case, the State Archaeologist at the Archaeological Research Center must be notified. The Burial Coordinator at the Archaeological Research Center determines if the remains are directly related to any Tribal groups and consults with the appropriate parties to decide the final disposition of the remains. If the remains must be exhumed and are American Indian, the Archaeological Research Center follows the procedures outlined in NAGPRA, as the institution receives federal funding. If the human remains are not American Indian and must be exhumed, the Archaeological Research Center follows state laws regarding the future disposition of the remains. If human remains are discovered on state or private land as a result of a federal or state undertaking, the same procedures as above should be followed, starting with contacting local law enforcement and contacting the State Archaeologist if the remains are not related to criminal activity or a missing person case. The State Archaeologist coordinates activities from that point forward, pursuant to ARSD 24:52:09:04.

The full text of the applicable state burial laws can be found in Appendix K.

APPENDICES

Appendix A. Contact Information

Appendix B. Acronyms

Appendix C. South Dakota State Historical Society Recordation Forms

Historic Sites Survey Structure Form Master List

Historic Sites Survey Structure Form

Historic Sites Survey Bridge and Cemetery Forms Master List

Historic Sites Survey Bridge Form

Historic Sites Survey Cemetery Form

Historic Sites Survey Ineligible Form

Historic Sites Survey Intensive Form

Archaeology Site Form

Appendix D. Context Documents Available through South Dakota SHPO

Appendix E. List of National Historic Landmarks in South Dakota

Appendix F. Photography Guidelines for the Purposes of Section 106 Mitigation

Appendix G. Recommended Report Format for Cultural Resource Surveys

Appendix H. South Dakota Codified Law 1-19A-11.1

Appendix I. ARSD 24:52:07:04 – Standards for New Construction & Additions in Historic Districts

Appendix J. ARSD 24:52:07:03 – Standards for Case Report

Appendix K. South Dakota State Burial Laws

Appendix L. County Codes

Appendix M. Frequently Asked Questions

Appendix A. Contact Information

South Dakota State Historic Preservation Office

900 Governors Drive
Pierre, SD 57501

Phone: (605)773-3458
Fax: (605)773-6041

https://history.sd.gov/preservation/default.aspx

State Historic Preservation Officer

Leads all functions and activities within the historic preservation office.
(605)773-6296

Review and Compliance Coordinator

Coordinates review and compliance under Section 106 and SDCL 1-19A-11.1 and manages archaeological matters. Acts as initial point of contact for all review and compliance.
(605)773-8370

Review and Compliance Archaeologist

Reviews projects under Section 106 of NHPA and SDCL 1-19A-11.1 and serves as liaison to SDDOT regarding highway projects.
(605)773-6004

Restoration Specialist

Handles review and compliance issues concerning architecture under Section 106 and SDCL 1-19A-11.1
(605)773-6005

Archaeological Research Center

937 E. North St., Suite 201
Rapid City, SD 57701

PO Box 1257
Rapid City, SD 57709

Phone: (605)394-1936

https://history.sd.gov/archaeology/default.aspx

State Archaeologist

Coordinates activities within the Archaeological Research Center
(605)209-1443

Records Coordinator

Point of contact for Smithsonian site numbers, report submissions, and record searches.
(605)394-1939

GIS Coordinator

Point of contact for record searches, GIS data submissions, and questions regarding GIS data.
(605)209-1776

Burial Coordinator

Point of contact for inadvertent discovery of human remains, repatriation, and tribal consultation
(605)391-2928

Appendix B. Acronyms

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
ARC	Archaeological Research Center. This abbreviation is not used in this document, but agencies and consultants/contractors may colloquially refer to the Archaeological Research Center as ARC.
ARSD	Administrative Rules of South Dakota
AT	Auger Test
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CM / cm	Centimeter(s)
CRGRID	Cultural Resource Geographic Research Information Display
GIS	Geographic Information System
GLO	General Land Office
GPS	Global Positioning System
IF	Isolated Find. This abbreviation is not used in this document, but agencies and consultants/contractors may refer to an isolated find as an IF.
LiDAR	Light Detection and Ranging
M / m	Meter(s)
MOA	Memorandum of Agreement
NAGPRA	Native American Graves Protection and Repatriation Act (25 U.S.C. 32 § 3001 et seq.)
NEPA	National Environmental Policy Act (42 U.S.C. 4321 et seq.)
NHL	National Historic Landmark
NHPA	National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 et seq.)

NRHP	National Register of Historic Places
PA	Programmatic Agreement
PI	Principal Investigator
PUC	South Dakota Public Utilities Commission
SDCL	South Dakota Codified Law
SHPO	State Historic Preservation Officer. Throughout the document, "SHPO" is used to refer to the South Dakota Office of the State Historic Preservation Officer. Multiple staff within the office assist the State Historic Preservation Officer with his/her assigned duties under the National Historic Preservation Act of 1966, as amended.
SRHP	State Register of Historic Places
ST	Shovel Test
TCP	Traditional Cultural Property
THPO	Tribal Historic Preservation Officer
USGS	United States Geological Survey

Appendix C. South Dakota State Historical Society Recordation Forms

Architectural Properties

Historic Sites Survey Structure Form Master List.....C-2

Historic Sites Survey Structure Form.....C-4

Historic Sites Survey Bridge and Cemetery Forms Master List.....C-7

Historic Sites Survey Bridge Form.....C-8

Historic Sites Survey Cemetery Form.....C-11

Historic Sites Survey Ineligible Form.....C-14

Historic Sites Survey Intensive Form.....C-15

Archaeological Properties

Archaeology Site Form.....C-20

Site Boundary Modification Form.....C-23

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY
STRUCTURE FORM MASTER LIST

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

HISTORIC SIGNIFICANCE

OWNER CODE
F = Federal government
S = State government
L = Local government
P = Private

DOE
Future Eligible
Not Eligible
NR Eligible
SR Eligible
Tabled
Unevaluated

REASON INELIGIBLE
Lack of Integrity
Less than 50 years old
Other
Outside Period of Significance

NOMINATION STATUS
Board Reject
Demolished
DOE
NR Listed
Owner Object
Removed
SR Listed
Tabled

CATEGORY
Building
District
Object
Site
Structure

STRUCTURE DETAILS

FUNCTION (CURRENT AND HISTORIC)
DOMESTIC
COMMERCE/TRADE
SOCIAL
GOVERNMENT
EDUCATION
RELIGION
FUNERARY
RECREATION AND CULTURE
AGRICULTURE/SUBSISTENCE
INDUSTRY/PROCESSING/EXTRACTION
HEALTH CARE
DEFENSE
LANDSCAPE
TRANSPORTATION
WORK IN PROGRESS
UNKNOWN
VACANT/NOT IN USE
DEMOLISHED
OTHER

SUB-FUNCTION (CURRENT AND HISTORIC)
DOMESTIC
1. single dwelling
2. multiple dwelling
3. secondary structure
4. hotel
5. institutional housing
6. camp
7. village site

COMMERCE/TRADE
1. business
2. professional
3. organizational
4. financial institution
5. specialty store
6. department store
7. restaurant
8. warehouse
9. trade (archeology)

SOCIAL
1. meeting hall
2. clubhouse
3. civic

GOVERNMENT
1. capitol
2. city hall
3. correctional facility
4. fire station
5. government office
6. diplomatic building
7. custom house
8. post office
9. public works
10. courthouse

EDUCATION
1. schools
2. college
3. library
4. research facility
5. education-related

RELIGION
1. religious facility
2. ceremonial site
3. church school
4. church-related residence

FUNERARY
1. cemetery
2. graves/burials
3. mortuary

RECREATION AND CULTURE
1. theater
2. auditorium
3. museum
4. music facility
5. outdoor recreation
6. fair
7. monument/marker
8. work of art

AGRICULTURE/SUBSISTENCE
1. processing
2. storage
3. agricultural field
4. animal facility
5. fishing facility or site
6. horticultural facility
7. agricultural outbuilding
8. irrigation facility

INDUSTRY/PROCESSING/EXTRACTION
1. manufacturing facility
2. extractive facility
3. waterworks
4. energy facility
5. communications facility
6. processing site
7. industrial storage

HEALTH CARE
1. hospital
2. clinic
3. sanitarium
4. medical business/office
5. resort

DEFENSE
1. arms storage
2. fortification
3. military facility
4. battle site
5. coast guard facility
6. naval facility
7. air facility

LANDSCAPE
1. parking lot
2. park
3. plaza
4. garden
5. forest
6. unoccupied land
7. underwater
8. natural feature
9. street furniture/object
10. conservation area

TRANSPORTATION
1. rail-related
2. air-related
3. water-related
4. road-related (vehicular)
5. pedestrian-related

WORK IN PROGRESS
UNKNOWN
VACANT/NOT IN USE
DEMOLISHED
OTHER

FOUNDATION
Brick
Concrete
None
Other
Stone
Tile Block
Unknown/Not Visible
Wood

STRUCTURE DETAILS (cont.)

ROOF MATERIAL
Asbestos
Asphalt
Brick
Concrete
Fiberglass
Metal
N/A
Other
Plastic
Rubber Membrane
Slate
Sod
Stone
Tar
Tile
Unknown/Not Visible
Wood

ROOF SHAPE
Arch
Conical
Cross Gable
Dome
Flat
Gable
Gambrel
Hip
Hipped Gable
Jerkinhead
Mansard
Monitor
N/A
Other
Parapet
Pyramidal
Round
Saltbox
Shed
Truncated Hip

STRUCTURAL SYSTEM
Brick
Chalkrock
Concrete
Earth
Log
Metal
N/A
Other
Stone
Tile Block
Wood Frame

STYLE
Arched Barn
Art Deco
Beau Arts
Colonial Revival
Commercial
Contemporary
Craftsman
Czech Barn
Dutch Barn
Egyptian Revival
Finnish Barn
Folk Victorian
Geodesic Dome
Gothic Revival
International
Italianate
Italian Renaissance
Lustron
Mansard
Midwest/Transverse Frame
Minimal Traditional
Mission
Mixed
Moderne
Mountain Horse Barn
Neoclassical Revival
Neoclassical/Classical Revival
Neocolonial
Neo-French
Neo-Mediterranean
Neo-Tudor
Neo-Victorian
No Style
Other
Pole Barn
Post-Modern
Prairie
Queen Anne
Ranch
Renaissance Revival
Romanesque Revival
Round/Polygonal Barn
Second Empire
Shed
Shingle
Split Level
Stick/Eastlake
Swedish Barn
Tudor Revival
Wisconsin Dairy Barn

TYPE
A-Frame
Bank Barn
Barn
Basement House
Bungalow
Chicken Coop
Cistern
Combination
Commercial
Corn Crib
Cross Gable
Depot
Duplex
Electric Pole
Falsefront
Feeder
Foursquare
Gable and Wing
Gable Front
Garage
Grain Bins
Grain Elevator
Granary
Hog House
Irrigation System
L Shape
Mobile Home
Other
Prefab House
Privy
Pyramidal
Quonset
Raised Barn
Rectangular
Root/Storm Cellar
Round
Shed
Side Gable
Silo
Silo
Sod House
T Shape
Water Tower
Well
Well House
Windmill

WALLS
Adobe
Aluminum
Asbestos
Asphalt
Brick
Chalkrock
Concrete
Earth
Granite
Limestone
Log
Masonite
Metal
N/A
Other
Permastone
Plastic
Quartzite
Sandstone
Slate
Stone
Stucco
Terra Cotta
Tile Block
Vinyl
Wood

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY STRUCTURE FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

SITE INFORMATION

*SURVEY DATE: _____ *ADDRESS: _____
*SURVEYOR: _____ *COUNTY: _____
*CITY: _____

LOCATION DESCRIPTION: _____

LEGAL DESCRIPTION: _____

*QUARTER 1: _____ OWNER NAME: _____
*QUARTER 2: _____ OWNER ADDRESS: _____
*TOWNSHIP: _____ OWNER CITY: _____
*RANGE: _____ OWNER STATE: _____
*SECTION: _____ OWNER ZIP: _____
ACRES: _____ QUAD NAME: _____
OWNER CODE 1: F S L P
OWNER CODE 2: F S L P
OWNER CODE 3: F S L P

HISTORIC SIGNIFICANCE

*DOE: _____ REGISTER NAME: _____
*DOE DATE: _____ MULTIPLE PROPERTY NAME: _____
REASON INELIGIBLE: _____

CATEGORY: _____
NOMINATION STATUS: _____ SIGNIFICANCE LEVEL 1: N S L
DATE LISTED: _____ SIGNIFICANCE LEVEL 2: N S L
REFERENCE NUMBER: _____
HISTORIC DISTRICT RATING: C or NC CRITERIA 1: A B C D
PERIOD: _____ CRITERIA 2: A B C D
CRITERIA 3: A B C D
CRITERIA 4: A B C D

SIGNIFICANCE NOTES: _____

* = REQUIRED FIELD

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY STRUCTURE FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

STRUCTURE DETAILS

SHPO ID: _____

***PROPERTY NAME:** _____

OTHER NAME: _____

CURRENT FUNCTION: _____

CURRENT SUBFUNCTION: _____

HISTORIC FUNCTION: _____

HISTORIC SUBFUNCTION: _____

OCCUPIED: YES or NO

ACCESSIBLE: YES or NO

FOUNDATION: _____

ROOF MATERIAL: _____

ROOF SHAPE: _____

STRUCTURAL SYSTEM: _____

STYLE: _____

TYPE: _____

WALLS: _____

STORIES: _____

***DATE OF CONSTRUCTION:** _____

SIGNIFICANT PERSON: _____

CULTURAL AFFILIATION: _____

ALTERED/MOVED NOTES: _____

INTERIOR NOTES: _____

OTHER NOTES: _____

***PHYSICAL NOTES:** _____

***UTM ZONE:** _____

***UTM EASTING:** _____

***UTM NORTHING:** _____

***RESTRICTED:** Y or N

* = REQUIRED FIELD

2

SKETCH MAP

PHOTOGRAPHS

PHOTOGRAPHER: _____ ROLL NUMBER: _____
DATE OF PHOTO: _____ PHOTO NUMBER: _____
CAMERA DIRECTION: _____

* = REQUIRED FIELD

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY
BRIDGE AND CEMETERY FORMS MASTER LIST

HISTORIC SIGNIFICANCE

OWNER CODE
F = Federal government
S = State government
L = Local government
P = Private

DOE
Future Eligible
Not Eligible
NR Eligible
SR Eligible
Tabled
Unevaluated

REASON INELIGIBLE
Lack of Integrity
Less than 50 years old
Other
Outside Period of Significance

NOMINATION STATUS
Board Reject
Demolished
DOE
NR Listed
Owner Object
Removed
SR Listed
Tabled

CATEGORY
Building
District
Object
Site
Structure

BRIDGE DETAILS

STRUCTURAL SYSTEM
Pin-connected
Rigid-connected

TYPE
Arched
Channel Beam
Culvert
Deck
Girder
Other
Pony Truss
Slab
Stringer
T-Beam
Through Truss

STYLE
Bedstead
King Post
Lattice
No Style
Other
Parker
Pratt
Pratt Half-Hip
Queen Post
Warren
Warren-Polygonal

MATERIALS
Concrete
Other
Steel
Stone
Timber

CEMETERY DETAILS

HISTORIC FUNCTION
Cemetery
Graves/Burials

CURRENT FUNCTION
DOMESTIC
COMMERCE/TRADE
SOCIAL
GOVERNMENT
EDUCATION
RELIGION
FUNERARY
RECREATION AND CULTURE
AGRICULTURE/SUBSISTENCE
INDUSTRY/PROCESSING/ EXTRACTION
HEALTH CARE
DEFENSE
LANDSCAPE
TRANSPORTATION
WORK IN PROGRESS
UNKNOWN
VACANT/NOT IN USE
DEMOLISHED
OTHER

CURRENT SUB-FUNCTION
DOMESTIC
1. single dwelling
2. multiple dwelling
3. secondary structure
4. hotel
5. institutional housing
6. camp
7. village site

COMMERCE/TRADE
1. business
2. professional
3. organizational
4. financial institution
5. specialty store
6. department store
7. restaurant
8. warehouse
9. trade (archeology)

SOCIAL
1. meeting hall
2. clubhouse
3. civic

GOVERNMENT
1. capitol
2. city hall
3. correctional facility
4. fire station
5. government office
6. diplomatic building
7. custom house
8. post office
9. public works
10. courthouse

EDUCATION
1. schools
2. college
3. library
4. research facility
5. education-related

RELIGION
1. religious facility
2. ceremonial site
3. church school
4. church-related residence

FUNERARY
1. cemetery
2. graves/burials
3. mortuary

RECREATION AND CULTURE
1. theater
2. auditorium
3. museum
4. music facility
5. outdoor recreation
6. fair
7. monument/marker
8. work of art

AGRICULTURE/SUBSISTENCE
1. processing
2. storage
3. agricultural field
4. animal facility
5. fishing facility or site
6. horticultural facility
7. agricultural outbuilding
8. irrigation facility

INDUSTRY/PROCESSING/ EXTRACTION
1. manufacturing facility
2. extractive facility
3. waterworks
4. energy facility
5. communications facility
6. processing site
7. industrial storage

HEALTH CARE
1. hospital
2. clinic
3. sanitarium
4. medical business/office
5. resort

DEFENSE
1. arms storage
2. fortification
3. military facility
4. battle site
5. coast guard facility
6. naval facility
7. air facility

LANDSCAPE
1. parking lot
2. park
3. plaza
4. garden
5. forest
6. unoccupied land
7. underwater
8. natural feature
9. street furniture/object
10. conservation area

TRANSPORTATION
1. rail-related
2. air-related
3. water-related
4. road-related (vehicular)
5. pedestrian-related

WORK IN PROGRESS
UNKNOWN
VACANT/NOT IN USE
DEMOLISHED
OTHER

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY BRIDGE FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

SITE INFORMATION

*SURVEY DATE: _____ *ADDRESS: _____
*SURVEYOR: _____ *COUNTY: _____
*CITY: _____

LOCATION DESCRIPTION: _____

LEGAL DESCRIPTION: _____

*QUARTER 1: _____ OWNER NAME: _____
*QUARTER 2: _____ OWNER ADDRESS: _____
*TOWNSHIP: _____ OWNER CITY: _____
*RANGE: _____ OWNER STATE: _____
*SECTION: _____ OWNER ZIP: _____
ACRES: _____ QUAD NAME: _____
OWNER CODE 1: F S L P
OWNER CODE 2: F S L P
OWNER CODE 3: F S L P

HISTORIC SIGNIFICANCE

*DOE: _____ REGISTER NAME: _____
*DOE DATE: _____ MULTIPLE PROPERTY NAME: _____
REASON INELIGIBLE: _____

CATEGORY: _____
NOMINATION STATUS: _____ SIGNIFICANCE LEVEL 1: N S L
DATE LISTED: _____ SIGNIFICANCE LEVEL 2: N S L
REFERENCE NUMBER: _____
HISTORIC DISTRICT RATING: C or NC CRITERIA 1: A B C D
PERIOD: _____ CRITERIA 2: A B C D
CRITERIA 3: A B C D
CRITERIA 4: A B C D

SIGNIFICANCE NOTES: _____

* = REQUIRED FIELD

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY BRIDGE FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

BRIDGE DETAILS

SHPO ID: _____

***DATE BUILT:** _____
STRUCTURAL SYSTEM: _____
TYPE: _____
STYLE: _____
MATERIALS: _____

SIGNIFICANT PERSON: _____
***BRIDGE NAME:** _____
OTHER NAME: _____
LENGTH: _____
NUMBER OF SPANS: _____
APPROACH SPAN TYPE: _____

IN USE: YES or NO
ACCESSIBLE: YES or NO

ALTERED/MOVED NOTES: _____

***PHYSICAL NOTES:** _____

***UTM ZONE:** _____
***UTM EASTING:** _____
***UTM NORTHING:** _____

***RESTRICTED:** Y or N

* = REQUIRED FIELD

SKETCH MAP

PHOTOGRAPHS

PHOTOGRAPHER: _____ ROLL NUMBER: _____
DATE OF PHOTO: _____ PHOTO NUMBER: _____
CAMERA DIRECTION: _____

* = REQUIRED FIELD

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY CEMETERY FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

SITE INFORMATION

*SURVEY DATE: _____ *ADDRESS: _____
*SURVEYOR: _____ *COUNTY: _____
*CITY: _____

LOCATION DESCRIPTION: _____

LEGAL DESCRIPTION: _____

*QUARTER 1: _____ OWNER NAME: _____
*QUARTER 2: _____ OWNER ADDRESS: _____
*TOWNSHIP: _____ OWNER CITY: _____
*RANGE: _____ OWNER STATE: _____
*SECTION: _____ OWNER ZIP: _____
ACRES: _____ QUAD NAME: _____
OWNER CODE 1: F S L P
OWNER CODE 2: F S L P
OWNER CODE 3: F S L P

HISTORIC SIGNIFICANCE

*DOE: _____ REGISTER NAME: _____
*DOE DATE: _____ MULTIPLE PROPERTY NAME: _____
REASON INELIGIBLE: _____

CATEGORY: _____
NOMINATION STATUS: _____ SIGNIFICANCE LEVEL 1: N S L
DATE LISTED: _____ SIGNIFICANCE LEVEL 2: N S L
REFERENCE NUMBER: _____
HISTORIC DISTRICT RATING: C or NC CRITERIA 1: A B C D
PERIOD: _____ CRITERIA 2: A B C D
CRITERIA 3: A B C D
CRITERIA 4: A B C D

SIGNIFICANCE NOTES: _____

* = REQUIRED FIELD

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY CEMETERY FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

STRUCTURE DETAILS

SHPO ID: _____

CULTURAL AFFILIATION: _____
***YRS FROM TOMBSTONES:** _____
***DATE STARTED:** _____

IN USE: Y or N **ACCESSIBLE:** Y or N

HISTORIC FUNCTION: CEMETERY or GRAVES/BURIALS
CURRENT FUNCTION: _____
CURRENT SUBFUNCTION: _____

***CEMETRY NAME:** _____
OTHER NAME: _____
STARTED BY: _____

***NOTES:** _____

***UTM ZONE:** _____ ***RESTRICTED:** Y or N
***UTM EASTING:** _____
***UTM NORTHING:** _____

* = REQUIRED FIELD

SKETCH MAP

PHOTOGRAPHS

PHOTOGRAPHER: _____ ROLL NUMBER: _____
DATE OF PHOTO: _____ PHOTO NUMBER: _____
CAMERA DIRECTION: _____

* = REQUIRED FIELD

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY INELIGIBLE FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

INELIGIBLE FORM

*SURVEY DATE: _____ *QUARTER 1: _____
*SURVEYOR: _____ *QUARTER 2: _____
*TOWNSHIP: _____
*PROPERTY ADDRESS: _____ *RANGE: _____
*COUNTY: _____ *SECTION: _____
*CITY: _____

*DOE: NOT ELIGIBLE
*DOE DATE: _____
*REASON INELIGIBLE: _____

*PROPERTY NAME: _____
*DATE OF CONSTRUCTION: _____
*PHYSICAL NOTES: _____

*UTM ZONE: _____ *RESTRICTED: Y or N
*UTM EASTING: _____
*UTM NORTHING: _____

FOR CEMETERIES:
*DATE STARTED: _____
*YEARS FROM TOMBSTONES: _____

* = REQUIRED FIELD

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY INTENSIVE FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

SITE INFORMATION

*SURVEY DATE: _____ *QUARTER 1: _____
*SURVEYOR: _____ *QUARTER 2: _____
*TOWNSHIP: _____
*PROPERTY ADDRESS: _____ *RANGE: _____
*COUNTY: _____ *SECTION: _____
*CITY: _____ ACRES: _____
QUAD NAME: _____

LEGAL DESCRIPTION: _____

LOCATION DESCRIPTION: _____

OWNER CODE 1: F S L P OWNER NAME: _____
OWNER CODE 2: F S L P OWNER ADDRESS: _____
OWNER CODE 3: F S L P OWNER CITY: _____
OWNER STATE: _____
OWNER ZIP: _____

HISTORIC SIGNIFICANCE

*DOE: _____ REGISTER NAME: _____
*DOE DATE: _____ MULTIPLE PROPERTY NAME: _____
REASON INELIGIBLE: _____

SIGNIFICANCE LEVEL 1: N S L
SIGNIFICANCE LEVEL 2: N S L

NOMINATION STATUS: _____
DATE LISTED: _____
REFERENCE NUMBER: _____ CRITERIA 1: A B C D
PERIOD: _____ CRITERIA 2: A B C D
CATEGORY: _____ CRITERIA 3: A B C D
CRITERIA 4: A B C D

HISTORIC DISTRICT RATING: C or NC

SIGNIFICANCE NOTES: _____

* = REQUIRED FIELD

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

HISTORIC SITES SURVEY INTENSIVE FORM

SOUTH DAKOTA STATE HISTORICAL SOCIETY
Department of Tourism and State Development

STRUCTURE DETAILS

SHPO ID: _____
*PROPERTY NAME: _____
OTHER NAME: _____

CURRENT FUNCTION: _____
CURRENT SUBFUNCTION: _____
HISTORIC FUNCTION: _____
HISTORIC SUBFUNCTION: _____

OCCUPIED: YES or NO
ACCESSIBLE: YES or NO

FOUNDATION: _____
ROOF MATERIAL: _____
ROOF SHAPE: _____
STRUCTURAL SYSTEM: _____
STYLE: _____
TYPE: _____
WALLS: _____

STORIES: _____
*DATE OF CONSTRUCTION: _____

SIGNIFICANT PERSON: _____
CULTURAL AFFILIATION: _____

ALTERED/MOVED NOTES: _____

INTERIOR NOTES: _____

OTHER NOTES: _____

*PHYSICAL NOTES: _____

*UTM ZONE: _____
*UTM EASTING: _____
*UTM NORTHING: _____

*RESTRICTED: Y or N

* = REQUIRED FIELD

ARCHITECTURAL EVALUATION

PORCH TYPE: _____
PORCH LOCATION: _____

PORCH HEIGHT (ft.): _____
PORCH ROOF: _____

BAYS/TOWERS TYPE: _____
BAYS/TOWERS LOCATION: _____

WINDOW TYPE: _____
WINDOW LOCATIONS: _____

CHIMNEY TYPE: _____
CHIMNEY LOCATION: _____

DORMERS TYPE: _____
DORMERS LOCATION: _____

DOOR TYPE: _____
DOOR LOCATIONS: _____

INTERIOR: _____

ARCHITECTURAL DETAILS: _____

E = EXCELLENT; F = FAIR; G = GOOD; P = POOR

OVERALL CONDITION:	E	F	G	P	ROOF CONDITION:	E	F	G	P
FOUNDATION CONDITION	E	F	G	P	PORCH CONDITION:	E	F	G	P
WALL CONDITION:	E	F	G	P	INTERIOR CONDITION:	E	F	G	P
WINDOW CONDITION:	E	F	G	P					

* = REQUIRED FIELD

HISTORY AND CONTEXT

DATE OF AREA SETTLEMENT: _____ DATE TOWN OR ADDITION PLATTED: _____

ORIGINAL OWNER: _____
OWNER ORIGINS: _____
OWNER INFO: _____

OTHER OWNERS: _____

SIGNIFICANT PERSON: _____
CULTURAL AFFILIATION: _____
BUILDER: _____
STATE CONTEXT TOPIC: _____

HISTORY NOTES: _____

PLANNING

PUBLIC SUPPORT: Y or N
VANDALISM: Y or N
THREAT: Y or N
SITE PROTECTED: Y or N

HIGH RESEARCH VALUE: Y or N
ALTERATIONS: Y or N
DETERIORATION: Y or N
MAINTENANCE: Y or N
STABLE: Y or N

ENVIRONMENTAL EFFECTS (weather, erosion, etc.): _____

* = REQUIRED FIELD

SKETCH MAP

PHOTOGRAPHS

PHOTOGRAPHER: _____ ROLL NUMBER: _____
DATE OF PHOTO: _____ PHOTO NUMBER: _____
CAMERA DIRECTION: _____

* = REQUIRED FIELD

SD STATE ARCHAEOLOGICAL RESEARCH CENTER

Site No

County		Site Name	
Other No		NR Status	
Map Reference		Owner	
Arch. Region		Topo pos	
Vegetation		Substrate	
		Land Use	

UTM centroid: coord. system: zone / E/ N

Surf. visibility % Site elevation m Condition

Site Dim. N-S m E-W m; Area ha; Depth cm

Nearest Water Type Name

Distance m Elevation m Direction Bank

LOCATIONS

Legal Locations	Section	Twp	Rg

COMPONENTS

Site Type	Time Period	Cultural Affiliation

COMMENTS

Comments/site description (i.e. artifacts/features observed)

Page 1 v_20010404.1427

SD STATE ARCHAEOLOGICAL RESEARCH CENTER

Site No

Evaluation/collection methods

Owner name/address/attitude

Prepared by

Date

Project

SD STATE ARCHAEOLOGICAL RESEARCH CENTER

Site No

SITE MAP

SITE LOCATION

SOUTH DAKOTA ARCHAEOLOGICAL RESEARCH CENTER
RECOMMENDATION FOR
SITE BOUNDARY MODIFICATION
(Required for sites on state or private land;
Optional for sites on federal or tribal land)

Site No. _____(only one site per form)

1. Type of Boundary Modification Requested (check as many as apply)

_____Enlargement: Original site size (ha) _____ Recommended site size (ha) _____

_____Reduction: Original site size (ha) _____ Recommended site size (ha) _____

_____Location Adjustment (size unchanged)

2. Requested by

Name:_____Date:_____

Associated with: _____

Project Sponsor:_____

Project Name:_____

Landowner:_____

3. Attachments

_____Site Map (original and recommended boundary change; depicted on both an aerial photograph and USGS 7.5' quadrangle)

_____Site boundary shapefiles (Required: original and recommended boundary change)

_____Shovel test forms with profiles _____Test unit forms with profiles

_____Shovel test map and shapefiles _____Test unit map and shapefiles

4. Reasons for modifying the site boundary

_____Erosion _____Ground disturbance _____Inundated

_____New cultural material found _____No cultural material found

_____Original location incorrect _____Plowed, no material below plowzone

_____Other, describe:_____

_____

_____

Site No. _____

5. **Detailed justification** for changing the site boundary, include discussion on all items checked above. Use additional sheets and reference supporting documentation (e.g., previous site forms, aerial imagery, historic records, LiDAR data) as needed.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

6. **Shovel Tests**

Number and size of shovel tests excavated (include a map) All shovel tests (whether positive or negative) need to be shown on the attached site map and labeled with a unique identifier.

ST # & Size:_____

Describe results of the shovel tests and attach the field documentation**:**

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Site No. _____

7. Test Units

Number and size of test units excavated (include a map). All test units (whether positive or negative) need to be shown on the attached site map and labeled with a unique identifier.
TU # & Size:_____

Describe the results and attach the field documentation:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

8. Submitted by:

Name (print):_____/Title_____

Name (signature):_____Date:_____

(For review and approval prior to completing the final report, send to SD ARC, PO Box 1257, Rapid City, SD 57709 or email Katie.Lamie@state.sd.us)

---

9. Reviewed by (completed by ARC Staff):
Name (print):_____/Title_____

Name (signature):_____Date:_____

_____Approved _____Not Approved

Justification:

_____
_____
_____
_____

Appendix D. Context Documents Available through South Dakota SHPO

Below is a list of various documents provided by the South Dakota SHPO which offer historic contexts to aid in the identification and interpretation of historic properties. The text of these documents is available online at https://history.sd.gov/preservation/SHPOdocs.aspx. National Register of Historic Places Bulletins published by the National Park Service may also be useful in the identification and interpretation of historic properties. These bulletins are available online at https://www.nps.gov/subjects/nationalregister/publications.htm.

Historic Contexts

- Architectural History in South Dakota
- Churches in South Dakota
- Common Farm Barns of South Dakota, 1857-1958
- Federal Relief Construction in South Dakota, 1929-1941
- German-Russian Folk Architecture in Southeastern South Dakota
- Historic Bridges of South Dakota
- Historic Mining Resources in the Black Hills and South Dakota DRAFT
- Homesteading and Agricultural Development
- Indian Housing in South Dakota
- Post-World War II Architecture in South Dakota
- Schools in South Dakota
- South Dakota Modern Residential Architecture, 1950 - 1975
- South Dakota's Railroads
- South Dakota State Plan for Archaeological Resources, 2018 Update
- Steel Water Towers Associated with South Dakota Water Systems, 1894-1967
- The History of Agriculture in South Dakota: Components for a Fully Developed Historic Context

Inventory – Nomination Forms

- Architecture of Finnish Settlement in South Dakota
- Czech Folk Architecture of Southeastern South Dakota
- Forest Avenue Historic District, Vermillion
- German-Russian Folk Architecture in South Dakota
- Historic Resources of Harding and Perkins Counties, South Dakota
- Historic Hutterite Colonies Thematic Resources
- Historic Resources of Rural Butte and Meade Counties in South Dakota
- Historic Resources of the Northern and Central Townships of Yankton County, South Dakota
- Yankton Commercial Historic District

Multiple Property Documentation Forms

- 19th Century South Dakota Trading Posts
- Bison Kill Sites in South Dakota, 9000 B.C. – A.D. 1875
- County Courthouses of South Dakota
- Federal Relief Construction in South Dakota, 1929-1941
- Harold Spitznagel Firm 1929-1972

Historic Bridges in South Dakota, 1893-1942
Historic Resources of the North End Neighborhood of Watertown, South Dakota
Historic Stone Arch Culverts in Turner County, South Dakota
Lustron Houses in South Dakota
Ranches of Southwestern Custer County, South Dakota
Rural Architectural and Historical Resources of Brown County, South Dakota
Rural Resources of Eastern Custer County, South Dakota
Schools in South Dakota
South Dakota's Round and Polygonal Barns and Pavilions

Additional Resources

Guidelines for Identifying and Evaluating Buried Archaeological Sites
South Dakota Local Preservation Handbook
Prairie Crossings: South Dakota's Historic Roadway Bridges, a South Dakota Department of Transportation publication

Appendix E. List of National Historic Landmarks in South Dakota (as of February 2, 2023)

Name	Location	Date of Designation
Arzberger Site	Hughes County	07/19/64
Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers	Hot Springs, Fall River County	06/17/11
Bear Butte	Meade County	12/21/81
Blood Run Site	Lincoln County, SD and Lyon County, IA	05/22/70
Bloom Site	Hanson County	07/19/64
Crow Creek Site	Buffalo County	07/19/64
Deadwood Historic District	Deadwood, Lawrence County	07/04/61
Fort Pierre Chouteau Site	Fort Pierre, Stanley County	07/17/91
Fort Thompson Mounds	Buffalo County	07/19/64
Frawley Ranch	Lawrence County	05/05/77
Langdeau Site	Lyman County	07/19/64
Mitchell Site	Mitchell, Davison County	07/19/64
Molstad Village	Dewey County	07/19/64
Vanderbilt Archeological Site	Campbell County	02/18/97
Verendrye Site	Fort Pierre, Stanley County	07/17/91
Wounded Knee	Shannon County (Oglala Lakota County)	12/21/65

Appendix F. Photography Guidelines for the Purposes of Section 106 Mitigation

At a minimum these guidelines reflect the recommendations of the South Dakota Office of the State Historic Preservation Officer (SHPO) when documenting historic properties affected by federal undertakings. These guidelines cannot be used to circumvent consultation with appropriate consulting parties as identified in the Section 106 process. These guidelines are based on National Park Service guidance to ensure consistency in the quality of photographic documentation.

Selecting a Digital Camera

BEST: Six megapixel or greater digital SLR camera

Acceptable: Two – five megapixel point-and-shoot digital camera

Not acceptable: Camera phones, disposable or single-use digital cameras, digital cameras with fewer than two megapixels of resolution

Taking the Picture

Image file format (**Set the camera for highest image quality**).

BEST: Tag Image File format (TIFF) or RAW format images. This allows for the best image resolution.

Acceptable: JPEGs converted to TIFFs, by a computer conversion process, are acceptable; however, JPEGs must not be altered in any way prior to conversion (other than renaming them).

Do not use the JPEG setting on the camera, if a higher quality setting is available.

RGB color digital **TIFFs** are preferred.

Digital Camera Resolution (**Set the camera to the maximum or largest pixel dimension the camera allows**).

BEST: Six megapixels or greater (2000 x 3000 pixel image)

Acceptable: Minimum two megapixels (1200 x 1600 pixel image)

Renaming the digital TIFF image

All digital image files must be renamed using a standard naming format.

The TIFF file name must include:

State_county_property name (or district name or SHPO ID)_0001
(Use zeros in image numbers to create 4 digit number, e.g. 0002, 0003, etc.)

Example for individual properties:
SD_PenningtonCounty_ElizabethBrown House_0001

Example for district and farmstead labels:
SD_PenningtonCounty_RapidCityCommercialHistoricDistrict_0125

Example for individual properties using SHPO ID labels:
SD_PenningtonCounty_PN00000123

Example for districts and farmsteads using SHPO ID labels:
SD_PenningtonCounty_PN00400001
SD_PenningtonCounty_PN00400002

Burning the Images onto an Archival Medium

A CD/ DVD or flash drive must contain all TIFF images, the photograph log and sketch map. The photograph log and sketch map must be saved as a PDF/A or PDF file.

Reminder: JPEGs converted to TIFFs, by a computer conversion process, are acceptable; however, JPEGs must not be altered in any way prior to conversion (other than renaming them). When image is open on your computer, right click and you will see the image properties (Dimensions, dpi, etc.).

Acceptable: CD-R, DVD-R, or any disk obtained from a commercial photo processor, or a flash drive.

Not acceptable: CD-RW or DVD-RW (if packaging says “rewriteable” do not use).

Labeling the Disk

Best: Labels printed directly on the disk by laser printer (non-adhesive).

Acceptable: Hand-written labels using CD/DVD safe markers OR other markers (Sharpies) or a label tag attached through the lanyard/keychain hole of the flash drive

Not Acceptable: Ammonia/solvent-based markers or adhesive stickers

Photograph Log Page

The photograph Log and sketch map must be saved to the CD/DVD/flash drive

<u>Example of acceptable photo pages</u>

Name of Property:	Henderson House
City or Vicinity:	Pierre
County:	Hughes County
State:	SD
Name of Photographer:	Mary Smith
Date of Photographs:	April 2015
Location of Original Digital Files:	411 E. 6th St., Rapid City, SD 57501
Photograph Number:	0001
SHPO Project Number:	150415001F

Photo #1 (SD_HughesCounty_HendersonHouse_0001)
South façade (left) and east elevation (right), camera facing northwest.

<u>Sketch Map</u>

Photographs must be keyed to a sketch map, see Attachment 1 for sample.

Use of Photographs

All photographs submitted in accordance with the terms of a Memorandum of Agreement or Programmatic Agreement will be used as specified in the Agreement, which may include submission by the SHPO as official documentation to the South Dakota State Archives for public use and reproduction.

Guidelines for Photographic Coverage

Photographs submitted as official documentation should be clear, well-composed, and provide an accurate visual representation of the property and its significant features. They must illustrate the qualities that make the property eligible for the National Register. Photographs should show historically significant features and any alterations that have affected the property's historic integrity.

The necessary number of photographic views depends on the size and complexity of the property. Submit as many photographs as needed to depict the current condition and significant features of the property. A few photographs may be sufficient to document a single building or object. Larger, more complex properties and historic districts will require a number of photos.

Buildings, structures, and objects:

Photographs need to show the principal facades and the setting in which the property is located.

Additions, alterations, intrusions, and dependencies need to appear in the photographs.

Include views of interiors, outbuildings, landscaping, or unusual features if they contribute to the significance of the property.

Historic and archaeological sites:

Photographs need to show the condition of the site and any above-ground or surface features and disturbances.

If relevant to the evaluation of significance, include drawings or photographs illustrating artifacts that have been removed from the site.

At least one photograph must show the physical environment and topography of the site.

Architectural, Historic Districts and Farmsteads (key all photographs to the sketch map for the district):

Submit photographs showing major building types and styles, pivotal buildings and structures, and noncontributing resources.

Streetscapes and landscapes are recommended. Aerial views may also be useful. Views of significant topographic features and spatial elements should also be submitted.

Views of individual buildings are not necessary if streetscape views clearly illustrate the significant historical and architectural qualities of the district.

Archaeological Districts:

Submit photographs of the principal sites and site types within the district following the guidelines for archaeological sites (see above).

Attachment 1: Example Sketch Map and Photo Key

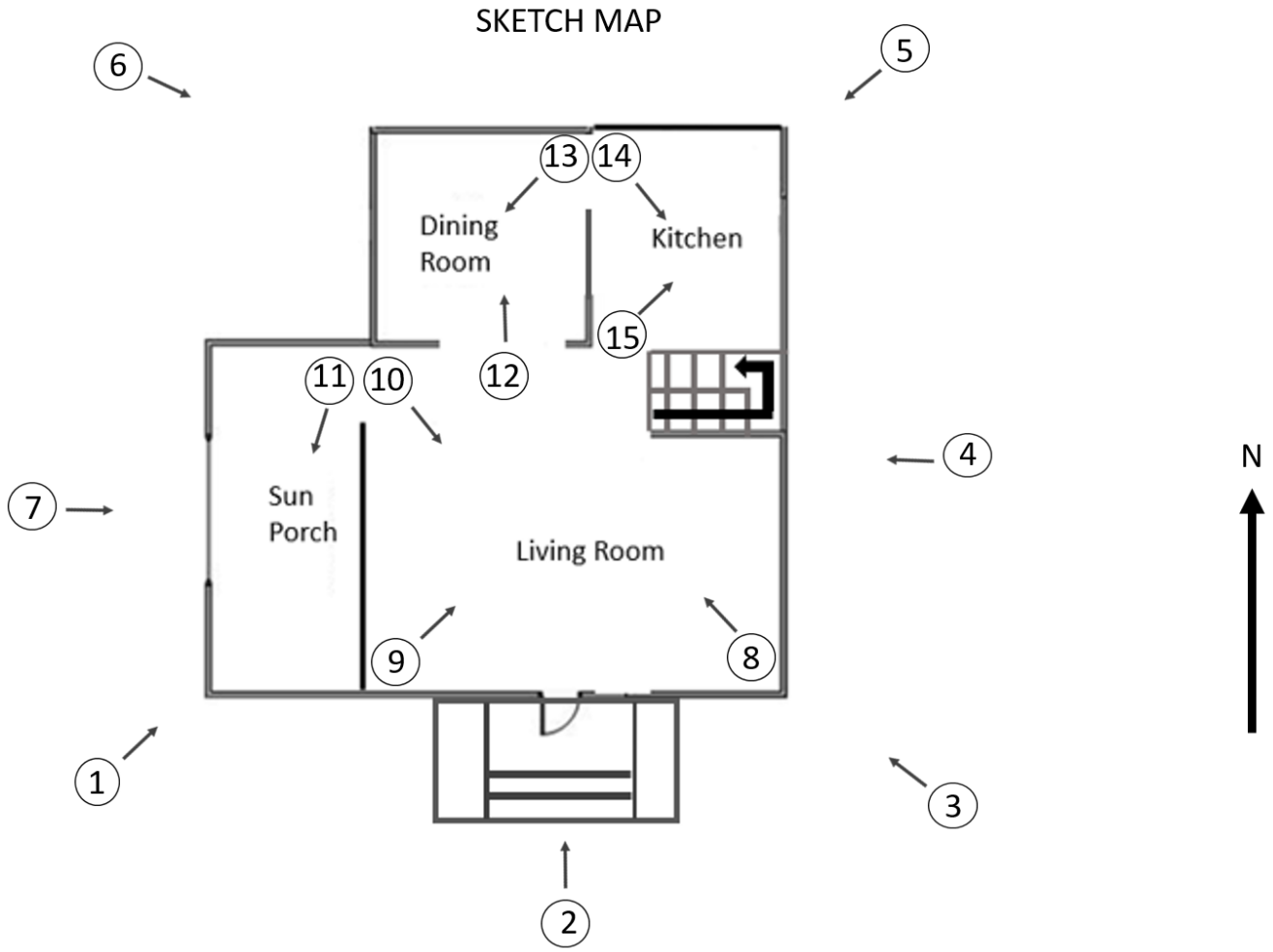


Photo Key

Name of Property:	Henderson House
City/Vicinity:	Pierre
County:	Hughes
State:	South Dakota
Name of Photographer:	Mary Smith
Date of Photographs:	April 2015
Number of Photos:	15
Section 106 Project #:	150415001F

Appendix G. Recommended Report Format for Cultural Resource Surveys

Depending on the results of the identification efforts, the Principal Investigator (PI) may use one of two report formats: a letter format report or a full survey report. If no new properties are recorded during a cultural resources survey, a letter format report may be submitted. If the cultural resources survey results in the recordation of any new properties, the PI must write a full survey report.

Letter Format Report

Letter format reports do not need to adhere to a specific arrangement but must be signed by the PI and include the following information:

- A title that identifies the undertaking and the county in which the undertaking is planned
- A description of the undertaking (pipeline, borrow area, etc.) and the project activities with the potential to affect historic properties (bridge repairs, trenching, heavy equipment traffic, etc.)
- The legal location of the undertaking (section, township, range)
- The date and location of the Record Search and the name of the person who conducted the search
- The results of the Record Search, including a bibliography of known surveys and historic properties located within the Area of Potential Effects (APE) and within one mile of the APE;
- The total acreage surveyed, if field survey was conducted
- The conditions of the field survey, if applicable, including the name(s) of the individual(s) who conducted the survey, date survey was conducted, ground-surface visibility, field conditions, survey and testing methodology employed including the extent of survey coverage and transect width, as well as a discussion of the testing strategy (shovel testing, auger tests, etc.), if applicable.
- A description of consultation efforts with other parties, including federal/state agencies, tribes, local organizations, and private individuals.
- Results of consultation efforts, including the identification of any places of religious and cultural significance that may be affected by the undertaking.
- A statement of findings and a determination of effect, or a recommendation for the findings and determination of effect if prepared by someone other than the federal agency official.
- Photographs of historic properties located within the APE and several photographs of the surrounding area, showing the general project locale and survey conditions, if field survey was conducted.
- USGS 7.5 (1:24,000) minute quadrangle map showing the location of the survey or area for which the Record Search was conducted, labeled with the project name, USGS quadrangle name, and legal location (section, township, range).
- Signature of the qualified PI attesting to the accuracy and content of the report findings.

Full Survey Report

A full survey report is required for any cultural resources survey which results in the recordation of a new property. A full survey report should include the components listed below. The exact format of the report may vary depending on agency preference, but the information contained in the components listed below should be presented somewhere in the report. Reports should be typed and written using professional terminology and proper spelling and grammar. All data sources referenced within the report should be properly cited using a consistent citation style throughout.

Although the recommended full survey report format was developed with surveys for archaeological properties in mind, the format can be adapted as needed for architectural surveys and surveys for properties of religious and cultural significance. For example, an architectural survey generally does not need to contain information on ground surface visibility, transect width, or a description of subsurface testing methodology. However, architectural reports submitted for review under Section 106 of the National Historic Preservation Act should include most of the information outlined below to provide a complete picture of the historic properties in the APE and the undertaking's potential effects to historic properties.

A full survey report should include the following:

1. Title Page
   a. Type of investigation (Sample Survey, Intensive Field Survey)
   b. Undertaking name
   c. Location: city, county, legal location (section, township, range)
   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. Brief overview of the project and the results, including properties within the APE and their recommended or determined eligibility for listing in the National Register of Historic Places
   b. Description of the potential effect of the undertaking on historic properties located within the APE and a determination of effect or a recommendation for a determination of effect

3. Table of Contents

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 survey, including the total number of acres surveyed, date survey was conducted, and survey conditions

5. Background Research
   a. A brief environmental history of the APE within its regional context, including the name of the archaeological study region(s)
   b. A brief cultural history of the APE within its regional context
   c. Record Search Results
      - List and map of recorded sites and previous survey work within APE and within one mile of the APE
   d. List of additional sources examined (Sanborn maps, aerial imagery, etc.)
   e. List of institutions visited or individuals consulted and the date of visit/consultation

6. Survey Methods
   a. Description of the survey area(s)
      - Definition of the boundaries of the survey area(s), including a map showing the survey area(s)
      - Total acreage surveyed
      - Statement of field conditions, including the overall ground surface visibility for each survey area, 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
   b. Description of survey methodology
      - Name(s) of individual(s) who conducted the survey
      - Date(s) survey was conducted
      - Transect width for pedestrian survey
      - Description of any subsurface testing, if applicable, including method(s) used to test subsurface deposits, location of subsurface tests, and justification for depth at which tests were terminated
      - Justification for the survey method(s) used, specific to the proposed undertaking and APE
      - Extent of survey coverage, including a description of and justification for any areas which were not surveyed due to slope or other conditions

7. Results of Survey
   a. General overview of survey results
   b. Photographs showing overall locale and survey conditions
   c. Description of properties located
      - Description of structures, artifacts, and/or features located
      - Interpretation of site function and age
      - Justification for delineated site boundary
      - Sketch map of site showing site boundary, features, and notable artifacts in relation to topography and natural environment at the site
      - Name and location of permanent repository for artifacts and records collected during the survey
      - Photographs of each property located, including overall view of each site and notable artifacts and/or features at each site
      - Results of subsurface testing, if applicable

d. Contribution to State Plan for Archaeological Resources
   - Does the survey contribute information to the archaeological region study unit in which the survey took place?

8. Evaluation of Properties, if applicable
   a. Description of methods and resources used to evaluate each property
   b. Information obtained from the evaluation methods for each property
   c. Statement of Significance
      - Evaluation of significance of property under each of the four National Register criteria
   d. Assessment of Integrity of Property
   e. Recommendation for or determination of eligibility for each evaluated property

9. Assessment of Undertaking's Effect
   a. Description of the expected effect of the undertaking on historic properties if the undertaking is completed as planned, including any measures being implemented to avoid effects to historic properties
   b. If project activities will be occurring near or within a property boundary, additional maps or photographs may be necessary that show the project activities in relation to the property's features or boundary

10. Resolution of Adverse Effects, if applicable
    a. Description of measures to avoid or minimize adverse effects to historic properties, such as redesign of the undertaking, stipulations on project activities, etc.
    b. If Adverse Effects cannot be minimized or avoided, include a statement addressing the need to mitigate the Adverse Effect

11. References Cited

12. Appendices Containing Confidential Information
    a. Completed South Dakota State Historical Society Recordation Form (Historic Sites Survey Form or Archaeological Research Center Site Form) for each architectural or archaeological property recorded during the survey.
    b. Additional information on or recordation of any properties of religious and cultural significance to American Indian Tribes recorded during the survey, if applicable.
    c. As many maps as necessary to show the APE, area surveyed, properties located during current survey, and previously recorded 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.
       - North arrow

Appendix H. South Dakota Codified Law 1-19A-11.1

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 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 recommendations 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 which 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 no 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 State Historical Society. 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 chapter 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.

Appendix I. ARSD 24:52:07:04 - Standards for New Construction and Additions in Historic Districts

24:52:07:04. Standards for new construction and additions in historic districts. New construction or additions within a historic district must comply with The Secretary of the Interior's Standards for the Treatment of Historic Properties as incorporated by reference in § 24:52:07:02. In addition the following standards apply:

(1) Compatibility of design. Massing, size, and scale of new construction must be compatible with surrounding historic buildings. Overall architectural features of new construction must be of contemporary design which does not directly mimic historic buildings. Architectural elements such as windows, doors, and cornices must be similar in rhythm, pattern, and scale to comparable elements in adjacent historic buildings. The overall visual appearance of new construction may not dominate or be distracting to the surrounding historic landscape;

(2) Height. The height of new buildings or additions to existing buildings may not exceed a standard variance of ten percent of the average height of historic buildings on both sides of the street where proposed new construction is to be located;

(3) Width. The width of new buildings or additions to existing buildings must be similar to adjacent historic buildings;

(4) Proportion. The relationship between the height and width of new buildings or additions to existing buildings must be similar in proportion to existing historic buildings. The proportion of openings in the facades of new construction or additions must be compatible with similar openings in adjacent historic buildings;

(5) Rhythm and scale. The rhythm, placement, and scale of openings, prominent vertical and horizontal members, and separation of buildings which are present in adjacent historic buildings must be incorporated into the design of new buildings or additions to existing buildings;

(6) Materials. Materials which make up new buildings or additions to existing buildings must complement materials present in nearby historic properties. New materials must be of similar color, texture, reflective qualities, and scale as historical materials present in the historic district;

(7) Color. The colors of materials, trim, ornament, and details used in new construction must be similar to those colors on existing historic buildings or must match colors used in previous historical periods for identical features within the historic district;

(8) Details and ornament. The details and ornament on new buildings or additions to existing buildings must be of contemporary design that is complementary to those features of similar physical or decorative function on adjacent historic buildings;

(9) Roof shape and skyline. The roof shape and skyline of new construction must be similar to that of existing historic buildings;

(10) Setting. The relationship of new buildings or additions to existing buildings must maintain the traditional placement of historic buildings in relation to streets, sidewalks, natural topography, and lot lines; and

(11) Landscaping and ground cover. Retaining walls, fences, plants, and other landscaping elements that are part of new construction may not introduce elements which are out of character with the setting of the historic district.

Appendix J. ARSD 24:52:07:03 – Standards for Case Report

24:52:07:03. Standards for case report. If a state entity or a political subdivision of the state is required by law or rule to report possible threats to the historical integrity of a property on the state register, the threat must be reported by means of a case report that meets the requirements of this section.

Case reports must provide the Office of History with sufficient information for the office to make an independent review of effects on the historical integrity of historic properties and shall be the basis for informed comments to state entities and the public. Case reports shall thoroughly examine all relevant factors involved in a preservation question. They must contain the following:

(1) A description of any impending project which may adversely affect historic property;

(2) Photographs, maps, or drawings showing the existing project site, the extent of projects, and details of the proposed projects, which may include three-dimensional models or accurate computer-generated representations of proposed new construction. Models or representations must clearly show the visual impacts of new construction on surrounding neighborhood or landscapes;

(3) The planning and approval schedule for projects which may adversely affect historic property;

(4) A statement explaining how projects adversely affecting the historic property were brought to the attention of a state entity or political subdivision;

(5) A description of potentially affected historic property with any relevant physical, economic, or situational information on the property;

(6) A description of the potential effects of a proposed project on historic property and the basis for the determinations of effect;

(7) A historic preservation plan or description and evaluation of all feasible and prudent alternatives which a state entity or political subdivision proposes in order to minimize adverse effects of a project on historic property and alternatives which the state entity or political subdivision has examined and rejected. The reasons for rejection must be included. This section of the case report must clearly substantiate that all possible efforts to minimize harm to the historic property have been undertaken. Alternatives to aspects of the project which may adversely affect the historic property must:

(a) Receive consideration based on factual reports, research, tried methods, and professional and lay preservation advice;

(b) Explore alternatives beyond the immediate project, taking into account broad community or regional issues in which the historic resources may play a contributing role;

(c) Take into account the impact of potential adverse effects on surrounding historic resources, community preservation plans, and long-range community opportunities;

(d) Be based on professional assessments of the value and basic structural condition of the affected property and estimates of a range of rehabilitation or mitigative options prepared by people experienced in historical preservation work; and

(e) Provide adequate periods of time for information to be prepared and for preservation options to be attempted;

(8) Documentation of consultation with the Office of History regarding the identification and evaluation of historic properties, assessment of effect, and any consideration of alternatives or mitigation measures;

(9) A description of the efforts of a state entity or political subdivision to obtain and consider

the views of affected and interested parties;

(10) Documentation that a local historical preservation commission constituted under SDCL 1-19B with jurisdiction in the city or county where the affected historic property is located was provided a specified period of time to examine plans for proposed projects. Official comments of the commission must be included. The Office of History shall specify periods of time not to exceed 180 days to be given local historical preservation commissions to examine plans and may specify such periods for each set of revised plans submitted for a project. The commission shall:

(a) Agree with the findings of the case report;

(b) Disagree with the findings of the case report; or

(c) Decline to comment on the findings of the case report;

(11) Copies of written views submitted by the public to the state entity or political subdivision concerning the potential adverse effects of projects on historic properties and alternatives to reduce or avoid those effects.

The Office of History may require an abbreviated case report if, in its opinion, less than a comprehensive review of a preservation issue is needed. The office shall determine the elements needed for an abbreviated case report case by case.

Appendix K. South Dakota State Burial Laws

South Dakota Codified Laws, Chapter 34-27

34-27-25. Reporting discovery of human skeletal remains--Failure to report as misdemeanor. Any person who encounters or discovers human skeletal remains or what he believes may be human skeletal remains in or on the ground shall immediately cease any activity which may disturb those remains and shall report the presence and location of such human skeletal remains to an appropriate law enforcement officer. Willful failure to report the presence or discovery of human skeletal remains or what may be human skeletal remains within forty-eight hours to an appropriate law enforcement officer in the county in which the remains are found is a Class 2 misdemeanor.

34-27-26. Disturbing human skeletal remains or funerary objects as felony. No person unless authorized by the state archaeologist may knowingly disturb or knowingly permit disturbance of human skeletal remains or funerary objects except a law enforcement officer or coroner or other official designated by law in performance of official duties. A violation of this section is a Class 6 felony.

34-27-28. Notification to landowner and coroner--Notification to state archaeologist and tribal officials--Time limits. If a law enforcement officer has reason to believe that the skeletal remains, reported pursuant to § 34-27-25, may be human, he shall promptly notify the landowner and the coroner. If the remains reported under § 34-27-25 are not associated with or suspected of association with any crime, the state archaeologist shall be notified within fifteen days. The state archaeologist shall thereupon follow the procedure set out in § 34-27-31, except that the skeletal remains shall be turned over to the attorney general or any state's attorney should either request the remains for further investigation.

34-27-31. Discovery of human remains or funerary objects by state educational institution or museum--Contact state archaeologist--Notice to tribal officials--Tribal request--Disposition of remains or objects. If any state supported educational institution or state supported museum comes into possession of human skeletal remains or associated funerary objects from South Dakota following July 1, 1990, the institution or museum shall contact the state archaeologist within fifteen days of the find. Within a reasonable period of time from contact by the institution or museum, but not to exceed one year, the state archaeologist shall identify the remains or objects. If review by the state archaeologist demonstrates to his satisfaction that the remains or objects are not directly related to a tribal group, the state archaeologist is responsible for their final disposition after consultation with the director of the State Historical Society. If review by the state archaeologist demonstrates to his satisfaction that there is a direct relationship of the remains or objects to a tribal group, the state archaeologist shall notify the director of the State Historical Society and shall initiate contact with officials of that tribal group as designated by the Office of Indian Affairs. If, within one year of the first contact with the tribal group as set forth in this section, the tribal group requests return of the remains or objects, the state archaeologist shall turn over to the tribal group the remains or objects. If, within one year of the first contact with the tribal group as set forth in this section, the tribal group has not requested the return of the remains or objects, the state archaeologist is responsible for their final disposition after consultation with the director of the State Historical Society.

Appendix L. County Codes

AU	Aurora	HU	Hughes
BE	Beadle	JE	Jerauld
BF	Buffalo	JK	Jackson
BK	Brookings	JN	Jones
BO	Bon Homme	KB	Kingsbury
BN	Brown	LA	Lawrence
BR	Brule	LK	Lake
BT	Bennett	LM	Lyman
BU	Butte	LN	Lincoln
CA	Campbell	MD	Meade
CD	Codington	MH	Minnehaha
CH	Charles Mix	MK	McCook
CK	Clark	ML	Marshall
CL	Clay	MP	McPherson
CO	Corson	MN	Miner
CU	Custer	MO	Moody
DA	Day	MT	Mellette
DE	Deuel	OL	Oglala Lakota (was SH/Shannon)
DG	Douglas	PE	Perkins
DV	Davison	PO	Potter
DW	Dewey	PN	Pennington
ED	Edmunds	RO	Roberts
FA	Fall River	SB	Sanborn
FK	Faulk	SL	Sully
GR	Gregory	SP	Spink
GT	Grant	ST	Stanley
HE	Hyde	TD	Todd
HD	Hand	TP	Tripp
HL	Hamlin	TU	Turner
HK	Haakon	UN	Union
HN	Harding	WW	Walworth
HS	Hanson	YK	Yankton
HT	Hutchinson	ZE	Ziebach

Appendix M. Frequently Asked Questions

What is Section 106?

Section 106 is a specific section of the National Historic Preservation Act (NHPA) that requires federal agencies to take into account the effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (ACHP) and other consulting parties an opportunity to comment on the undertaking.

Does Section 106 apply to my project?

Section 106 of the National Historic Preservation Act (NHPA) applies when a project, activity, or program is 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; and those requiring a federal permit, license or approval.

Who is the Advisory Council on Historic Preservation (ACHP)?

The ACHP is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy.

What is 36 CFR § 800 – Protection of Historic Properties?

These are the Code of Federal Regulations authored by the staff of the Advisory Council on Historic Preservation (ACHP). These are the regulations that explain how to implement Section 106. The regulations can be found at https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf.

What is a federal undertaking?

A federal 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; and those requiring a federal permit, license or approval.

What is a historic property?

A historic property is any prehistoric or historic district, site, building, or structure included in or eligible for inclusion in the National Register of Historic Places. Properties of religious and cultural significance to American Indian tribes also may be eligible for inclusion in the National Register of Historic Places.

How is a property determined to be "historic"?

To be considered "historic," a property must meet at least one of the National Register Criteria, must generally be at least fifty years of age, and retain integrity.

The National Register Criteria are:

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

Integrity is the ability of the property to convey its significance and is measured by seven aspects: location, setting, design, materials, workmanship, feeling, and association.

What is the National Register of Historic Places?

The National Register of Historic Places, or National Register, is the official list of properties recognized by the Secretary of the Interior 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. Property owners are not obligated to make any repairs or improvements to the property.

The National Register is not a complete list of all historic properties. For this reason, it is necessary to consider not only those properties which are listed in the National Register but also properties that are eligible for listing in the National Register during the Section 106 process.

When should I start the Section 106 process?

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 federal agency must ensure that the Section 106 process is initiated early in the planning process so that a broad range of alternatives may be considered, if needed.

What is the role of the State Historic Preservation Office (SHPO) in Section 106 and why can't SHPO gather the necessary documentation for Section 106 review?

Section 106 is a section in the National Historic Preservation Act, which is a federal law. It is the statutory obligation of the federal agency to fulfill the requirements of Section 106, which includes gathering the necessary documentation for Section 106 and consulting with appropriate consulting parties.

The SHPO is not a regulatory agency but rather a consulting party in the Section 106 process that reflects the interests of the state and its citizens in the preservation of their cultural heritage. The SHPO's role in the Section 106 process is to advise and assist federal agencies in carrying out their Section 106 responsibilities. SHPO has additional responsibilities under other sections of the National Historic Preservation Act, including conducting surveys of historic properties and maintaining inventories of historic properties. By coordinating identification efforts together, federal agencies can assist SHPO in fulfilling these responsibilities and, in turn, SHPO can provide meaningful comments on proposed undertakings in a timely fashion through Section 106 consultation.

What is consultation under Section 106?

Consultation is 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.

Who gets to be a consulting party in the Section 106 process?
The following parties have consultative roles in the Section 106 process:

1. State Historic Preservation Officer (SHPO)
2. Tribal Historic Preservation Officer (THPO)
3. Indian tribes
4. Representatives of local governments
5. Applicants for federal assistance, permits, licenses and other approvals
6. Individuals and organizations with a demonstrated interest in the project
7. The public

What is a Tribal Historic Preservation Officer (THPO)?

A THPO is the tribal official designated by a federally recognized American Indian tribe to direct a preservation program approved by the National Park Service. The THPO assumes some or all of the responsibilities and functions of a SHPO on Tribal lands. In South Dakota, eight of the nine tribal governments have THPOs. If a THPO has been appointed, federal agencies must consult with the THPO in lieu of the SHPO in the Section 106 process for undertakings occurring on or affecting Tribal lands.

How are tribes that do not have a Historic Preservation Officer (THPO) involved in the Section 106 process as consulting parties?

When an American Indian Tribe has not assumed the responsibilities of the State Historic Preservation Officer (SHPO) for Section 106 on tribal lands, the federal agency must consult with a representative designated by the Indian tribe in addition to the SHPO for undertakings occurring on or affecting historic properties on 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.

Additionally, American Indian Tribes, whether or not a THPO has been appointed, are consulting parties in the Section 106 process. Federal agencies must consult with any American Indian Tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking, regardless of the location of that historic property.

Why can't the State Historic Preservation Office (SHPO) consult with Indian tribes or Tribal Historic Preservation Offices (THPOs) on behalf of the federal agency for Section 106 reviews?

Consultation with Indian tribes and THPOs must recognize the government-to-government relationship between the federal government and Indian tribes. As a state agency, the SHPO does not represent the federal government.

What is the role of a contractor in the Section 106 process?

The federal agencies may use the services of applicants, consultants, or a designee to prepare information, analyses, and recommendations. However, the federal agency remains legally responsible for all required findings and determinations as outlined in the regulations. If a document or study is prepared by a non-federal party, the federal agency is responsible for ensuring that its content meets applicable standards and guidelines.

Can I coordinate my responsibilities under the National Environmental Policy Act (NEPA) with my responsibilities under Section 106?

Yes. Federal agencies are encouraged to coordinate compliance with Section 106 with any steps taken to meet the requirements of NEPA. Agencies should consider their Section 106 responsibilities as early as possible in the NEPA process, and plan their public participation, analysis, and review in a way that can meet the purposes and requirements of both.

The standards for developing environmental documents to comply with Section 106 can be found in 36 C.F.R. § 800.8, Coordination with the National Environmental Policy Act, of the Implementing Regulations of Section 106, at https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf

What is the area of potential effects (APE)?

The APE is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of a historic property. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking or project. In many instances, the APE is not simply the project's physical boundaries, but should incorporate the potential for visual effects, atmospheric effects, cumulative effects, etc… For example, the placement of a cell tower will include ground disturbance but also creates a wide-reaching visual effect. In contrast, the placement of a water line primarily includes ground disturbance but also could affect historic properties indirectly through the subsequent placement of water tanks.

What is a determination of effect and why can't the State Historic Preservation Office (SHPO) make the determination for my project?

A "determination of effect" is the effect of the undertaking (project) on historic properties. The "determination of effect" is based on the results of the identification and evaluation of properties for listing on the National Register of Historic Places located within the undertaking's area of potential effects (APE). The federal agency must submit a "determination of effect" that best represents the undertaking's impact on properties located within the APE that are listed in or eligible for listing in the National Register of Historic Places. There are three possible determinations of effect that a federal agency can make:

1) No Historic Properties Affected: if the federal agency finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them.

2) Adverse Effect: 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. An adverse effect may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

3) No Adverse Effect: the federal agency, in consultation with the SHPO/Tribal Historic Preservation Office (THPO), may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria established as an adverse effect or the undertaking is modified or conditions are imposed to ensure consistency with the Secretary of *Interior's Standards for the Treatment of Historic Properties* and other applicable guidelines.

SHPO cannot make a determination of effect for the federal agency because, as a consulting party in the process, it is the SHPO's responsibility to advise and assist the federal agencies in carrying out their Section 106 responsibilities.

What is an adverse effect?

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.

Adverse effects on historic properties include, but are not limited to:

a. Physical destruction of or damage to all or part of the property
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
c. Removal of the property from its historic location
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
e. Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features
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
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.

What information do I need to submit to SHPO for a Section 106 review?

Documentation standards can be found in the regulations 36 CFR § 800 – Protection of Historic Properties, part 800.11(a). The federal agencies or federally delegated authorities must ensure that sufficient documentation is submitted to enable any reviewing parties to understand its basis for the determination of effect. Detailed information on the information needed for Section 106 consultation can be found in the body of this document at Summary of Information Needed for 106 Consultation.

Documentation for a finding of no historic properties affected should include:

- A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;
- A description of the steps taken to identify historic properties: and
- The basis for determining that no historic properties are present or affected.

Documentation for a finding of no adverse effect or adverse effect should include:

- A description of the undertaking, specifying the federal involvement and its area of potential effects, including photographs, maps, drawings as necessary
- A description of the steps taken to identify historic properties
- A description of the affected historic properties, including information on the characteristics that qualify them for the National Register
- A description of the undertaking's effects on historic properties
- 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
- Copies or summaries of any views provided by consulting parties and the public.

All information regarding a proposed federal undertaking should be submitted to SHPO for Section 106 consultation through a submission to the Electronic Review & Compliance (ERC) system. For more information on ERC, please see Section IV of this document.

Whom should I contact with questions regarding Section 106?

Please contact the South Dakota State Historical Society at (605) 773-3458 or using the contact information found at https://history.sd.gov/preservation/contact.aspx. The Review and Compliance Coordinator is the initial point of contact for all questions regarding review and compliance.

What is the SHPO's role in the 11.1 process?

The SHPO does not approve or deny projects under SDCL 1-19A-11.1. Instead, the SHPO's role is to comment on a project's potential to encroach upon, damage, or destroy properties listed in the State and National Registers of Historic Places. The responsible government entity (city, county, etc.) ultimately decides whether to issue the necessary permits after taking the SHPO's comments into consideration.

Do I need a permit to conduct an archaeological survey?

Permits are required for cultural resources work occurring on state and/or federal lands. 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. Archaeological Permits are available through the Office of the State Archaeologist at the Archaeological Research Center, PO Box 1257, Rapid City, South Dakota 57709-1257, or 605- 394-1936. To apply for a permit on state lands, please fill out the application available at https://history.sd.gov/archaeology/docs/arch-permit-form.pdf.

Archaeological investigations on federal lands must be conducted under a Permit for Archeological Investigations, which may be issued by the federal agency under the Archaeological Resources Protection Act (ARPA). Additionally, the individual land-managing agency may have their own authorizing law(s) as an authority to issue archaeological investigation permits.

Do I need a permit to conduct an architectural survey?

Surveys of architectural resources generally are conducted from the public road right-of-way and do not require any kind of permit. If an architectural survey is conducted on private property, the surveyor should obtain permission from the appropriate landowner / applicant.

How do I get a site number?

To obtain a site number for a newly recorded archaeological site, the PI must complete the Archaeological Research Center Site Form, available as an MS Access file or a PDF at https://history.sd.gov/archaeology/resources.aspx, and submit it to the Archaeological Records Coordinator at the Archaeological Research Center along with a GIS shapefile of the site boundary. Text in the narrative sections of the Site Form also should be provided in a digital format (e.g. Microsoft Word) to ensure that information is copied into the database correctly and efficiently. Once all Site Form documentation is received and approved, the Archaeological Records Coordinator will assign a Smithsonian Institution trinomial site number. For guidance on completing the Site Form, please consult the document titled Guide for Completing a South Dakota Field Site Form. For additional information on what cultural materials should and should not be recorded on an Archeological Research Center Field Site Form, please see the sections on Site Numbers and Isolated Finds on pages 19 and 20.

How do I get a SHPO ID number?

To obtain a SHPO ID number for a newly recorded architectural property, the surveyor should enter the property information into the survey entry portal of CRGRID and notify the SHPO office to request a SHPO ID number. The Historic Preservation Assistant will then review the submitted form and assign a SHPO ID number to the surveyed property. Additional information can be found in the section on SHPO ID Numbers on page 11 of the body of this document.

How do I know if I need a site number versus a SHPO ID number?

SHPO ID numbers are assigned to architectural resources that are standing at the time of recordation or are nearly completely standing to the point that the structure's full form is discernable. Site numbers are assigned to archaeological resources, which may include a structure that is in ruins at the time of recordation.

What information needs to be submitted to the Archaeological Research Center?

The Archaeological Research Center is the official repository for information pertaining to the archaeological resources of South Dakota. Any time a survey is conducted for archaeological resources, that information and any information pertaining to any archaeological sites recorded, monitored, or revisited during the survey must be submitted to the Archaeological Research Center.

The Archaeological Research Center requires the following documentation for each archaeological survey conducted in South Dakota:

1. Complete final report, hard copy and PDF
2. Final site forms, submitted as a separate set in addition to those which may be included in the report
3. Table cross-referencing field site numbers and Smithsonian trinomial site numbers
4. Final shapefiles for site boundaries
5. Final shapefile(s) for survey boundary
6. Accessioned collections and associated documentation
7. Recommended: Intrasite shapefiles
8. If applicable: Site boundary modification form and shapefile for changes to the boundary of previously recorded sites

If any of the aforementioned digital files are submitted through the Electronic Review & Compliance (ERC) system as attachments to a project submitted for Section 106 consultation or SDCL 1-19A-11.1 comments, those digital files do not need to be separately submitted to the Archaeological Research Center; however, a hard copy of the report still needs to be submitted to the Archaeological Research Center. Additional details on submitting archaeological survey reports and supporting documentation to the Archaeological Research Center can be found in the Summary of Information to be Submitted to the Archaeological Research Center in this document and at https://history.sd.gov/archaeology/docs/report%20submission%20standards.pdf.

What is the collection policy for archaeological surveys in South Dakota?

It is ultimately up to the agency official and/or the private landowner if and what should be collected during an archaeological survey, though the Principal Investigator (PI) should thoroughly justify all decisions pertaining to collection in the report. For archaeological surveys on state lands, diagnostics recovered from the surface and all artifacts recovered subsurface should be collected. The PI should consult with the State Archaeologist and the Repository Manager at the Archaeological Research Center for all questions pertaining to collection of artifacts from state lands.

SHPO recommends the collection and curation of diagnostic materials recovered during Intensive Field Surveys. If the landowner is not amenable to donating the diagnostic materials for long-term curation, the diagnostics should be extensively photographed and documented to maintain an accurate record of the find. If archaeological excavation is conducted to mitigate adverse effects to a site under Section 106, the federal agency will consult with SHPO to develop appropriate collection and curation policies, which will be specified in the undertaking's Memorandum of Agreement or Programmatic Agreement.

STATE HISTORIC PRESERVATION OFFICE

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