



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency
EHP, Denver Federal Center, Building 20
Box 25267
Denver, CO 80225-0267

April 26, 2013

RE: Invitation to Participate in the South Dakota Statewide Programmatic Agreement

Dear Madam/Sir:

I am writing to inform your organization that the Federal Emergency Management Agency (FEMA), Region VIII intends to enter into a Programmatic Agreement with the South Dakota Office of Emergency Management (SDOEM) and the South Dakota State Historic Preservation Office (SHPO). As the aim of the Agreement is to streamline the Section 106 (National Historic Preservation Act) review process during federally declared disasters, we would like to invite your organization to participate in the consultation during the development and implementation of the Agreement.

The attached (draft) document is currently under review by the South Dakota Department of Emergency Services (SDOEM) and the South Dakota State Historic Preservation Office (SHPO). Upon earlier consultation, the eight resident Tribal Nations (Sisseton-Wahpeton Oyate of the Lake Traverse Reservation; Cheyenne River Sioux Tribe of the Cheyenne River Reservation; Crow Creek Sioux Tribe of the Crow Creek Reservation; Flandreau Santee Sioux Tribe; Lower Brule Sioux Tribe of the Lower Brule Reservation; Oglala Sioux Tribe of the Pine Ridge Reservation; Rosebud Sioux Tribe of the Rosebud Sioux Indian Reservation; and Yankton Sioux Tribe) have declined to participate as signatories to this Agreement and will instead opt for separate Agreements or other protocols to be negotiated in the future. However, regardless in what manner the Tribes ultimately choose to participate, they will be consulted on a government-to-government basis to determine what their needs may be regarding affected historic properties and an appropriate mode of involvement. This dialog has already commenced and is ongoing.

FEMA Region VIII has not had a Programmatic Agreement with the South Dakota SHPO. The current Programmatic Agreement negotiations were started about two years ago between FEMA Region VIII Environmental / Historic Preservation (E/HP) Section and the South Dakota SHPO, with very favorable input from SHPO staff members, including the Section 106 Coordinators for both Architecture and Archaeology.

FEMA Region VIII E/HP staff has recently put forward to the SDOEM and the SHPO an updated version of the Agreement reflecting best management practices and lessons learned from recent disasters in Colorado, Montana, Wyoming, North and South Dakota, and Utah, and other regions in the U.S., in addition to specific concerns previously issued by the South Dakota SHPO staff.

The following Tribes, government agencies, historical organizations, and public entities were identified by FEMA Region VIII E/HP staff in consultation with the South Dakota SHPO as potentially interested parties, and are invited to participate in the Programmatic Agreement consultation:

Sisseton-Wahpeton Oyate of the Lake Traverse Reservation
Cheyenne River Sioux Tribe of the Cheyenne River Reservation
Crow Creek Sioux Tribe of the Crow Creek Reservation
Flandreau Santee Sioux Tribe
Lower Brule Sioux Tribe of the Lower Brule Reservation
Oglala Sioux Tribe of the Pine Ridge Reservation
Rosebud Sioux Tribe of the Rosebud Sioux Indian Reservation
Yankton Sioux Tribe
South Dakota State Historical Society
Preserve South Dakota
Office of the State Archaeologist
South Dakota Archaeological Society
The Archaeology Lab, Augustana College
Aberdeen/Brown County Landmarks Commission
Brookings Historic Preservation Commission
Clay County Historic Preservation Commission
Codington County Historic Preservation Commission
Deadwood Historic Preservation Commission
Pierre Historic Preservation Commission
Rapid City Historic Preservation Commission
Sioux Falls Board of Preservation
Spearfish Historic Preservation Commission

FEMA Region VIII E/HP staff will communicate with each of these parties either by letter, email, phone, or through internet web sites in an attempt to solicit their views and comments regarding the Programmatic Agreement. In the case of the larger historical organizations (such as Preservation South Dakota and the South Dakota Archaeological Society) we request that our communication be distributed in any way the organization deems effective and that would reach the widest possible audience. Each organization has 21 days to comment from the receipt of this notice. Copies or summaries of any views or comments provided and the results of further communications, negotiations, and resolutions will be provided to the Advisory Council on Historic Preservation (Washington, D.C.) and to the South Dakota SHPO.

The (attached) programmatic Agreement enhances existing procedures and protocols; creates additional tools to expedite reviews; increases agency transparency with Section 106 stakeholders; and ensures that the terms of the agreement are defensible as an alternative to the regulatory review requirements outlined in 36 CFR Part 800. It is our estimate that the Allowances may preclude the need for Section 106 consultation for at least 90% or more of individual projects we normally review, thus allowing the combined FEMA/SHPO staff more time to focus on the treatment of potentially eligible or listed National Register properties affected by disasters.

In accordance with 36 CFR Part 800.14(b)(2) we hereby notify you of our intent to enter into a Programmatic Agreement with the State of South Dakota, applicable to multiple-undertakings as a Program Alternative (as provided in Subpart C of 36 CFR 800). We invite your participation in our consultation with the two Signatory Parties: the South Dakota State Historic Preservation Office and the South Dakota Office of Emergency Management, and any interested parties that may come forward.

Please advise us as soon as possible as to whether your organization wishes to participate in consultation. We intend to pursue the signing and implementation of this Agreement with due diligence, with the hope of having it in place as soon as practicable. Written or electronic submissions are welcome, but again, kindly send them within the 21-day comment period.

If additional information is desired, please contact Charles Bello at (720) 626-8514, Charles.Bello@fema.dhs.gov. Thank you for your consideration of this matter.

Sincerely,



Steven E. Hardegen
DHS/FEMA Regional Environmental Officer

Denver Federal Center
Building 710, Box 2567
Denver, CO 80225-0267

Attachments:

1) CO-SHPO *Draft* Programmatic Agreement (April 23, 2013)

Cc: Kristi Turman, Director, South Dakota Office of Emergency Management,
Jay D. Vogt, South Dakota State Historic Preservation Officer
Paige Olson, Review and Compliance Coordinator, South Dakota State Historical Society
Charles Bello, FEMA Region VIII, E/HP Advisor