

**U.S. 75 IN HINTON
PLYMOUTH COUNTY, IOWA**

Project # NHSX-075-2(116)--3H-75

FINAL SECTION 4(f) STATEMENT

Submitted Pursuant to 23 CFR 774

by the

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

and

IOWA DEPARTMENT OF TRANSPORTATION
LOCATION AND ENVIRONMENT BUREAU

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1 Introduction

This document addresses the impacts of the Iowa Department of Transportation's (Iowa DOT) U.S. Highway 75 (U.S. 75) in Hinton project (Project) on certain resources eligible for protection under Section 4(f) of the 1966 Department of Transportation Act. Section 4(f) provides protection for publicly owned parks, recreation areas, and wildlife and waterfowl refuges, as well as historic sites, from conversion to a transportation use. Section 4(f) states that the Secretary of the U.S. Department of Transportation may not approve a project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the federal, state, or local officials having jurisdiction thereof, or any land from a historic site of national, state, or local significance, as determined by such officials, unless:

“(a) The Administration determines that: (1) There is no feasible and prudent avoidance alternative, as defined in §774.17, to the use of land from the property; and (2) The action includes all possible planning, as defined in §774.17, to minimize harm to the property resulting from such use; or (b) The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation or enhancement measures) committed to by the applicant, will have a *de minimis* impact, as defined in §774.17, on the property. (c) If the analysis in paragraph (a)(1) of this section concludes that there is no feasible and prudent avoidance alternative, then the Administration may approve the alternative that causes the least overall harm in light of the statute's preservation purpose.”

The purpose of this Final Section 4(f) Statement is to provide the information required by the Secretary of Transportation to make the decision regarding the use of properties protected by Section 4(f) legislation under the preferred alternative identified in the Finding of No Significant Impact (FONSI).

This Final Section 4(f) statement was developed in coordination with the Environmental Assessment (EA) for the project.

2 Proposed Action

2.1 Project Description

Iowa DOT, in collaboration with the Federal Highway Administration (FHWA), proposes to reconstruct approximately 0.7 mile of the existing four-lane undivided section of U.S. 75 through Hinton, Iowa. Additional Project information is included in Section 3.

2.2 Project History

The original U.S. 75 roadway in Hinton was constructed in 1926. The highway was widened in 1949 and has had six overlays from 1952 to 2011. A seventh overlay was completed in the summer of 2024 to maintain the roadway surface until the Project is constructed.

In 2001, Iowa DOT considered improving the sections of U.S. 75 through Hinton and Merrill in Plymouth County, Iowa, due to the tight geometry at major intersections in both communities that impacted traffic safety and operations. At that time, Iowa DOT considered and dismissed U.S. 75 bypasses of both communities due to the high cost potential.

In October 2007, Iowa DOT held a stakeholder meeting to gauge interest in reconstructing U.S. 75 through Hinton. Two alternatives were presented to the stakeholders: (1) provide painted left-turn lanes at the intersection of U.S. 75 and County Road 60 (C60)/Main Street, and (2) widen U.S. 75 to five lanes through town. At the time, local stakeholders expressed a preference for the painted left-turn lanes at C60/Main Street due to lower utility relocation costs compared to the five-lane section. The mayor of Hinton expressed support for widening U.S. 75.

In 2008, a planning study evaluated existing traffic operations and crash history along U.S. 75. As part of the planning study, the left-turn lane alternative was revised to include a raised median to reduce conflict points and improve access control, emphasizing the importance of maintaining the traffic signal at the intersection of U.S. 75 and C60/Main Street with potential for preemption improvements for emergency services. The raised median modification would have reduced access to the properties to the west of northbound U.S. 75. However, community consensus was not achieved, and the Project was deferred.

In 2020, the mayor of Hinton expressed concern that another rehabilitation of U.S. 75 would not address the safety issues at the intersection of U.S. 75 and C60/Main Street and pledged support for the reconstruction of U.S. 75.

Based on the mayor's support, Iowa DOT re-initiated the Project in July 2021. On July 21, 2022, virtual and in-person public information meetings were held to solicit public input on the Project. The meeting input was split between those in favor of the concepts presented and those who would like to have seen more consideration given to a bypass.

2.3 Purpose and Need Summary

The purpose of the Project is to provide a U.S. 75 connection between four-lane divided highway sections north and south of Hinton to minimize delays for the safe and efficient transportation of people, goods, and services both regionally and locally.

The needs for the Project are as follows:

- **Improve roadway and bridge physical conditions:** Pavement on U.S. 75 in Hinton is in fair condition but is at the end of its lifecycle. The U.S. 75 bridge (structure number 7505.4S075 – 39390) crossing over an unnamed waterway north of Hinton has been restricted for all vehicles with gross weights over 90,000 pounds since 2015 and is also at the end of its lifecycle. The weight restrictions require permitted overweight vehicles to avoid the bridge by using another route approved by Iowa DOT.
- **Improve in-town traffic operations:** Truck and train traffic contribute to operational delays in Hinton. Through traffic on U.S. 75 is often delayed by vehicles stopped in the inside shared through/left-turn lane while they are waiting to turn onto secondary streets. Delays are often extended by trains blocking the at-grade crossing on C60/Main Street just east of U.S. 75 for several minutes, creating traffic queues on U.S. 75 for vehicles waiting to turn east onto C60/Main Street. In addition, the existing four-lane undivided section of U.S. 75 through Hinton with closely spaced driveways results in unpredictable turning movements that conflict with driver expectations.

- **Improve traffic safety:** A safety analysis was conducted at two U.S. 75 intersections in Hinton based on public and police reports showing a higher concentration of crashes at these locations. The data confirmed these reports, revealing higher than expected numbers of crashes per year at each intersection according to Iowa DOT's Potential for Crash Reduction database and summary of historical crash patterns.
- **Improve commercial and industrial network (CIN) continuity:** There is a need to improve system continuity regionally on U.S. 75 between the four-lane divided sections north and south of Hinton and the existing four-lane undivided section through Hinton.

The issues associated with roadway and bridge deficiencies, in-town traffic operations, traffic safety, and CIN continuity are explained further in Chapter 3 of the EA.

3 Alternatives

Chapter 4 of the EA discusses in detail the alternatives considered for the Project. The alternatives development and evaluation process was conducted for several on-alignment and bypass alternatives, including alternatives that would expand U.S. 75 to the west or to the east, an alternative that would reduce the number of travel lanes and fit within the existing cross section, and three bypass alternatives. The on-alignment and bypass alternatives are shown in **Appendix A, Figure 1**.

Alternatives F and F1 would expand U.S. 75 to the east and would involve coordination with the adjacent railroads (Canadian National [CN], whose mainline is operated and maintained by Union Pacific Railroad [UP], and BNSF Railway [BNSF]) along with Central Valley Ag (CVA) were determined to be not reasonable (discussed further in Section 6). These alternatives would reduce the number of travel lanes, degrade in-town traffic operations, and cause a potential intersection failure. Consequently, these would not meet the Purpose and Need of the Project and were eliminated from further consideration. The bypass alternatives were dismissed from further consideration due to expected cost and environmental impacts. Additional discussion of alternatives screening is provided in Sections 6.2.1 through 6.2.3.

Alternatives C and D would expand U.S. 75 to the west with two northbound and two southbound lanes. Alternative C would include a raised median with left-turn lanes at Grover Street, C60/Main Street, and Maple Street. Alternative D would include a two-way left-turn lane. Both alternatives would include a northbound right-turn lane at C60/Main Street that would improve traffic operations and provide space for turning vehicles to queue during train crossing blockages. Alternative C (raised median) is preliminarily preferred due to its better facilitation of traffic safety. The impacts on the Section 4(f) resources discussed in Section 5.2 would be the same for both Alternative C or Alternative D.

The alternatives evaluated in detail in the EA are described in the following sections.

3.1 No-Build Alternative

Under the No-Build Alternative, U.S. 75 would not be improved. The section of U.S. 75 through Hinton would remain a four-lane undivided roadway, with no improvements to the physical conditions of the roadway and bridge, traffic operations, traffic safety, or CIN continuity. Maintenance and repair projects would occur as necessary to maintain a safe facility. The

No-Build Alternative does not meet the Purpose and Need of the Project; however, it is carried forward as a baseline for comparison of impacts with viable and reasonable build alternatives.

3.2 Build Alternative – Alternative C

Alternative C would expand U.S. 75 to the west approximately 32 feet toward the downtown area, holding the existing outside edge of the northbound travel way as the outside edge of the proposed northbound right-turn lane, as shown in **Appendix A, Figure 2**. U.S. 75 would be reconstructed to the west, with two northbound and two southbound lanes separated by a raised median, with left-turn lanes at Grover Street, C60/Main Street, and Maple Street. A raised median with left-turn lanes would improve safety and traffic operations at C60/Main Street by limiting the number of street and property access points.

Alternative C would also include a northbound right-turn lane at C60/Main Street that would improve traffic operations and provide space for turning vehicles to wait during train crossing blockages. Alternative C would include the reconstruction of the bridge over an unnamed drainageway at the north end of Hinton. The new bridge would match the new configuration of U.S. 75 and would allow for a northbound left-turn lane to extend to the entrance of a future Hinton development.

4 Section 4(f) Properties

Section 4(f) properties meet one or more of the following definitions:

- Publicly owned parks and recreation areas of national, state, or local significance that are open to the public
- Publicly owned wildlife and waterfowl refuges of national, state, or local significance that are open to the public to the extent that public access does not interfere with the primary purpose of the refuge
- Historic sites of national, state, or local significance in public or private ownership regardless of whether they are open to the public (*i.e.*, listed or eligible for listing in the National Register of Historic Places (NRHP))

The significance of the Section 4(f) resource is established through coordination with the Official with Jurisdiction (OWJ) over the property. Section 4(f) resources are deemed to be significant unless the OWJ documents its finding that the site is not significant, subject to FHWA concurrence. For historic sites, Section 4(f) applicability is determined through the consultation process under Section 106 of the National Historic Preservation Act. Sites listed in or eligible for listing in the NRHP are Section 4(f) resources. The State Historic Preservation Office (SHPO) is the OWJ for historic properties.

4.1 Methodology for Identifying Section 4(f) Properties

An approximately 2,200-acre Section 4(f) evaluation area was established to assess the existing environment and review potential Section 4(f) properties. It is consistent with the preliminary study area defined in the EA.

The Section 4(f) evaluation area starts 0.4 mile south of Harness Road and extends approximately 4.0 miles north along U.S. 75 to 0.3 mile north of Wren Road. It extends 1.0 mile

west and 0.75 mile east, as measured at C60/Main Street. The Section 4(f) evaluation area is shown in **Appendix A, Figure 1**.

Databases of parks, recreation areas, wildlife and waterfowl refuges, and historic sites were reviewed and a site visit was conducted by the project team to identify potential Section 4(f) properties. Initial consultation was completed with the OWJs for publicly owned parks and recreation areas in the Section 4(f) evaluation area to document their function, designation, and significance. Cultural resource eligibility investigations were conducted in accordance with Section 106 of the National Historic Preservation Act.

4.2 Properties not Evaluated in this Section 4(f) Statement

4.2.1 Publicly Owned Parks, Recreation Areas, and Wildlife and Waterfowl Refuges

Within the Section 4(f) evaluation area, Section 4(f) parks and recreation areas include two local parks, one public golf course, one existing trail, and one future (*i.e.*, planned) trail. No wildlife refuges or waterfowl refuges were identified. Initial consultation was completed with the OWJs for publicly owned parks and recreation areas to document their ownership, public access, function, attributes, and significance. The identified Section 4(f) properties are shown in **Appendix A, Figure 1**.

Hinton City Park

The City of Hinton (City) owns and operates Hinton City Park, which is south of C60/Main Street and east of U.S. 75. It occupies 4.5 acres and features a shelter house, picnic tables, two ball fields, a swing set, and other outdoor children's play equipment. The shelter house is available for rent and has folding tables for food service and bathrooms. Hinton City Park's primary purpose is recreation, it is open to the public, and it is significant as the most popular and most used park in Hinton.

Deer Run Golf Course

The City owns and operates Deer Run Golf Course, which is within the city limits south of C60/Main Street and west of U.S. 75. This 9-hole golf course occupies 67 acres. Deer Run Golf Course is open to the public and is a significant recreational resource.

Hinton Trail

Hinton Trail is on City-owned land adjacent to Frontage Road, parallel to and west of U.S. 75. The concrete, multi-use trail extends 0.6 mile from Titan Road to West Grover Street. Hinton Trail is open to the public and is a significant recreational resource.

PlyWood Trail, Phase 3

Phase 3 of the PlyWood Trail will be in the right-of-way (ROW) along the west side of U.S. 75. The trail will extend 6.4 miles connecting Sioux City and Hinton and will join the Hinton Trail. The multi-use public trail is under construction and is planned to be completed in Hinton by the end of 2025. The primary function of this public trail will be for recreation, and it will be open to the public. Therefore, this segment of the PlyWood Trail is subject to provisions of Section 4(f). In its entirety, the PlyWood Trail will connect Sioux City and Le Mars, Iowa.

Held Sports Complex

The Hinton Community Schools ball fields and track are part of the Held Sports Complex, a 14.6-acre athletic complex west of U.S. 75. The two ball fields and track and field facility are owned by the City. They are designated for school use, but are open to the public. The ball fields and track are subject to provisions of Section 4(f).

PlyWood Trail, Phase 2

Phase 2 of the PlyWood Trail is a proposed 6.8 mile trail from Merrill to Hinton. This trail is currently unfunded, with an undetermined time frame for completion. This public trail would be a segment of the PlyWood Trail, which would connect Sioux City and Le Mars. Although the primary function of this trail is for recreation and it would be open to the public, it is currently not subject to the provisions of Section 4(f) because it is unfunded and undesignated.

4.3 Properties Evaluated in this Section 4(f) Statement

4.3.1 Historic Properties

Section 106 consultation is summarized in Section 5.2 of the EA. Historic properties were identified through an intensive architectural survey and a Phase I archaeological survey (Bear Creek Archaeology, Inc. 2022 and 2023). The Hinton Business Corner Historic District, with three (3) properties that are individually eligible and contributing to the district and one (1) additional property that is eligible only as contributing to the district, is in the Section 4(f) evaluation area. No archaeological or below-ground historical materials or deposits were identified, and no further archaeological investigation is recommended for the Project.

The Hinton Business Corner Historic District, at the corner of C60/Main Street and U.S. 75 (also known as Floyd Avenue), is a small group of commercial buildings that have maintained their original design from 1914 and 1915, preserving a high degree of architectural integrity. These buildings provide a direct link to the historic context of the area because they are still used for commercial and municipal business. This continuity conveys the historical relationship between the buildings' contemporary usage and their original purpose. Constructed as a modern replacement for the previous commercial district buildings, which were destroyed by a fire in 1914, this group of buildings is widely recognized as Hinton's corner business district, meeting the community's size and needs.

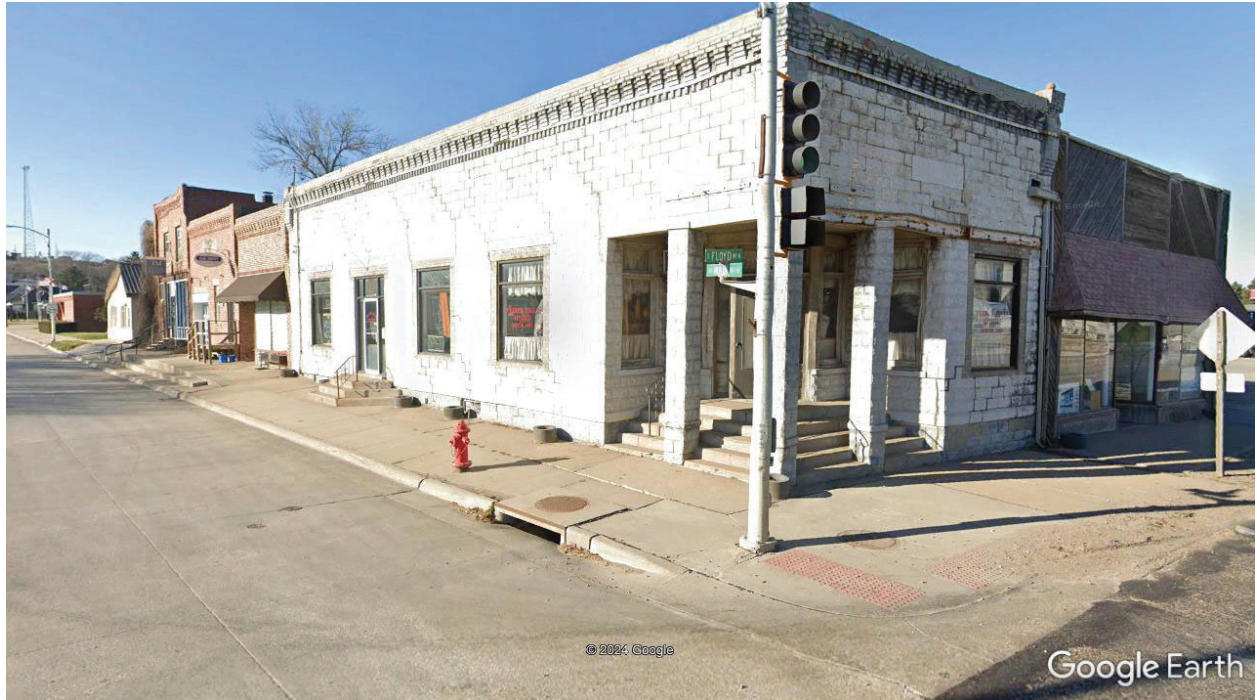
The surviving external characteristics are excellent examples of twentieth century commercial architecture, characterized by vernacular design (focused on domestic and functional rather than public or monumental buildings), and they maintain a high level of structural integrity. Five (5) buildings within the following four (4) properties—Haas-Shuenk Hardware (103 West Main Street/105 North Floyd Avenue), Bank of Hinton (101 West Main Street), Hinton Fire Department/City Hall and Municipal Pump House (109 West Main Street),¹ and Levin's Barbershop (111 West Main Street)—meet the requirements for contributing resources to a historic district, which is determined eligible for listing in the NRHP. The Bank of Hinton, Levin's Barbershop, and the Fire Department/City Hall and Municipal Pump House were

¹ The Municipal Pump House is a separate structure attached to the north side of the Fire Department/City Hall structure, both located at the same address.

determined to be individually eligible for listing in the NRHP. Haas-Shuenk Hardware was determined not eligible for individual listing in the NRHP.

SHPO concurred with the eligibility determinations of the historic properties and the lack of archaeological properties. SHPO eligibility concurrence letters are included in **Appendix B**. Section 4(f) applicability for historic properties is summarized in **Table 1**. The identified historic Section 4(f) properties are shown in the inset of **Appendix A, Figure 1**, and further detailed in the aerial image and Google Earth Streetview images provided below.





Looking northwest from the intersection of U.S. 75 and C60/Main Street toward the historic district.

Table 1. Historic Architectural Properties

Name	Scale	Location	Inventory ID	Type	Official With Jurisdiction	Site Eligibility/NRHP Criteria ¹	Part of Historic District	Does 4(f) Apply
Hinton Business Corner Historic District	0.1 acre	West Main Street and Floyd Avenue	75-00804	District	SHPO	Eligible/A, C Contains four contributing elements, three of which are also individually eligible	Yes	Yes
Haas-Shuenk Hardware	<0.1 acre	103 West Main Street/105 North Floyd Avenue	75-00789	Building	SHPO	Eligible only as contributing to the Hinton Business Corner Historic District	Yes	Yes
Bank of Hinton	<0.1 acre	101 West Main Street	75-00790	Building	SHPO	Individually eligible and contributing to the Hinton Business Corner Historic District/A, C	Yes	Yes
Fire Department/ City Hall and Municipal Pump House	<0.1 acre	109 West Main Street	75-00791	Building	SHPO	Individually eligible and contributing to the Hinton Business Corner Historic District/A, C	Yes	Yes
Levin's Barbershop	<0.1 acre	111 West Main Street	75-00792	Building	SHPO	Individually eligible and contributing to the Hinton Business Corner Historic District/A, C	Yes	Yes

¹ NRHP criteria: A = associated with historic events, C = associated with distinctive construction.

5 Impacts to Section 4(f) Properties

As defined in 23 Code of Federal Regulations (CFR) 774, Section 4(f) use occurs:

- When land is permanently incorporated into a transportation facility by outright purchase of transportation ROW or a property interest that allows permanent access to the property (for example, permanent easement).
- When the property is not permanently incorporated into a transportation facility but is required for construction-related activities for a temporary duration (for example, temporary construction easement). However, the temporary occupancy of the property is not considered a Section 4(f) use if all of the following conditions are met:
 - Duration must be temporary, *i.e.*, less than the time needed for construction of the project, and there should be no change in ownership of the land;
 - Scope of the work must be minor, *i.e.*, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
 - There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
 - The land being used must be fully restored, *i.e.*, the property must be returned to a condition which is at least as good as that which existed prior to the project; and
 - There must be documented agreement from the OWJ over the Section 4(f) resource regarding the above conditions.
- When there is no actual physical use of the property, however, proximity impacts of the project result in substantial impairment of the activities, features, or attributes that qualify the property for protection under Section 4(f). This type of Section 4(f) use is called constructive use.

5.1 No-Build Alternative

The No-Build Alternative would have no Section 4(f) use of the identified Section 4(f) properties.

5.2 Build Alternative – Alternative C

Alternative C would have a Section 4(f) use of the identified Section 4(f) properties. Alternative C would require demolition of the Bank of Hinton and Haas-Shuenk Hardware properties, which are contributing elements of the Hinton Business Corner Historic District. The Bank of Hinton is also an individually NRHP eligible property. These properties are immediately adjacent to U.S. 75, and the required ROW for the proposed southbound lanes and sidewalk would necessitate their demolition (see **Appendix A, Figure 2**). The other contributing buildings to the historic district—the Fire Department/City Hall and Municipal Pump House, and Levin’s Barbershop, which are each also individually NRHP eligible—would remain undisturbed.

Iowa DOT has preliminarily determined that the Project would have an adverse effect on the Hinton Business Corner Historic District because two (2) contributing elements, the Bank of

Hinton and Haas-Shuenk Hardware, would be demolished. Furthermore, Iowa DOT has determined that there would be an adverse effect on the Bank of Hinton as an individually NRHP eligible property. Iowa DOT initiated Section 106 consultation with SHPO and received concurrence on the adverse effect determination for the historic district and the Bank of Hinton on December 27, 2024. The adverse effect determination would constitute Section 4(f) uses.

Iowa DOT would implement vibration monitoring during construction to ensure that vibration levels are within acceptable limits to protect the remaining historic structures and minimize potential damage.

6 Avoidance Alternatives

The Section 4(f) uses identified for the Project are adverse effects and do not meet criteria for *de minimis* impact determinations; therefore, evidence is required demonstrating that there is no feasible and prudent alternative to using the Section 4(f) properties and that all possible planning to minimize harm has been incorporated into the Project.

A Section 4(f) Avoidance Alternative avoids all Section 4(f) uses. As defined in 23 CFR 774.17 (emphasis added),

- (1) A feasible and prudent avoidance alternative avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. In assessing the importance of protecting the Section 4(f) property, it is appropriate to consider the relative value of the resource to the preservation purpose of the statute.
- (2) An alternative is **not feasible** if it cannot be built as a matter of sound engineering judgment.
- (3) An alternative is **not prudent** if:
 - (i) It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
 - (ii) It results in unacceptable safety or operational problems;
 - (iii) After reasonable mitigation, it still causes:
 - (A) Severe social, economic, or environmental impacts;
 - (B) Severe disruption to established communities;
 - (C) Severe impacts to environmental resources protected under other Federal statutes;
 - (iv) It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
 - (v) It causes other unique problems or unusual factors; or
 - (vi) It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

6.1 No-Build Alternative

The No-Build Alternative would avoid all Section 4(f) properties. However, this alternative would not address the Project purpose and need. It would do nothing to improve the aging roadway and bridge physical conditions, traffic operations, traffic safety, and CIN continuity. Therefore, the No-Build Alternative is not a prudent alternative.

6.2 Other Avoidance Alternatives

Build alternatives that avoid use of the Hinton Business Corner Historic District were evaluated as part of the Project's initial alternatives screening. Alternatives F and F-1 (both involving a shift to the east of existing U.S. 75), Alternative G which did not require any additional ROW, and bypass alignments to the west (Alternative I) and east (Alternative J and Alternative K) of Hinton were studied.

6.2.1 Alternatives F and F-1

Alternative F would reconstruct and widen U.S. 75 approximately 21 feet to the east, away from the downtown area and toward the CN/UP and BNSF railroad tracks, maintaining the existing outside edge of the southbound travel way and avoiding the Hinton Business Corner Historic District. Alternative F would reconstruct U.S. 75 with two (2) new northbound and two (2) new southbound lanes separated by a raised median with left-turn lanes at Grover Street, C60/Main Street, Cedar Street, and Maple Street. It would also include a northbound right-turn lane at C60/Main Street and bridge reconstruction at the north end, as described in Alternative C.

Iowa DOT carried Alternative F forward for coordination with UP and BNSF, meeting virtually with the railroads on August 31, 2023, and December 6, 2023, respectively. UP indicated that the required ROW acquisition toward the railroad would conflict with the Iowa Freight Plan's identified increased capacity in this segment of the CN/UP rail line. BNSF indicated that Alternative F does not meet BNSF's needs to allow mainline operations to operate by the CVA industry loading operations independently.

Consequently, Alternative F-1 was developed, which would require CN/UP track relocation to the east to accommodate double tracking of the CN/UP line and would accommodate BNSF mainline operations. It would also relocate and extensively modify the CVA loadout facility. CVA expressed concerns regarding short-term operations during relocation of the rail loading tower and long-term operations due to reduced rail loadout capacity. Given the opposition by UP, BNSF, and CVA to an eastward shift of U.S. 75 (Appendix B includes letters of opposition from UP, BNSF, and CVA regarding eastward shift alternatives), Iowa DOT solicited input from the Office of the Attorney General of Iowa. In February of 2024, the Attorney General's office responded with the opinion that the Interstate Commerce Commission Termination Act (ICCTA) has been held to preempt state law in matters of condemnation, and thus prohibits states and localities from takings against railroads. Alternatives F and F-1 could not be constructed if railroad property could not be acquired for the Project, which presents a unique problem in terms of prudence under Section 4(f).

Construction costs estimated during the initial alternatives screening indicated that Alternative F would cost three (3) times more than Alternative C due to the high costs of relocating the railroad tracks, reconstructing the railroad bridge north of Hinton, resetting all switching and industry rail lines, and relocating the CVA loading tower. This construction cost did not include

the additional cost of railroad ROW and condemnation of railroad property. The costs of Alternative F-1 would be higher than those projected for Alternative F.

In summary, Alternatives F and F-1 would cause unacceptable safety and operational problems for UP, BNSF, and CVA and would incur significantly higher construction costs than Alternative C. Also, it would likely be impossible to acquire railroad property to construct Alternative F or Alternative F-1. Together, these factors would cause unique problems and impacts of extraordinary magnitude. For this reason, Alternatives F and F1 were determined to be not feasible and prudent.

6.2.2 Alternative G

Alternative G would reduce U.S. 75 to one (1) northbound and one (1) southbound lane separated by a two-way left-turn lane. Alternative G would also have a northbound right-turn lane at C60/Main Street to provide space for vehicles to queue during red lights and C60/Main Street train crossing blockages. This alternative would avoid existing development west of U.S. 75 and would avoid any realignment of rail lines or permanent acquisition of railroad property.

Alternative G would have poor operations under existing traffic volumes with the southbound through movement and eastbound and westbound approaches at the intersection of U.S. 75 and C60/Main Street failing in the future. Specifically, in the future, the overall intersection, southbound through movement, eastbound approach, and westbound approach would operate at unacceptable levels of service for traffic. Substantial delays and substantial queuing are also expected under this alternative. Additionally, Alternative G does not address the purpose and need of the Project, which calls for connection of the four-lane segments north and south of Hinton. Thus, Alternatives G is not a feasible and prudent alternative.

6.2.3 Bypass Alternatives I, J, and K

Alternative I would construct a U.S. 75 bypass around the west side of Hinton and would avoid existing and planned development on the south side of town. Alternative I would also avoid new development planned on the north side of Hinton.

Alternative J would construct a U.S. 75 bypass around the east side of Hinton. This bypass would be located in the Floyd River floodplain, along the existing levee between the CVA facility and the Floyd River. Alternative J would include two long bridges: one over the railroad corridor at the south end of the bypass and one over the railroad corridor at the north end of the bypass.

Alternative K would also construct a U.S. 75 bypass around the east side of Hinton. However, Alternative K would be constructed east of the Floyd River so that the north/south portion of the bypass would be located outside the floodplain. The bypass would still cross the Floyd River and its floodplain at its north and south ends. Alternative K would include three (3) long bridges starting at the south end: one over the railroad corridor, one over the Floyd River, and a combined crossing structure over both the Floyd River and the railroad corridor at the north end of the bypass as shown in Appendix A, Figure 1.

Alternatives I, J, and K (bypass alternative[s]) would have no effect on historic resources under Section 106 and therefore no Section 4(f) use of the Hinton Business Corner Historic District, nor would these bypass alternatives result in a use of any other Section 4(f) resources. While Alternative I would cross over Phase 3 of the PlyWood Trail, a detour could be provided during

construction to maintain trail continuity. It is assumed that the temporary occupancy exception [23 CFR 774.13(d)] would apply in this scenario, so there would be no Section 4(f) use of the PlyWood Trail. Alternatives I, J, and K are shown in Appendix A, Figure 1.

There would be impacts on the businesses along U.S. 75 with the implementation of any bypass alternative. With a bypass, the nature of traffic traveling through downtown Hinton would change substantially because regional/through traffic would bypass the city. Traffic on the “old” highway would be reduced to vehicles with destinations in town or passing through on C60/Main Street, and there would be an increase in out-of-distance travel for local traffic with trips originating and ending in Hinton.

Businesses that rely on being visible from the highway to attract spontaneous trips would be impacted. These businesses include restaurants and retail shopping in Hinton. With the bypass alternatives, these types of businesses could lose profits and possibly be forced to relocate, which would negatively impact Hinton’s economy.

There would also be additional maintenance burdens on the local government because the City would obtain ownership of the existing U.S. 75 roadway. After a transfer of jurisdiction agreement is complete, the City would have the sole responsibility of maintaining the existing roadway. The base pavement of U.S. 75 is old and this would result in a long-term costs for the City. This could involve mill and overlay work, improvements to drainage, repairs to pedestrian facilities, and installing Americans with Disabilities Act (ADA) accommodations. Costs could also be incurred with the improvement or replacement of the bridge over the unnamed drainageway at the north end of the Section 4(f) Evaluation Area.

The bypass alternatives would impede the update of underground utilities, the addition of a pedestrian sidewalk along the west side of U.S. 75, and any improvements to ADA accommodations included with Alternative C.

The bypass alternatives are substantially longer than alternatives that improve the existing U.S. 75, which would increase the Project’s cost. Construction costs estimated for the initial alternatives screening were more than 4 to 16 times higher for the bypass alternatives than the least costly alternative (\$34.3 million, \$63.2 million, and \$129.5 million for Alternatives I, J, and K, respectively). For comparison, construction costs were estimated at \$8.5 million for Alternative C. This initial construction cost estimate did not include ROW costs, which would be substantial because the bypass would be constructed on new alignment.

When combined, these factors would result in impacts of extraordinary magnitude for Alternatives I, J, and K. Thus, the bypass alternatives are not feasible and prudent alternatives.

Based on the information presented above, none of the avoidance alternatives developed satisfy the Section 4(f) feasibility and prudence criteria. Therefore, there are no feasible and prudent avoidance alternatives to the use of Section 4(f) property.

7 Least Overall Harm Analysis

A least overall harm analysis is required when multiple alternatives that use Section 4(f) property remain under consideration following an alternatives analysis.

After examining several Project-specific avoidance alternatives, it was determined that there is no feasible and prudent alternative that would avoid use of the Hinton Business Corner Historic

District while meeting the Project's purpose and need. Only Alternative C remains under consideration. Therefore, a least overall harm analysis is not required.

8 Measures to Minimize Harm

Because none of the avoidance alternatives were determined to be feasible and prudent, Iowa DOT examined options for minimizing the effects on the Hinton Business Corner Historic District and the individually NRHP eligible Bank of Hinton. Specifically, Iowa DOT explored relocating the five (5) contributing buildings of the Hinton Business Corner Historic District directly west of their existing locations to mitigate adverse effects of Alternative C. The Building Relocation Assessment (HDR 2023) concluded that it was not feasible to move the Haas-Shuenk Hardware building due to the poor condition of its north and east walls and the rotted north ends of its floor joists. It appeared to be feasible to move the other buildings; however, the Haas-Shuenk Hardware building would be demolished. After coordination with SHPO, this option was not pursued further because it would not result in a Section 106 no adverse effect determination for the historic district, and the limited impact minimization outcome did not justify the \$2.9 million relocation cost.

The Iowa DOT entered into a Memorandum of Agreement (MOA) with SHPO and FHWA on June 3, 2025, for adverse effects on NRHP eligible properties. Per the MOA, Stipulations I and II must be completed to fulfill all terms of the agreement and is noted below:

I. The Iowa DOT shall fund a mural displaying the Hinton Business Corner historic district (75-00804) on the east wall of 109 W Main Street, or other nearby location with accompanying interpretive materials (i.e. panel/signage/materials/infographics, etc.). A minimum of one mural measuring 6 x 10 feet, and three panels shall be completed. The mural and panels shall focus on the period of significance defined for this historic district.

II. The Iowa DOT shall ensure that all interpretive signage work pursuant to this agreement is carried out by or under the direct supervision of a Secretary of the Interior qualified historian and/or architectural historian (48 FR 44738-9). The Iowa DOT shall provide a draft of the mural concept and accompanying interpretive materials to the SHPO for review and comment. The SHPO shall review and provide comments to the Iowa DOT within thirty (30) calendar days of receipt of the draft interpretive materials. After the SHPO review, the materials shall be considered final.

The mitigation measures to address the Section 4(f) use of the Hinton Business Corner historic district and all possible planning to minimize harm, as defined in 23 CFR 774.17, have been included in the project.

9 Coordination

Chapter 7 of the EA summarizes the outreach with agencies and Tribes conducted during the development of the EA. Chapter 5 of the EA summarizes coordination efforts specific to historic properties and the Section 106 process.

Iowa DOT has coordinated with SHPO over Section 4(f) historic properties, regarding findings of eligibility for listing in the NRHP. Iowa DOT initiated Section 106 consultation with SHPO and received concurrence on the adverse effect determination for the historic district and the

Bank of Hinton on December 27, 2024. Iowa DOT coordinated with SHPO to develop an MOA that was signed on June 3, 2025. Documentation of SHPO coordination is included in Appendix C of the EA.

A public hearing was held on June 17, 2025, in the city of Hinton, Iowa, to gather public input and answer questions regarding the Project. A summary of that event can be found in the FONSI document.

10 Summary and Disposition of the Final Section 4(f) Statement

10.1 Summary

This Final Section 4(f) Statement for the U.S. 75 in Hinton Project provides information on the proposed action, evaluates alternatives, identifies Section 4(f) properties, provides an overview of the Project's impacts on Section 4(f) properties, discusses avoidance alternatives, outlines measures to minimize harm, and summarizes the coordination that has occurred to date. The Project would involve reconstructing approximately 0.7 mile of U.S. 75 through Hinton to improve roadway conditions, traffic operations, safety, and continuity of the CIN.

Section 4(f) Properties: The Project would affect the Hinton Business Corner Historic District, which includes the Bank of Hinton and Haas-Shuenk Hardware, both contributing elements to the district. The Bank of Hinton is also individually eligible for listing in the NRHP.

Alternatives Considered: The alternatives considered for the Project are summarized in Table 2.

Table 2. Alternatives Considered

Alternative	Description	Section 4(f) Use	Meets Project Purpose & Need
No-Build Alternative	Avoids impacts to Section 4(f) properties.	No	No
Alternative C	Expands U.S. 75 to the west, requiring demolition of the Bank of Hinton and Haas-Shuenk Hardware.	Yes	Yes
Avoidance Alternatives	Include shifting the alignment eastward or constructing a bypass.	No	No

SHPO Coordination: Iowa DOT has coordinated with SHPO, the OWJ, over Section 4(f) historic properties, regarding findings of eligibility for listing in the NRHP. SHPO concurred with the eligibility determinations of the historic properties and the lack of archaeological properties. Iowa DOT initiated Section 106 consultation with SHPO and received concurrence on the adverse effect determination for the historic district and the Bank of Hinton on December 27, 2024. Iowa DOT has entered into an MOA (Appendix C) with SHPO and FHWA, effective June 3, 2025, for adverse effects on NRHP eligible properties, including stipulations to mitigate those adverse effects.

Measures to Minimize Harm: Iowa DOT examined options for minimizing the effects on the Hinton Business Corner Historic District and the individually NRHP eligible Bank of Hinton, including relocating the five (5) contributing buildings impacted by this Project. The Building

Relocation Assessment concluded that it was not feasible to move the Haas-Shuenk Hardware building due to its poor structural condition. While it appeared feasible to move the other buildings, this option was not pursued further because it would result in a Section 106 adverse effect determination for the historic district, and the limited impact minimization outcome did not justify the estimated \$2.9 million relocation cost.

10.2 Disposition

This Draft Section 4(f) Statement was circulated to appropriate resource and regulatory agencies in conjunction with the U.S. 75 Hinton Environmental Assessment on April 18, 2025. The review and comment period remained open until July 31, 2025. During that time, one comment was received from the US Department of Interior that, “contingent upon an executed MOA with the Iowa SHPO, the Department has no objection to Section 4(f) approval for this project”.

11 Conclusion

It is the conclusion of the Final Section 4(f) Statement that:

- The use of the Hinton Business Corner Historic District and the individually NRHP eligible Bank of Hinton are unavoidable results of the need to reconstruct U.S. 75 through Hinton along its preferred alternative alignment.
- There are no feasible and prudent avoidance alternatives which meet the purpose and need for the project.
- The Iowa SHPO is satisfied with, and has agreed to, the terms of the Memorandum of Agreement.

Based on the above considerations and the lack of objections from both the public and resource/regulatory agencies who have had the opportunity to comment, a determination has been made by the Federal Highway Administration that there is no feasible and prudent alternative to the use of land from the Hinton Business Corner Historic District and the individually NRHP eligible Bank of Hinton; and the proposed action includes all possible planning to minimize harm to the property resulting from such use. Therefore, the project may proceed.

**SEAN KEITH
LITTERAL** Digitally signed by
SEAN KEITH LITTERAL
Date: 2025.09.03
15:32:27 -05'00'

Program Development Team Leader
Federal Highway Administration – Iowa Division

Date

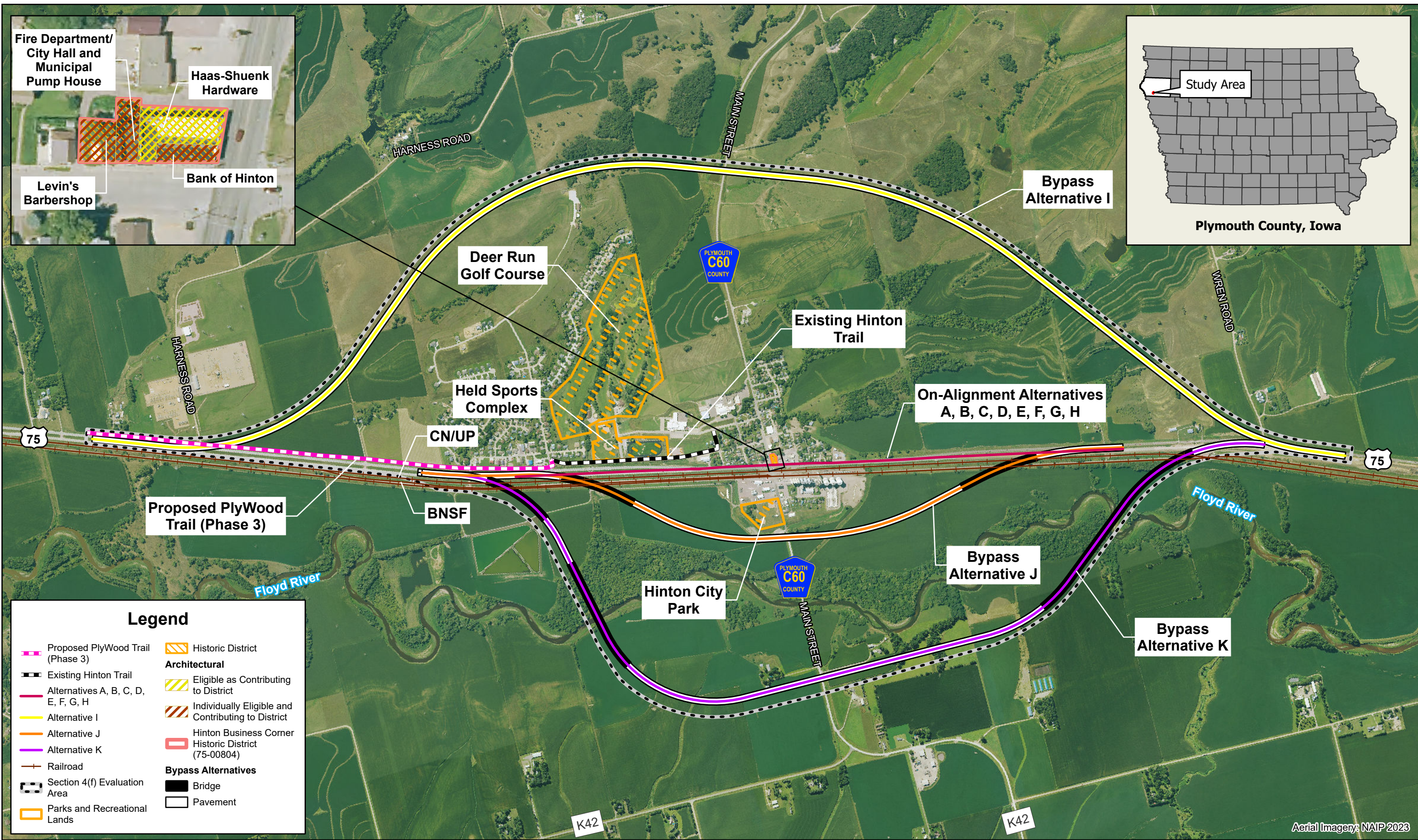
12 References

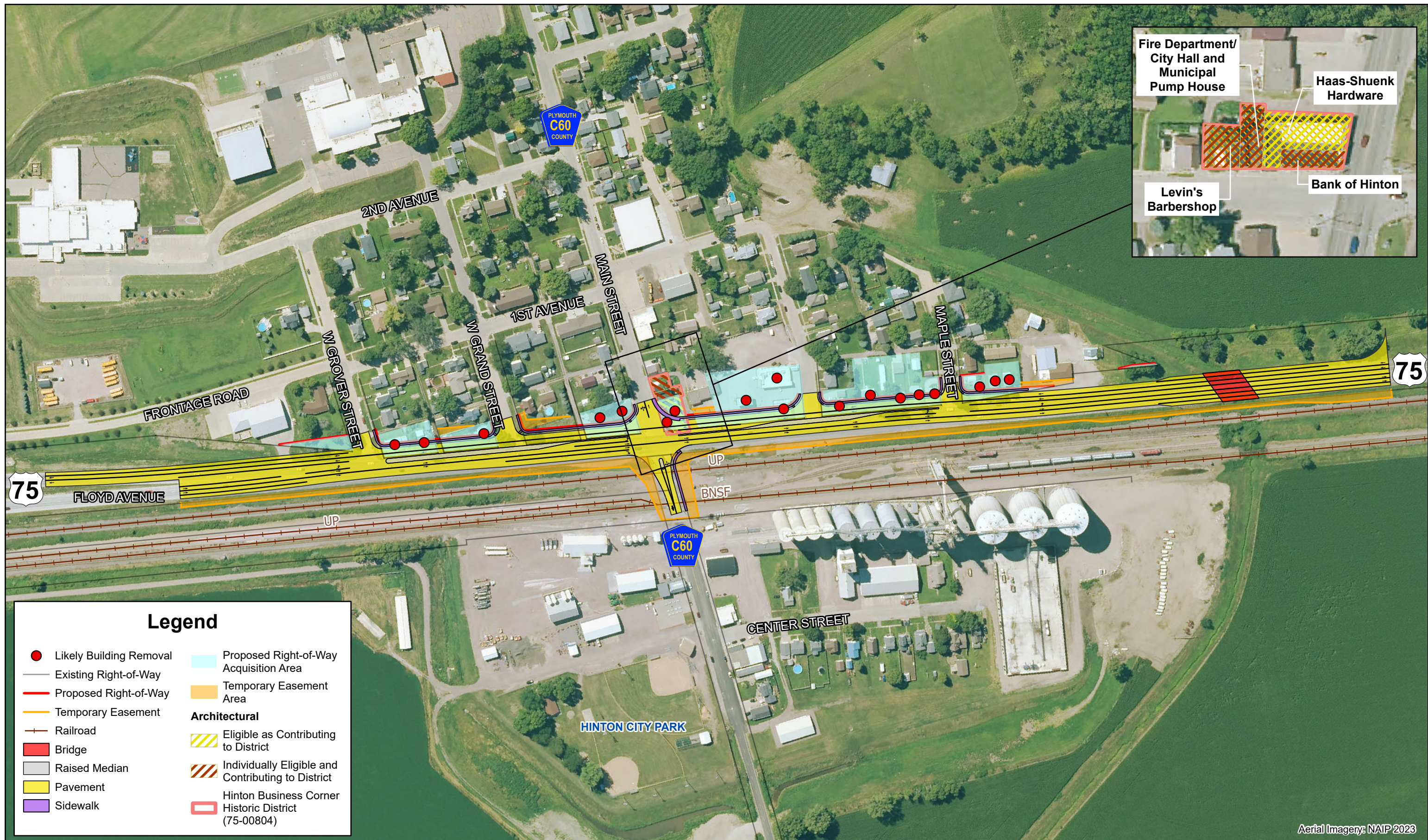
Bear Creek Archaeology, Inc. 2022. *Intensive Historic Architectural Survey for the Proposed Floyd Avenue (U.S. Highway 75) Improvement Project in the City of Hinton, Plymouth County, Iowa*. Prepared for Iowa DOT. January.

Bear Creek Archaeology, Inc. 2023. *Phase I Archeological Survey for the Proposed Floyd Avenue (US Highway 75) Improvement Project in the City of Hinton, Plymouth County, Iowa*. Prepared for Iowa DOT. January.

HDR. 2023. Building Relocation Assessment. Location Study for Reconstruction of U.S. 75 Hinton. Prepared for Iowa DOT. September 30.

Appendix A: Figures





Aerial Imagery: NAIP 2023

ALTERNATIVE C AND SECTION 4(F) IMPACTS

FIGURE 2

Appendix B: Correspondence and Coordination

February 21, 2022

Iowa DOT Project: NHSX-075-2(116)--3H-75
Iowa SHPO R&C: 20220275682 (5/13/2022)

Ms. Sara André
State Historic Preservation Office
600 East Locust
Des Moines, IA 50319

RE: Reconstruction of US 75 - Hinton; Intensive Architectural Survey, Plymouth County, Iowa
[T90N-R46W Sections 8 9]; **No Determination**

Dear Sara,

Consultation works best when it starts early, and we anticipate multiple reviews over the life of this project. The Iowa DOT and the City of Hinton are currently developing alternatives to improve traffic conditions in and near US 75 at Hinton. While we are very early in considering the scope of this project, we decided to proceed with an intensive architectural survey to help us understand a future range of alternatives.

Enclosed for your review and comment is the intensive architectural survey. 51 properties were included in the study area, of which 34 were historic in age. Table 1 below identifies the properties identified as contributing, individually eligible and/or needs more research. Our consultant has recommended these five addresses as either eligible or contributing to a historic district. The degree of historic integrity associated with this small district is high. We agree with the recommendations offered. We request your concurrence with the findings of this investigation, which will allow us to fully consider next steps in the development process.

Table 1 – Eligible Structures

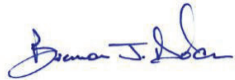
Site Inventory	Address	Notes	NRHP Status
75-00789	103/105 N Floyd Ave	Haas-Shuenk Hardware	Contributing only
75-00790	101 W Main St	Bank of Hinton	Individually eligible, needs more research
75-00791	109 W Main St	Fire Dept. / City Hall	Individually eligible
75-00792	111 W Main St	Levin's Barbershop	Individually eligible, needs more research
75-00804	W Main and Floyd Ave	Hinton Business Corner	Eligible, historic district

Obviously, at this time it is too early to speculate on our project determination of effect, and as we continue to work through the process, we will keep your office and other stakeholders involved. Consultation with the Plymouth County Historical Museum has been issued, per 36CFR800.3(f) we are requesting your input regarding other potential consulting parties.

As with any Iowa Department of Transportation project, should any new important archaeological, historical, or architectural materials be encountered during construction, project activities shall cease and the Location and Environment Bureau shall be contacted immediately.

If you have any questions, please contact me at 515) 239-1795 or brennan.dolan@iowadot.us.

Sincerely,



Brennan J. Dolan, RPA 16260
Cultural Resources Team Lead

Cc: Shane Tymkowicz – Assistant District 3 Engineer
Gary Harris – Location Engineer
DeeAnn Newell – NEPA Team Lead
Brian Goss/Paul Knievel – HDR
Derek Lee – Bear Creek Archeology
Libby Wielenga – Architectural Historian

Concur: _____ Date: _____

SHPO Historian

Comments:

Dolan, Brennan

From: noreply@salesforce.com on behalf of Sara Andre <sara.andre@iowa.gov>
Sent: Friday, May 13, 2022 2:11 PM
To: Dolan, Brennan
Cc: penny.wilcoxson@iowa.gov; Higginbottom, Daniel [DCA]; shpo106@iowa.gov; MICHAEL LaPietra
Subject: R&C 220275682 - FHWA - Plymouth - Reconstruction of US 75 - Hinton - Intensive survey; 34 historic age; 5 eligible/contributing/need research = 1 commercial historic district

We have received your submittal for the above referenced federal undertaking. We provide the following response in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations 36 CFR 800.

Regarding this project, please see the following comments:

R&C 220275682 - FHWA - Plymouth - Reconstruction of US 75 - Hinton - Intensive survey; 34 historic age; 5 eligible/contributing/need research = 1 commercial historic district

- Thank you for the submission of the intensive level survey for the above-noted project.
- Regarding the findings of eligibility, we with concur with IDOT/FHWA's recommendations:
 - 75-00789 103/105 N. Floyd Ave - eligible
 - 75-00790 101 W. Main St. - eligible
 - 75-00791 109 W. Main St. - eligible
 - 75-00792 111 W. Main St. - eligible
 - 75-00804 W. Main & Floyd Ave - eligible, historic district
- We look forward to continuing consultation with you on this project. As always, we appreciate the "early and often" consultation with IDOT on Section 106 projects.

You will not receive a hard copy of this email. It is the submitter's responsibility to maintain the official file of record. If you have any questions or comments, please feel free to contact our office.

Kind regards,

Sara André
Architectural Historian
State Historic Preservation Office
sara.andre@iowa.gov | 515-242-6157 | iowaculture.gov

Iowa Arts Council | Produce Iowa | State Historical Society of Iowa

Iowa Department of Cultural Affairs 

February 20, 2023

Iowa DOT Project: NHSX-075-2(116)--3H-75
Iowa SHPO R&C: 20220275682

Mr. Dan Higginbottom
State Historic Preservation Office
600 East Locust
Des Moines, IA 50319

RE: Reconstruction of US 75 - Hinton; Phase I Archaeological Survey, Plymouth County, Iowa;
No Determination

Dear Dan,

We previously consulted on this project in February of 2022 in regard to the intensive architectural survey. Attached is the Phase I archaeological investigation for this project. The Iowa DOT and the City of Hinton are currently reviewing alternatives to improve traffic conditions in and near US 75 at Hinton. While we are still early in considering the scope of this project, we decided to proceed with a Phase I archaeological survey to help us understand the potential cultural resources impacts for the range of alternatives. The enclosed investigation surveyed a total of 5.7 ac (2.3 ha).

The archaeological investigation consisted of an archival and site records search, soils and geomorphology assessment, walkover survey, and auger testing ($n = 40$). The geomorphology assessment identified portions of the project area to be highly disturbed due to channelization, road construction, the installation of artificial levees, and buried utilities. However, intact Roberts Creek member soils were identified within the agricultural field. Auger testing of the intact soil packages did not identify any cultural materials or features. No archaeological or historical materials/deposits were identified during the walkover survey or subsurface testing. As a result of this field effort no further archaeological investigation is recommended for this project.

At this time, it is too early to speculate on our project determination of effect, and as we continue to work through the process, we will keep your office and other stakeholders involved. As with any Iowa Department of Transportation project, should any new important archaeological, historical, or architectural materials be encountered during construction, project activities shall cease, and the Location and Environment Bureau shall be contacted immediately. If you have any questions, please contact me at (515) 233-7820 or janee.becker@iowadot.us.

Sincerely,



Janee Becker
Cultural Resources Manager/Archaeologist

Cc: Tribes/Nations - Plymouth County Interest
Jessica Felix - District 3 Engineer
Shane Tymkowicz – Assistant District 3 Engineer
Gary Harris – Location Engineer
DeeAnn Newell – NEPA Team Lead
Brian Goss/Paul Knievel – HDR
Derek Lee – Bear Creek Archeology

Concur: see concurrence email Date: 02/22/2023
SHPO Archaeologist

Comments:

Becker, Janee

From: noreply@salesforce.com on behalf of Daniel Higginbottom <daniel.higginbottom@iowa.gov>
Sent: Wednesday, February 22, 2023 8:31 AM
To: Becker, Janee; derek@bearcreekarcheology.com; shpo106@iowa.gov
Subject: R&C 220275682-FHWA-Plymouth-Hinton-NHSX-075-2(116)--3H-75; Reconstruction of US 75-Phase I Archaeological Survey [BCA 3163]

CAUTION:

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February 22, 2023

R&C 220275682-FHWA-Plymouth-Hinton-NHSX-075-2(116)--3H-75; Reconstruction of US 75-Phase I Archaeological Survey [BCA 3163]

Janee-

We have received a copy of the report prepared by Bear Creek Archaeology [BCA 3161] and find that the survey and report are consistent with best practices advocated by the Association of Iowa Archaeologists in their *Guidelines for Archaeological Investigations in Iowa [2022]*.

We look forward to receiving additional information in the near futures.

You will not receive a hard copy of this email. It is the submitter's responsibility to maintain the official file of record. If you have any questions or comments, please feel free to contact our office.

Sincerely,

Daniel K. Higginbottom, Archaeologist

Iowa State Historic Preservation Office



From: [Sara Andre](#)
To: [Dolan, Brennan](#)
Cc: daniel.higginbottom@iowaeda.com; shpo106@iowaeda.com
Subject: R&C 220275682 - FHWA - Plymouth - US 75 Reconstruction
Date: Monday, October 30, 2023 5:09:34 PM

CAUTION:

This email originated from outside the Iowa Department of Transportation.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have received your submittal for the above referenced forth-coming federal undertaking. We provide the following response in response to your request for technical assistance.

R&C 220275682 - FHWA - Plymouth - US 75 Reconstruction - Sara - per our discussion - here are the project documents we chatted about on 9/30/23

- Thank you for the opportunity to discuss and review options regarding the historic buildings in Hinton.
- It appears that there is an eligible historic district comprised of several historic buildings.
- As we move through the consultation process, we look forward to receiving further information regarding historic resources, the undertaking, etc.
- Feel free to contact me if you have any questions.

You will not receive a hard copy of this email. It is the submitter's responsibility to maintain the official file of record. If you have any questions or comments, please feel free to contact our office.

Sincerely,

Sara André
Architectural Historian/Historic Preservation Specialist
State Historic Preservation Office
Pronouns: She/Her/Hers
sara.andre@iowaeda.com | +1 (515) 348-6286 | culture.iowaeda.com/shpo

Iowa Economic Development Authority 

Schwienebart, Christine

From: Becker, Janee
Sent: Friday, May 23, 2025 9:10 AM
To: Dolan, Brennan; Schwienebart, Christine; Newell, Deeann
Subject: FW: R&C 220275682 - 00043977 - FHWA - Plymouth - NHSX-075-2(116)--3H-75; Reconstruction of US 75 - Hinton
Attachments: NHSX-075-2(116)--3H-75_Hinton_MOA_SHPO Signed.pdf

From: sara.andre@email.iowaeda.com <sara.andre@email.iowaeda.com>
Sent: Thursday, May 22, 2025 4:51 PM
To: Becker, Janee <Janee.Becker@iowadot.us>
Cc: shpo106@iowa.gov; heather.gibb@iowaeda.com; branden.scott@iowaeda.com
Subject: R&C 220275682 - 00043977 - FHWA - Plymouth - NHSX-075-2(116)--3H-75; Reconstruction of US 75 - Hinton

CAUTION:

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We have received your submittal for the above referenced federal undertaking. We provide the following response in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations 36 CFR 800.

Regarding this project, please see the following comments:

R&C 220275682 - 00043977 - FHWA - Plymouth - NHSX-075-2(116)--3H-75; Reconstruction of US 75 - Hinton - Reconstruction of US 75; In coordination with the City of Hinton and FHWA Iowa Division, the Iowa DOT has chosen Alternative C as the preferred alternative.

- Attached please find the SHPO-signed MOA.
- Once the document is signed by all parties, please be sure to file with the ACHP. Additionally, please provide SHPO with a fully signed copy.
- The case in ESHPO will be returned to you to enable the addition of the fully signed MOA.

You will not receive a hard copy of this email. It is the submitter's responsibility to maintain the official file of record. If you have any questions or comments, please feel free to contact our office.

Sincerely,

Sara André
Review and Compliance Coordinator - Deputy State Historic Preservation Officer
State Historic Preservation Office
sara.andre@iowaeda.com | +1 (515) 348-6286 | culture.iowaeda.com/shpo
Iowa Economic Development Authority.

Schwienebart, Christine

From: Hoover, Courtney L <courtney_hoover@ios.doi.gov>
Sent: Monday, July 28, 2025 9:43 AM
To: Schwienebart, Christine
Cc: Skaar, Karen S; Daly, Hanna G; Ferrell, Alex
Subject: DOI/NPS Comments on ER 25/0182 - US 75 Hinton Project
Attachments: DOI Comments_ER_25_0182 US 75 Hinton Project.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION:

This email originated from outside the Iowa Department of Transportation.
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Hello Christine,

I am transmitting the attached comments from the National Park Service on the US 75 Hinton Project.

Please reach out to Hanna Daly, or myself if you have any questions.

-Courtney

Courtney Hoover
Regional Environmental Officer, Denver
Office of Environmental Policy and Compliance
Department of the Interior Regions 5 (Missouri Basin) and 7 (Upper Colorado Basin)

303-478-3373 (Cell)
Denver Federal Center, Building 46
P.O. Box 25207
Denver, CO 80225



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 46
Post Office Box 25207
Denver, Colorado 80225-0007

4111

July 28, 2025

IN REPLY REFER TO:
ER 25/0182

Christine Schwienebart
Location and Environment Bureau
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010

Subject: Draft Individual 4(f), Environmental Assessment for the improvement of US 75
Hinton Reconstruction, Plymouth County, Iowa

Dear Christine Schwienebart,

The Department of the Interior (Department) has reviewed the Draft Section 4(f) Evaluation for the Improvement of U.S. Highway 75 (U.S. 75) Hinton Reconstruction Project (Project) proposed in Plymouth County, Iowa.

The project is needed to improve roadway and bridge deficiencies, in-town traffic operations, traffic safety, and commercial and industrial safety, and Commercial and Industrial Network continuity.

The National Park Service (NPS) has provided the following comments.

NPS Comments

The Project sponsors are the Iowa Department of Transportation (Iowa DOT) and the Federal Highway Administration (FHWA), as the lead federal agency. The draft Section 4(f) evaluation considers the effects under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303) associated with the Project. Section 4(f) applies to publicly owned parks, recreation areas, wildlife and waterfowl refuges, or significant historic resources. Only

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2 Christine Schwienebart

historic properties were identified within the project area and included in the draft Section 4(f) analysis.

The Environmental Assessment (EA) associated with the draft Section 4(f) evaluation analyzed a No-Build Alternative and 11 Build Alternatives. After examining several Project-specific avoidance alternatives, it was determined that there was no feasible and prudent alternative that would avoid use of the Hinton Business Corner Historic District while meeting the Project's purpose and need. Only Alternative C was retained for consideration. Alternative C would expand U.S. 75 to the west with two northbound and two southbound lanes and include a raised median with left-turn lanes.

Section 4(f) Determinations

The Project would require demolition of the Bank of Hinton and Haas-Shuenk Hardware properties, which are contributing elements of the Hinton Business Corner Historic District (district). The Bank of Hinton is also an individually eligible National Register of Historic Places (NRHP) property. Therefore, Iowa DOT has preliminarily determined that the Project would have a National Historic Preservation Act (NHPA) Section 106 adverse effect on the district, and a Section 4(f) use would occur. With concurrence from the State Historic Preservation Officer (SHPO), the Iowa DOT was unable to find feasible and prudent measures that avoided an adverse effect on NRHP eligible properties and will enter into a Memorandum of Agreement (MOA) with SHPO and FHWA that will outline stipulations to mitigate these impacts.

Section 4(f) Comments

The NPS has determined there are no National Historic Landmark (NHL) properties within the Area of Potential Effects (APE) and no NHL eligible properties within the APE. There are NRHP eligible properties and there will be an adverse effect with the preferred alternative given the demolition proposed. The EA and draft Section 4(f) evaluation identifies the NRHP eligible properties and acknowledges the potential adverse effect. The NPS agrees the proposed mitigation for the adverse effect appears reasonable and acceptable.

The Department's review concurs with the determinations of actions that constitute a use under Section 4(f) and that the Iowa DOT and FHWA have included all possible planning to minimize harm to Section 4(f) properties from such use. The Department recommends that coordination continue with all consulting parties and that the Project follow the agreed upon mitigation measures and stipulations to be outlined in the MOA. Contingent upon an executed MOA with the Iowa SHPO, the Department has no objection to Section 4(f) approval for this project.

The Department has a continuing interest in working with the Iowa DOT and FHWA to ensure impacts to resources of concern are adequately addressed. For matters related to these comments, please coordinate with Hanna Daly, Regional Environmental Coordinator, NPS serving Department Regions 3, 4, and 5, hanna_daly@nps.gov.

TRANSMITTED ELECTRONICALLY – NO HARDCOPY TO FOLLOW

3 Christine Schwienebart

If you have any questions for the Department, please contact me at (303) 478-3373, or courtney_hoover@ios.doi.gov.

Sincerely,

Courtney Hoover
Regional Environmental Officer
Office of Environmental Policy and Compliance

TRANSMITTED ELECTRONICALLY – NO HARDCOPY TO FOLLOW

Appendix C: Final MOA

MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE IOWA STATE HISTORIC PRESERVATION OFFICER, AND THE IOWA
DEPARTMENT OF TRANSPORTATION
REGARDING THE US 75 RECONSTRUCTION PROJECT, HINTON,
PLYMOUTH COUNTY, IOWA;

IOWA SHPO REVIEW AND COMPLIANCE NO. 220275682
IOWA DOT PROJECT NO. NHSX-075-2(116)--3H-75

WHEREAS, in accordance with Section 106 of the National Historic Preservation Act of 1966, 54 U.S.C. § 306108 (the Act), and its implementing regulations (36 CFR§ 800) the Federal Highway Administration (hereafter “FHWA”) proposes to assist with reconstruction of US 75 in Hinton, Plymouth County, (hereafter “Undertaking”); and

WHEREAS, the FHWA has defined the undertaking’s area of potential effects (hereafter “APE”) in Appendix A; and

WHEREAS, the FHWA has received a funding request for the undertaking from the Iowa Department of Transportation (hereafter “Iowa DOT”), and the Iowa DOT has chosen to enter into this Memorandum of Agreement (hereafter “MOA”) to fulfill its project obligations; and

WHEREAS, the FHWA has determined that this undertaking will have an adverse effect on the Hinton Business Corner Historic District (75-00804), the Haas-Shuenk Hardware building (75-00789), and the Bank of Hinton building (75-00790) which have been determined eligible for listing on the National Register of Historic Places, and has consulted with the Iowa State Historic Preservation Officer (SHPO) pursuant to 36 CFR § 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, in accordance with 36 CFR§ 800.2(c) the FHWA has identified and consulted with federally recognized Tribes and Nations that may attach cultural or religious significance on Historic Properties (hereafter “Tribes”) and the list of Tribes is set forth in Appendix B, and has invited the Tribes to sign this MOA as concurring parties; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the FHWA, the SHPO, and the Iowa DOT agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

- I. The Iowa DOT shall fund a mural displaying the Hinton Business Corner historic district (75-00804) on the east wall of 109 W Main Street, or other nearby location with accompanying interpretive materials (i.e. panel/signage/materials/infographics, etc.). A minimum of one mural measuring 6 x 10 feet, and three panels shall be completed. The mural and panels shall focus on the period of significance defined for this historic district.
- II. The Iowa DOT shall ensure that all interpretive signage work pursuant to this agreement is carried out by or under the direct supervision of a Secretary of the Interior qualified historian and/or architectural historian (48 FR 44738-9). The Iowa DOT shall provide a draft of the mural concept and accompanying interpretive materials to the SHPO for review and comment. The SHPO shall review and provide comments to the Iowa DOT within thirty (30) calendar days of receipt of the draft interpretive materials. After the SHPO review, the materials shall be considered final.
- III. The Iowa Code protects all human burials in the state of Iowa. Ancient remains are protected under Chapter 263B, 523I.316(6), and 716.5 of the Iowa Code. The Iowa DOT shall ensure the ***Treatment of Human Remains*** procedures located in the 2018 Section 106 Programmatic Agreement for Federal Aid Highway Program in Iowa shall be followed upon the ***unlikely*** event that human remains are discovered during construction.
- IV. If post-review discoveries (architectural remains, archaeological features, artifacts, etc.) are identified (e.g. under pavement or structures), the Iowa DOT shall ensure the ***Post-Review Discoveries*** procedures located in the 2018 Section 106 Programmatic Agreement for Federal Aid Highway Program in Iowa shall be followed upon the ***unlikely*** event of that historic resources are discovered during construction.
- V. Duration - This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.
- VI. Monitoring and Reporting - In January of each year, following the execution of the MOA, until it expires or is terminated, the Iowa DOT shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. The report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the FHWA's efforts to carry out the terms of this MOA.
- VII. Dispute Resolution - Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FHWA shall consult with such party to resolve the objection. If the FHWA determines that such objection cannot be resolved, the FHWA will:
 - A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide the FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FHWA shall prepare a written response that takes into account any timely advice

or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. The FHWA will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. The FHWA's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. Amendments - This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. Termination - If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories. Once the MOA is terminated, and prior to work continuing on the undertaking, the FHWA must either (a) execute a MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the FHWA, the SHPO, and the Iowa DOT, and implementation of its terms is evidence that the FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment. This agreement is binding upon the signatories hereto not as individuals, but solely in their capacity as officials of their respective organizations and acknowledges proper action of each organization to enter into the same.

MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE IOWA STATE HISTORIC PRESERVATION OFFICER, AND THE IOWA
DEPARTMENT OF TRANSPORTATION
REGARDING THE US 75 RECONSTRUCTION PROJECT, HINTON,
PLYMOUTH COUNTY, IOWA;

IOWA SHPO REVIEW AND COMPLIANCE NO. 220275682
IOWA DOT PROJECT NO. NHSX-075-2(116)--3H-75

SIGNATORY: FEDERAL HIGHWAY ADMINISTRATION – IOWA DIVISION
SEAN KEITH LITTERAL
Digitally signed by SEAN KEITH
LITTERAL

Date: 2025.06.03 09:37:57 -05'00'
Sean Litteral, Planning and Development Team Leader

MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE IOWA STATE HISTORIC PRESERVATION OFFICER, AND THE IOWA
DEPARTMENT OF TRANSPORTATION
REGARDING THE US 75 RECONSTRUCTION PROJECT, HINTON,
PLYMOUTH COUNTY, IOWA;

IOWA SHPO REVIEW AND COMPLIANCE NO. 220275682
IOWA DOT PROJECT NO. NHSX-075-2(116)--3H-75

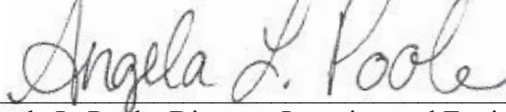
SIGNATORY: IOWA STATE HISTORIC PRESERVATION OFFICER (SHPO)


Heather Gibb (May 19, 2025 16:04 CDT) Date 05/19/2025
Heather Gibb, State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE IOWA STATE HISTORIC PRESERVATION OFFICER, AND THE IOWA
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REGARDING THE US 75 RECONSTRUCTION PROJECT, HINTON,
PLYMOUTH COUNTY, IOWA;

IOWA SHPO REVIEW AND COMPLIANCE NO. 220275682
IOWA DOT PROJECT NO. NHSX-075-2(116)--3H-75

SIGNATORY: IOWA DEPARTMENT OF TRANSPORTATION (IOWA DOT)



Angela L. Poole, Director, Location and Environment Bureau

Date 5/8/2025

Appendix A Area of Potential Effects



Draft Memorandum of Agreement
R&C# 220275682

Hinton Business Corner (75-00804), Haas-Shuenk Hardware (75-00789), and Bank of Hinton (75-00790)
Hinton, Plymouth County, Iowa

Appendix B
List of Tribes/Nations

Flandreau Santee Sioux Tribe
Iowa Tribe of Kansas and Nebraska
Iowa Tribe of Oklahoma
Omaha Tribe of Nebraska
Otoe-Missouria Tribe
Pawnee Nation of Oklahoma
Peoria Tribe of Indians of Oklahoma
Ponca Tribe of Nebraska
Prairie Band Potawatomi Nation
Prairie Island Indian Community
Sac and Fox Nation of Oklahoma
Sac and Fox Tribe of the Mississippi in Iowa (Meskwaki Nation)
Santee Sioux Nation
Sisseton-Wahpeton Oyate
Spirit Lake Tribe
Three Affiliated Tribes - Mandan, Hidatsa, & Arikara
Upper Sioux Community
Yankton Sioux Tribe