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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

May 12, 2008

Ms. Paige Hoskinson Olson
Review & Compliance Coordinator
South Dakota State Historic Preservation Office
900 Governors Drive
Pierre, SD 57501-2217

Re: **STB Finance Docket No. 33407, Dakota Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporations Powder River Basin Expansion Project Corridor, Huron Yard Locale, Beadle County, South Dakota.***

Dear Ms. Hoskinson Olson:

The Surface Transportation Board (STB) is pleased to submit the above-referenced report to you for review and comment in accordance with the Programmatic Agreement (PA) regarding the Powder River Basin Expansion Project (Project), Finance Docket No. 33407.

The enclosed report presents the results of a Level III cultural resources investigation conducted by the Archeology Laboratory, Augustana College for proposed construction of a new railroad yard near Huron, South Dakota. As described in the report, the Area of Potential Effect for this segment of the Project encompasses approximately 900.72 acres (364.51 ha).

The enclosed report was distributed to all cooperating federal agencies and consulting tribes for their review and comment on November 9, 2007. STB subsequently hosted several project meetings with federal agency representatives and Tribes to encourage response to the findings presented in this report. In response to a request from the consulting parties, STB also arranged for the project sponsor to establish a website, located at www.stbpa106.org, where participants could easily download and review this report. On January 31, 2008, STB distributed a reminder to all federal agency representatives and consulting Tribes that the review deadline for this report was approaching and once again invited all interested parties to provide comment. On March 7, 2008, STB agreed to a request from 11 consulting Tribes to extend the comment period

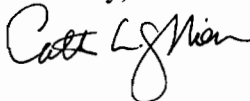
for this report to March 21, 2008. As of today's date, STB has not received comments from any consulting parties regarding this report.

STB believes that its efforts to consult with federal agency representatives and Tribal government representatives on the finding presented in this report satisfies the good faith effort standard for consultation as defined in the PA. Therefore, STB is proceeding with consensus determinations of National Register eligibility based on the best available information. STB hereby requests your office's review and concurrence with the following determinations of eligibility and effect.

SITE NUMBER	NRHP ELIGIBILITY	EFFECT
39BE156	Not Eligible	-
39BE158	Not Eligible	-
39BE159	Not Eligible	-
39BE2003	Eligible (non-contributing segment)	No Adverse Effect

In accordance with the PA, you have sixty (60) days from receipt of this letter to provide us with your comment. If you have any questions regarding this matter, please contact me at (202) 245-0293 or by email gliddenc@stb.dot.gov.

Sincerely,



Catherine L. Glidden
Section of Environmental Analysis

Enclosure: *Copy of A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporations Powder River Basin Expansion Project Corridor, Huron Yard Locale, Beadle County, South Dakota.*



August 27, 2001

Mr. Jay D. Vogt, SHPO
State Historic Preservation Office
Cultural Heritage Center
900 Governors Drive
Pierre, SD 57501



DM&E's Proposed Powder River Expansion Project, Finance Docket #33407
Transmittal of the Phase I and II Archaeological Report for Reconstruction
DMERR 97-304-4-031/20950

Dear Mr. Vogt:

Enclosed in two volumes is the final Phase I and II Evaluation of Cultural Resources for 317 miles of Railroad Construction from the Minnesota Border to Wall, South Dakota: DM&E's Proposed Powder River Expansion Project, Finance Docket #33407. This report only covers the portion of the project in South Dakota that involves reconstruction of existing rail. It does not cover any yards, borrow areas, or other areas that may be affected by construction. All of the work was performed in the presence of a Native American monitor. Comments received on the draft report have been addressed in this final version.

The Wyoming, Minnesota and South Dakota new construction portions of the project have been put on hold or delayed until the EIS process is completed. Once the EIS process is complete the Wyoming, Minnesota and South Dakota new construction portions of the project will be completed in accordance with the Programmatic Agreement and Identification Plan which are expected to be approved prior to issuance of the FBIS.

In accordance with the Programmatic Agreement, a 15 day review period is provided. If there are any objections to the report the STB should be notified within the 15 work-day review period. The information in this report is confidential and should not be distributed to the public. If you have any questions or require additional information please call me at (816) 822-3915.

Sincerely,

for Kimberly Carver
Orval E. "Dan" Shinn
Archaeologist

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