

ED - 1136

CB



SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis
395 E Street, SW
Washington, DC 20423

January 15, 2009

Mr. Dennis Gimmestad
Government Programs and Compliance Officer
Minnesota State Historical Society
345 West Kellogg Boulevard
St. Paul, Minnesota 55102-1906

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation's Construction into the Powder River Basin Project: Request for Review and Comment

Dear Mr. Gimmestad:

The Surface Transportation Board (STB) is pleased to submit the following report in accordance with the Section 106 Programmatic Agreement (PA) regarding the Powder River Basin Expansion Project (Project), Finance Docket No. 33407.

A Phase I Archaeological and Geomorphological Survey for the New Ulm Yard Project, Minnesota Rehabilitation Segment (LBG-MN3; Minnesota SHPO No. 2002-0185PA)

The enclosed report presents the results of Phase I archaeological and geomorphological investigations conducted by the Two Pines Resource Group, LLC., for the proposed construction of a railroad staging yard southeast of New Ulm, Minnesota. The yard is approximately 4 miles in length and 450 feet at its widest point (this includes a 200-foot buffer outside of the existing project right-of-way, and encompasses an area of approximately 218 acres.

The enclosed report was distributed to all cooperating federal agencies and consulting tribes for their review and comment on June 23, 2008. STB hosted several project meetings with federal agency representatives and Tribes to encourage response to the findings 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.stbpal106.org, where participants could easily download and review the report. As of today's date, STB has received comments from the Upper Sioux Community and the Crow Tribal Historic

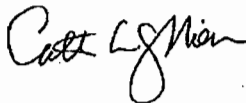
Preservation Office regarding the New Ulm segment of the project (see attached comment letters). The Crow confirmed that they have no concerns in this area. The Upper Sioux Community expressed concerns about the survey area's proximity to Site 21BW004, an important mound site. However, STB has confirmed that the site is located outside the survey area covered by this report (this site will be assessed in another report). The Upper Sioux Community had no further comments.

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

The inventory survey described in this report identified three sites (21BW0097, 21BW0098, 21BE0284) within the project area. Site 21BE0284 is an isolated find spot and is recommended not eligible for listing in the National Register. Sites 21BW0097 and 21BW0098 are recommended potentially eligible under Criterion D. STB intends to conduct further testing at these sites to confirm this eligibility determination. The result of this additional testing will be provided for your review and comment at a future date.

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 at (Catherine.Glidden@stb.dot.gov).

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Enclosures: *A Phase I Archeological and Geomorphological Survey for the New Ulm
Yard Project, Minnesota Rehabilitation Segment*
List of Evaluated Archaeological Sites
Comment Letters (2)

Cc: Distribution List

**A LIST OF EVALUATED SITES IN THE NEW ULM YARD REPORT
FOR THE DAKOTA, MINNESOTA & EASTERN RAILROAD
POWDER RIVER BASIN PROJECT**

Site	MP	Description	Consultant's Eligibility Recommendation	STB's Recommendation of NRHP Eligibility
21BW0097	162.8	Lithic Scatter (286 artifacts)	Potentially Eligible under Criterion D*	Potentially Eligible under Criterion D
21BW0098	161.6	Lithic Scatter (4 artifacts)	Potentially Eligible under Criterion D*	Potentially Eligible under Criterion D
21BE0284	159.5	1 Pottery Sherd	Not Eligible	Not Eligible

*Pending Phase II site evaluation.

Crow Tribal Historic Preservation Office
POB 159
Crow Agency, MT 59022

DATE: August 1, 2008

ADDRESS: Mr. Dave Bibler
The Louis Berger Group
950 50th Street
Marion, IA 52302-3853

RE: Phase I Archaeological and Geomorphological Survey for the New Ulm Yard Project, Minnesota Rehabilitation Segment.

Dear : Mr. Bibler:

We have reviewed your Consultation Request under Section 106 of the National Historic Preservation Act regarding Phase I Archaeological and Geomorphological Survey for the New Ulm Yard Project, Minnesota Rehabilitation Segment and offer the following response as indicated by the box that is checked.

☐ NO INTEREST

We have determined that there is not a likelihood of eligible properties of religious or cultural significance to the Crow Tribe of Indians.

☐ REQUEST FOR ADDITIONAL INFORMATION

We request the additional information in order to provide a finding of effect for this proposed undertaking. Please see attached form.

☒ NO EFFECT

We have determined that there are no properties of religious and cultural significance to the Crow Tribe of Indians that are listed on the National Register within the area of potential effect or that the proposed project will have no effect on any such properties that may be present.

☐ NO ADVERSE EFFECT

We have identified properties of cultural and religious significance within the area of effect that we believe are eligible for listing in the National Register, for which there would be no adverse effect as a result of the proposed project.

☐ ADVERSE EFFECT

We have identified properties of cultural and religious significance within the area of potential effect that are eligible for listing in the National Register. We believe the proposed project would cause an adverse effect on these properties.

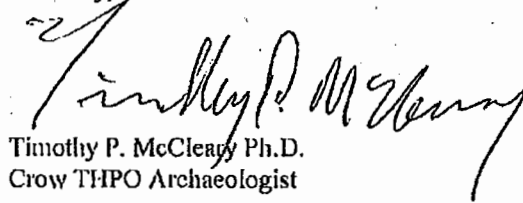
We appreciate your office contacting us concerning this undertaking and for your support of historic and cultural preservation. Please keep us informed and updated about this project or any others you feel need our attention.

Sincerely,



Dale D. Old Horn
Crow THPO Director

Sincerely,



Timothy P. McCleary Ph.D.
Crow THPO Archaeologist

MN3

Dave Bibler

Ref: Brian - 21BW004

Info: Taken from (American Aborigine) Winchells

Surveyed - September 7, 1883

Mounds on the Cottonwood River near New Ulm: E ½, SE ¼, Section 33 and S ½, SW ¼, Section 34, T110-30 along bluffs of the Cottonwood River. Twenty-seven (27) mounds scattered loosely along the north side of the river of which only three (3) are elongated. Several are large in size: visual 70 foot by 4 ½ feet by 6 feet, by 3 ½ feet by 80 feet and 70 feet by 3 ½ feet.

Final note of survey Section 33 - Section 34:

There are probably numerous other mounds in these counties of which there is no information.

The descriptions of the mounds are similar to what Ben and I seen in Section 34. This is the only mention of Section 34, the rest are for the area in Section 33.

Richard D. Ross

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