



EO-1499

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

August 30, 2010

Stephanie Connolly
High Plains District Manager
Bureau of Land Management
Wyoming High Plains District
2987 Prospector Drive
Casper, Wyoming 82604-2968

RE: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad
Corporation Construction into the Powder River Basin

Dear Ms. Connolly,

Thank you for your July 1, 2010 letter, which you sent following receipt of the Dakota, Minnesota & Eastern Railroad (DM&E) *Proposal for the Identification and Evaluation of Deeply Buried Segments in Wyoming and South Dakota* (proposal) by the Bureau of Land Management (BLM) Newcastle Field Office.

In your letter, you explain that the proposal and other DM&E documents should also have been sent to two other Wyoming field offices (Buffalo and Casper) and that by not including all appropriate field offices in formal report reviews, meetings, and conference calls, that our requirement to consult with the Wyoming BLM has not been fully met. You cite, in particular, a DM&E meeting held on April 21, 2010 in Rapid City, SD, which you note the BLM should have been included but was not. You also request that all three offices of the Wyoming BLM be included in any further discussions and revisions specifically regarding the proposal. I apologize for any oversights that either I or my office have committed in our efforts to consult with BLM. Please be assured that they were not intentional. I believe that some of the instances are simply the result of miscommunication, as I explain below.

The meeting held on April 21, 2010 was not an official Surface Transportation Board (STB) Section 106 consultation meeting, but an informal meeting that DM&E decided to hold with the Wyoming and South Dakota State Historic Preservation Offices (WY SHPO and SD SHPO respectively) and Forest Service officials from Wyoming. At

the meeting, DM&E intended to respond to concerns expressed by the Forest Service to the proposal in a comment letter to the STB. In that letter, the Forest Service observed that the current DM&E model for assessing the potential for buried sites within the New Build area needed to include additional engineering and mapping data regarding the effects of soil compaction on buried archaeological sites etc. DM&E opted (on its own) to meet with the WY and SD SHPOs and Forest Service officials to discuss whether to change the proposal. Please understand that there never was any attempt by the STB to exclude any federal agencies from attending this meeting. This was simply not our meeting. I can assure you that, as in the past, BLM will continue to be invited to actively participate in any STB meetings concerning this project consistent with the stipulations of the Programmatic Agreement (PA).

As an outcome of the April 21, 2010 meeting, DM&E agreed to develop additional engineering data regarding the potential compaction impacts of placing fill over buried archaeological sites as well as maps of the New Build area to include the location of existing archaeological sites in proposed fill areas. Once completed, DM&E has committed to mailing this new data to all participating consulting parties (including BLM) for review and comment. In short, the buried sites proposal is still in draft form and will remain so until DM&E provides the additional data.

Last, you state in your letter that we should send any DM&E correspondence to the Casper and Buffalo BLM field offices along with the Newcastle Office and that by not having done so in the past that our "requirement to consult has not been completed." We believed that the Newcastle Office had been forwarding all relevant correspondence in this matter onto the Casper and Buffalo Field Offices. In May of this year, Ms. Alice Tratebas asked us to add the Casper and Buffalo Field Offices to our mailing list, which we did immediately. I believe then this situation arose out of a misunderstanding and will ensure that from here on all three offices receive copies of any correspondence directly from the STB.

I hope I have addressed all of your concerns. Again, please accept our apologies for any oversight in communication and outreach. We are very interested in continuing to work actively and cooperatively with the Wyoming offices of the BLM as we move through the steps of the project PA. If you have any questions regarding this letter, please do not hesitate to call me at (202) 245-0293.

Sincerely,



Catherine Glidden,
Project Manager