



**SURFACE TRANSPORTATION BOARD**  
**Section of Environmental Analysis**  
**395 E Street, SW**  
**Washington, DC 20423-0001**

June 2, 2008

Mr. Richard Currit  
Historic Preservation Specialist  
Department of State Parks & Cultural Resources  
State Historic Preservation Office  
2301 Central Avenue  
Cheyenne, Wyoming 82002

Re: **STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: A Class III Cultural Resource Inventory of Three Wetland Mitigation Sites for the DM&E Powder River Basin Expansion Project, Converse County, Wyoming (LBG Tracking No. WY3)**

Dear Richard Currit:

The Surface Transportation Board (STB) is pleased to submit the above-referenced report to you for review and comment in accordance with the Section 106 Programmatic Agreement (PA) regarding the Powder River Basin Expansion Project (Project), Finance Docket No. 33407.

The enclosed report presents the results of a Class III cultural resources investigation conducted by the Dakota, Minnesota and Eastern Railroad for planned construction of three wetland mitigation replacement sites along the Cheyenne River and Antelope Creek in Converse County, Wyoming. The proposed new 15.1 (6.1 ha) acre wetland sites are situated within the boundaries of the Thunder Basin National Grassland which is managed by the U.S. Forest Service. The U.S. Forest Service protocols for cultural resources survey and reporting were adhered to in completing the survey.

The enclosed report was distributed to all cooperating federal agencies and consulting tribes for their review and comment on April 25, 2008. STB subsequently hosted a project meeting with federal agency representatives and Tribes on April 29-30, 2008 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

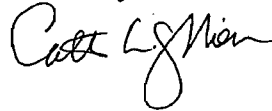
www.stbpa106.org, where participants could easily download and review this report. As of today's date, STB has not received comments from any consulting parties regarding this report.

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 for the two sites identified during the survey.

| SITE NUMBER | NRHP ELIGIBILITY | EFFECT |
|-------------|------------------|--------|
| 48CO2994    | Not Eligible     | N/A    |
| 48CO2995    | Not Eligible     | N/A    |

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

Sincerely,



Catherine L. Glidden  
Section of Environmental Analysis

Enclosure: ***Copy of A Class III Cultural Resource Inventory of Three Wetland Mitigation Sites for the DM&E Powder River Basin Expansion Project, Converse County, Wyoming (LBG Tracking No. WY3)***

# ARTS. PARKS. HISTORY.

Wyoming State Parks & Cultural Resources

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Jun 4, 2008

Catherine L. Glidden  
Surface Transportation Board  
Section of environmental Analysis  
395 E Street, SW  
Washington, DC 20423-0001

Re: Class III Cultural Resource Inventory of Three Wetland Mitigation Sites for the  
DM&E Powder River Basin Expansion Project (SHPO File # 0608JRD008)

Dear Mrs. Glidden:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project. We have reviewed the project report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur with your finding that no historic properties, as defined in 36 CFR § 800.16(l)(1), will be affected by the project as planned.

We recommend the Surface Transportation Board allow the project to proceed in accordance with state and federal laws subject to the following stipulation:

If any cultural materials are discovered during construction, work in the area shall halt immediately, the federal agency must be contacted, and the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).

This letter should be retained in your files as documentation of a SHPO concurrence on your finding of no historic properties affected. Please refer to SHPO project #0608JRD008 on any future correspondence regarding this project. If you have any questions, please contact Joseph Daniele, Archaeologist/Review and Federal Consultation at 307-777-8793.

Sincerely,



Joseph Daniele  
Wyoming State Historic Preservation Office



Dave Freudenthal, Governor  
Milward Simpson, Director