



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

July 1, 2008

Mr. Darrell Flying-Man
Chairman
Cheyenne and Arapaho Tribes of Oklahoma
P.O. Box 38
Concho, OK 73022

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Flying-Man:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

¹ This code refers to Louis Berger Group (LBG) Report No. SD1b. The first two letters refer to the state, "1" is the report number, and the letter indicates that this is an addendum to report 1. Please refer to both the SHPO and LBG codes in your response.

are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

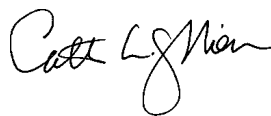
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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July 1, 2008

Mr. Joseph Brings Plenty
Chairman
Cheyenne River Lakota Tribe
P.O. Box 590
Eagle Butte, SD 57625

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Brings Plenty:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

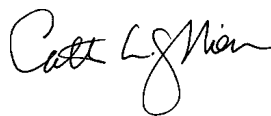
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Catherine Glidden
Section of Environmental Analysis

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July 1, 2008

Mr. Wallace Coffey
Chairman
Comanche Tribe of Oklahoma
P.O. Box 908
Lawton, OK 73502

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Coffey:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b³). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

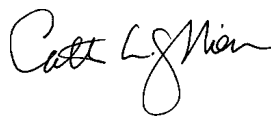
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Catherine Glidden
Section of Environmental Analysis

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July 1, 2008

Mr. Lester Thompson, Jr.
Chairman
Crow Creek Lakota Tribe
P.O. Box 50
Ft. Thompson, SD 57339-0050

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Thompson, Jr.:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b⁴). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

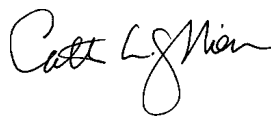
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Catherine Glidden
Section of Environmental Analysis

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

July 1, 2008

Mr. Carl Venne
Chairman
Crow Nation
P.O. Box 159
Crow Agency, MT 59022

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Venne:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b⁵). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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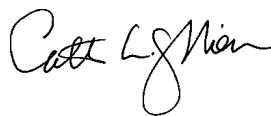
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Catherine Glidden
Section of Environmental Analysis

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

July 1, 2008

Mr. Ivan Posey
Chairman
Eastern Shoshone Tribe
P.O. Box 538
Ft. Washakie, WY 82514

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Posey:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b⁶). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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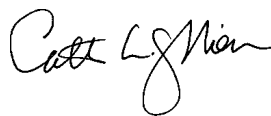
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SURFACE TRANSPORTATION BOARD
395 E Street, SW
Washington, DC 20423
Section of Environmental Analysis

July 1, 2008

Mr. Joshua Weston
President
Flandreau Santee Sioux
P.O. Box 283
Flandreau, SD 57028

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Weston:

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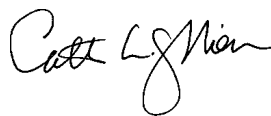
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July 1, 2008

Mr. John Morales
Chairman
Ft. Peck Assiniboine and Sioux Tribes
P.O. Box 836
Poplar, MT 59255-1027

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Morales:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b⁸). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

⁸ This code refers to Louis Berger Group (LBG) Report No. SD1b. The first two letters refer to the state, "1" is the report number, and the letter indicates that this is an addendum to report 1. Please refer to both the SHPO and LBG codes in your response.

are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

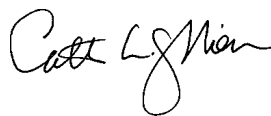
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. George R. Lewis
President
Ho-Chunk Nation
W9814 Airport Road
Black River Falls, WI 54615

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Lewis:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b⁹). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

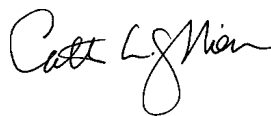
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

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Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
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SURFACE TRANSPORTATION BOARD
395 E Street, SW
Washington, DC 20423
Section of Environmental Analysis

July 1, 2008

Mr. Donald Tofpi
Chairman
Kiowa Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Tofpi:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹⁰). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

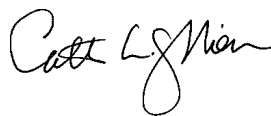
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Michael Jandreau
Chairman
Lower Brule Sioux Tribe
187 Oyate Circle
Lower Brule, SD 57548

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Jandreau:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹¹). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

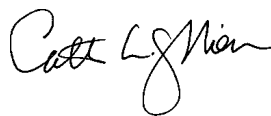
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Ms. Jean Stacy
President
Lower Sioux Community
39527 Res. Hwy 1, Box 308
Morton, MN 56270

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Ms. Stacy:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹²). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

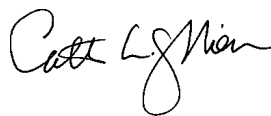
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Ms. Lisa Waukau
Chairwoman
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, WI 54135

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Ms. Waukau:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹³). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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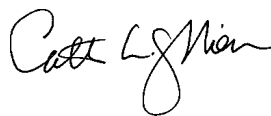
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
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SURFACE TRANSPORTATION BOARD
395 E Street, SW
Washington, DC 20423
Section of Environmental Analysis

July 1, 2008

Mr. Richard Brannan
Chairman
Northern Arapaho Tribe
P.O. Box 396
Fort Washakie, WY 82514

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Brannan:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹⁴). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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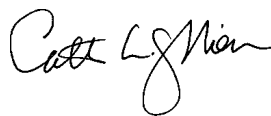
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Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Eugene Little Coyote
President
Northern Cheyenne Tribe
600 Cheyenne Avenue, Littlewolf Capital Bldg, P.O. Box 128
Lame Deer, MT 59043

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Little Coyote:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹⁵). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

¹⁵ This code refers to Louis Berger Group (LBG) Report No. SD1b. The first two letters refer to the state, "1" is the report number, and the letter indicates that this is an addendum to report 1. Please refer to both the SHPO and LBG codes in your response.

are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

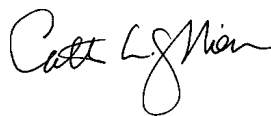
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. John Yellow Bird Steele
President
Oglala Lakota Tribe
P.O. Box 2070
Pine Ridge, SD 57770

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Yellow Bird Steele:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹⁶). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

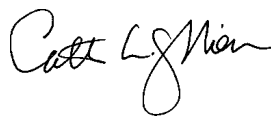
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Mitchell Parker
Chairman
Omaha Tribe of Nebraska
P.O. Box 400
Macy, NE 68039

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Parker:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹⁷). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

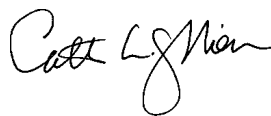
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. George Elton Howell
President
Pawnee Nation of Oklahoma
P.O. Box 470
Pawnee, OK 74058

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Howell:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹⁸). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

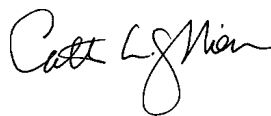
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Larry Wright Jr.
Chairman
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Wright Jr.:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b¹⁹). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

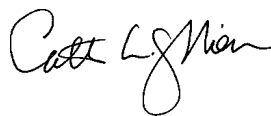
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Ms. Audrey Bennett
President
Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, MN 55089

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Ms. Bennett:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²⁰). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

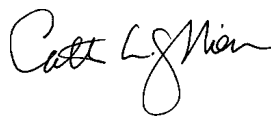
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Rodney Bordeaux
President
Rosebud Lakota Tribe
P.O. Box 430
Rosebud, SD 57570

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Bordeaux:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²¹). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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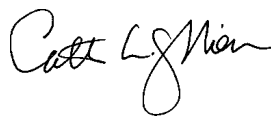
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

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Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental*

Consultants, March 2008

Report Review and Comment Form



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

July 1, 2008

Mr. Roger Trudell
Chairman
Santee Sioux Tribe of Nebraska
425 Frazier Avenue N, Suite 2
Niobrara, NE 68760

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Trudell:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²²). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

²² This code refers to Louis Berger Group (LBG) Report No. SD1b. The first two letters refer to the state, "1" is the report number, and the letter indicates that this is an addendum to report 1. Please refer to both the SHPO and LBG codes in your response.

are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

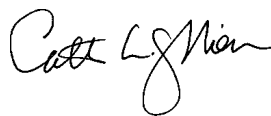
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Stanley R. Crooks
Chairman
Shakopee Mdewakanton Sioux (Dakota) Community of Minnesota
2330 Sioux Trail NW
Prior Lake, MN 55372

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Crooks:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²³). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

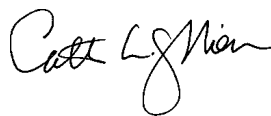
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Michael Selvage
Chairman
Sisseton-Wahpeton Dakota Nation
P.O. Box 509
Agency Village, SD 57262-0509

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Selvage:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²⁴). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

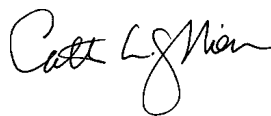
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Ms. Myra Pearson
Chairwoman
Spirit Lake Tribe
P.O. Box 359
Ft. Totten, ND 58335

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Ms. Pearson:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²⁵). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

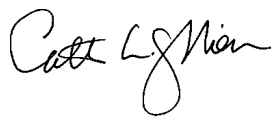
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental*

Consultants, March 2008

Report Review and Comment Form



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

July 1, 2008

Mr. Ron His-Horse-Is-Thunder
Chairman
Standing Rock Sioux Tribe
P.O. Box D
Ft. Yates, ND 58538

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. His-Horse-Is-Thunder:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²⁶). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

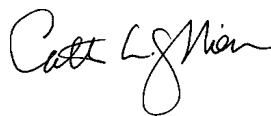
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Marcus Wells, Jr.
Chairman
Three Affiliated Tribes (MHA Nation)
404 Frontage Road
New Town, ND 58763

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Wells, Jr.:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²⁷). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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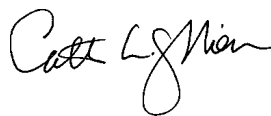
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental*

Consultants, March 2008

Report Review and Comment Form



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

July 1, 2008

Mr. David Brien
Chairman
Turtle Mountain Band of Chippewa
P.O. Box 900
Belcourt, ND 58316

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Brien:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²⁸). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Kevin Jensvold
Chairman
Upper Sioux Indian Community
P.O. Box 147
Granite Falls, MN 56241-0147

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Jensvold:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b²⁹). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

The enclosed report is an addendum to: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota* (SWCA Environmental Consultants, 2007 & Archaeology Laboratory, University of South Dakota, [ARCHLAB] 2007). On October 3, 2007, the STB requested that the Dakota Minnesota & Eastern Railroad Company (DM&E) revisit archaeological sites listed and described in the above report for further testing and evaluation. Their follow up work is summarized in the enclosed addendum. As a result of these investigations, 17 sites within the area of potential effect

²⁹ This code refers to Louis Berger Group (LBG) Report No. SD1b. The first two letters refer to the state, "1" is the report number, and the letter indicates that this is an addendum to report 1. Please refer to both the SHPO and LBG codes in your response.

are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

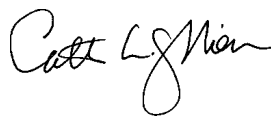
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

The STB will make its final National Register evaluations pending receipt of comments from participating tribes, agencies, and input from the South Dakota Historic Preservation Officer.

Your comments and/or suggested changes regarding the report must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA’s third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,



Catherine Glidden
Section of Environmental Analysis

Cc: Distribution list

Enclosure: *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation’s Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2, SWCA Environmental Consultants, March 2008*
Report Review and Comment Form



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

July 1, 2008

Mr. Matthew Pilcher
Chairman
Winnebago Tribe of Nebraska
100 Bluff Street, P.O. Box 687
Winnebago, NE 68071

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Pilcher:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b³⁰). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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are being recommended by STB as eligible for listing in the National Register and may thus be adversely affected by the undertaking.

There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

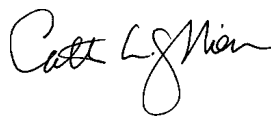
Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Sincerely,



Catherine Glidden
Section of Environmental Analysis

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

July 1, 2008

Mr. Robert Cournoyer
Chairman
Yankton Sioux Tribe
P.O. Box 248
Marty, SD 57361

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin Project: Report for your comment

Dear Mr. Cournoyer:

The Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) is pleased to provide you with the draft report, *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, Custer, Fall River, and Pennington Counties, South Dakota, Addendum 2*, SWCA Environmental Consultants, March 2008 (SHPO No. 990223006F; LBG No. SD1b³¹). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 (amended in May 2008) pursuant to 36 CFR 800.14 (b) for the above-referenced project. We request your comments on the report pursuant to Section A.3.1 of the PA.

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There are a number of sites that are described in the report as “unevaluated” for the National Register under both Criterion A and D. Most of these sites were left unevaluated pending tribal input with the thinking that they might be traditional cultural properties (TCPs), thus eligible for listing in the National Register under Criterion A. As a result, these sites were generally left untested (not excavated) pending tribal input. Consequently, the STB is particularly in need of input from you regarding these “unevaluated” sites.

Of the “unevaluated” sites, the STB has chosen to consider stone cairns or circles as eligible for listing in the National Register under Criterion A based on previous tribal input regarding these site types. However, there are a number of other site types including quarries and artifact scatters for which tribal input is needed. **Tribal input is therefore critical for the STB to make definitive National Register eligibility recommendations and to determine project effects for unevaluated sites.** A complete listing of the archaeological sites is shown in the accompanying table.

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Catherine Glidden
Section of Environmental Analysis

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