



EO-1348
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FD 33407

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

November 12, 2009

Mr. Herb Jones
Government Affairs Director
Dakota, Minnesota, & Eastern Railroad
140 North Phillips Avenue
Sioux Falls, SD 57101

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment.

Dear Mr. Jones:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the enclosed report entitled: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming (SDWY-2)*. This report was prepared by HDR Engineering, Inc. on October 20, 2009 and is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

The enclosed report was prepared in accordance with Section 3.4 of the ID Plan which states that: "*Any areas not originally identified within the APE but potentially affected by the undertaking must be identified by the SHPO, THPO/cultural resource representative designated by the tribes, DM&E, other consulting parties, and Federal agencies*" and that "*The Surface Transportation Board (STB) will consult with the SHPO, THPO/cultural resource representative designated by the tribes, DM&E, other identified consulting parties (as defined in 36 CFR 800.2(c)), and Federal agencies to address their concerns.*" The enclosed report was prepared by DM&E and its prime consultant in response to concerns expressed by consulting parties regarding the project's potential visual effects on historic properties located outside the limits of proposed ground disturbance.

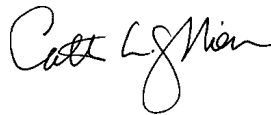
The authors use line-of-sight analysis to assess potential visual effects on known historic properties located within three miles of the project's proposed New Build alignment, including

33 properties located in western South Dakota and 39 properties located in eastern Wyoming. The study concludes that two National Register-eligible archaeological sites located along the proposed alignment in Wyoming (48CA2810, 48CA3768) may be adversely affected by the project. It also recommends further assessment of effects for seven of the 33 sites located in South Dakota and four of the 39 sites located in Wyoming, citing the fact that these sites may also be subject to direct effects based on their close proximity to the project's proposed centerline.

In accordance with Section A.3.1 of the PA regarding report reviews, SEA must receive your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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

Sincerely,

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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

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

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Olson:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

The enclosed report was prepared by DM&E on behalf of the STB in response to concerns expressed by consulting parties regarding the project's potential indirect or visual effects on historic properties located outside the limits of direct impact Area of Potential Effect.

The report includes of a line-of-sight analysis to assess potential visual effects on known historic properties located within three miles of the project's proposed New Build segment, including 33 properties located in western South Dakota (SD) and 39 properties located in eastern Wyoming (WY). The study concludes that two National Register-eligible archaeological sites located along the New Build segment in Wyoming (48CA2810, 48CA3768) may be adversely affected by the project. It also recommends further assessment of effects for seven of

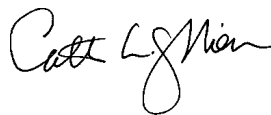
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the 33 sites located in SD and four of the 39 sites located in WY, citing the fact that these sites may also be subject to direct effects based on their close proximity to the project's proposed centerline.

In accordance with Section A.3.1 of the PA, please provide your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow, with The Louis Berger Group, at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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

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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

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

November 12, 2009

Mr. Richard Currit
Senior Archaeologist
Wyoming State Historic Preservation Office
2301 Central Avenue
Cheyenne, WY 82002

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Currit:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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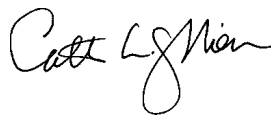
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In accordance with Section A.3.1 of the PA, please provide your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow, with The Louis Berger Group, at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

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

November 12, 2009

Ms. Brenda Shierts
Archaeologist
Bureau of Land Management
310 Roundup St
Belle Fourche, SD 57717

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Shierts:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

The enclosed report was prepared by DM&E on behalf of the STB in response to concerns expressed by consulting parties regarding the project's potential indirect or visual effects on historic properties located outside the limits of direct impact Area of Potential Effect.

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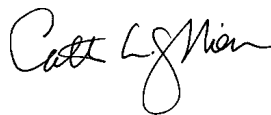
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In accordance with Section A.3.1 of the PA, please provide your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow, with The Louis Berger Group, at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

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

November 12, 2009

Ms. Alice Tratebas
Archaeologist
Bureau of Land Management
1101 Washington Blvd.
Newcastle, WY 82701

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Tratebas:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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The report includes of a line-of-sight analysis to assess potential visual effects on known historic properties located within three miles of the project's proposed New Build segment, including 33 properties located in western South Dakota (SD) and 39 properties located in eastern Wyoming (WY). The study concludes that two National Register-eligible archaeological sites located along the New Build segment in Wyoming (48CA2810, 48CA3768) may be adversely affected by the project. It also recommends further assessment of effects for seven of

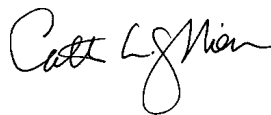
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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Gary Smith
Archaeologist
Bureau of Land Management - Montana Office
5001 Southgate Drive
Billings, MT 59101

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Smith:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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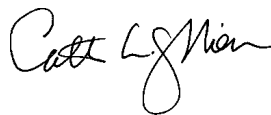
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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. James Kangas
Archaeologist
Bureau of Reclamation
515 9th Street, Suite 101, Rapid City Field Office
Rapid City, SD 57701

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Kangas:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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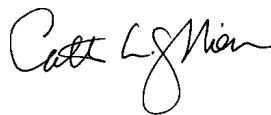
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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Sandra Barnum
Cultural Resources Director
U.S. Army Corps of Engineers, Omaha District
106 South 15th Street
Omaha, NE 68102-1618

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Barnum:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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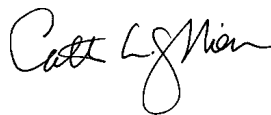
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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

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

November 12, 2009

Mr. Brad Johnson
Archaeologist
U.S. Army Corps of Engineers, St. Paul District
190 Fifth Street East
Saint Paul, MN 55101-1638

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Johnson:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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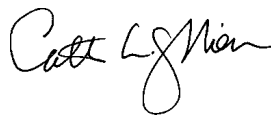
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Section of Environmental Analysis

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

November 12, 2009

Mr. Ian Ritchie
Archaeologist
U.S. Forest Service, Douglas Ranger District
2250 East Richards Street
Douglas, WY 82633

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Ritchie:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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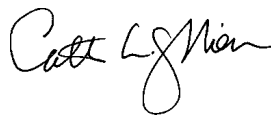
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In accordance with Section A.3.1 of the PA, please provide your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow, with The Louis Berger Group, at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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

Sincerely,

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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Gordon L. Yellowman
Historic Preservation Officer
Cheyenne and Arapaho Tribes of Oklahoma
P.O. Box 145
Concho, OK 73022

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Yellowman:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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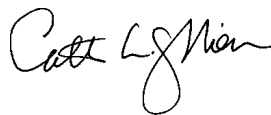
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Catherine Glidden
Section of Environmental Analysis

Cc: Darrell Flying-Man, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Sherri Means
Acting Tribal Historic Preservation Officer
Cheyenne River Sioux Tribe
P.O. Box 590
Eagle Butte, SD 57625

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Means:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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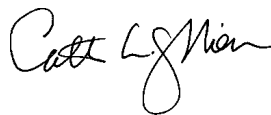
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Catherine Glidden
Section of Environmental Analysis

Cc: Joseph Brings Plenty, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Jimmy Arterberry
Tribal Historic Preservation Officer
Comanche Tribe of Oklahoma
P.O. Box 908
Lawton, OK 73502

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Arterberry:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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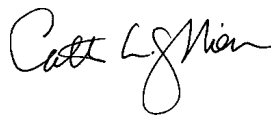
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Thank you taking the time to review the enclosed report. I look forward to hearing from you.

Sincerely,

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Catherine Glidden
Section of Environmental Analysis

Cc: Wallace Coffey, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Brandon Sazue
Chairman
Crow Creek Sioux Tribe
P.O. Box 50
Ft. Thompson, SD 57339-0050

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Sazue:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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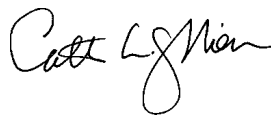
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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Dale Old Horn
Tribal Historic Preservation Officer
Crow Nation
P.O. Box 159
Crow Agency, MT 59022

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Old Horn:

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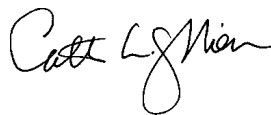
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Catherine Glidden
Section of Environmental Analysis

Cc: Carl Venne, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Reed Tidzump
Director, Cultural Services
Eastern Shoshone Tribe
P.O. Box 1008
Ft. Washakie, WY 82514

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Tidzump:

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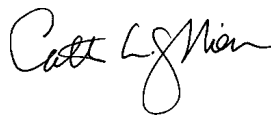
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Catherine Glidden
Section of Environmental Analysis

Cc: Ivan Posey, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Sam Allen
Economic Development
Flandreau Santee Sioux
P.O. Box 283
Flandreau, SD 57028

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Allen:

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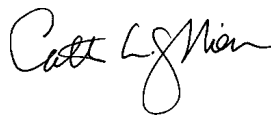
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Catherine Glidden
Section of Environmental Analysis

Cc: Joshua Weston, President

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Curley Youpee
Historic Preservation Officer
Ft. Peck Assiniboine and Sioux Tribes
601 Court Avenue, P.O. Box 1027
Poplar, MT 59255-1027

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Youpee:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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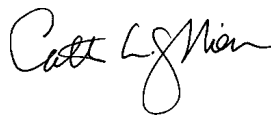
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Sincerely,

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Catherine Glidden
Section of Environmental Analysis

Cc: Rusty Stafne, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. William Quackenbush
Tribal Historic Preservation Officer
Ho-Chunk Nation
P.O. Bo 667
Black River Falls, WI 54615

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Quackenbush:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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The report includes of a line-of-sight analysis to assess potential visual effects on known historic properties located within three miles of the project's proposed New Build segment, including 33 properties located in western South Dakota (SD) and 39 properties located in eastern Wyoming (WY). The study concludes that two National Register-eligible archaeological sites located along the New Build segment in Wyoming (48CA2810, 48CA3768) may be adversely affected by the project. It also recommends further assessment of effects for seven of

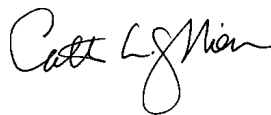
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In accordance with Section A.3.1 of the PA, please provide your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow, with The Louis Berger Group, at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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

Sincerely,

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Catherine Glidden
Section of Environmental Analysis

Cc: Wilfrid Cleveland, President

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Jame Lyn Eskew
Kiowa Culture Preservation Authority
Kiowa Tribe of Oklahoma
P.O. Box 885
Carnegie, OK 73015

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Eskew:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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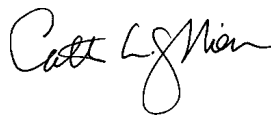
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Catherine Glidden
Section of Environmental Analysis

Cc: George Tahbone, Sr., Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Clair Green
Cultural Resource Manager
Lower Brule Sioux Tribe
187 Oyate Circle
Lower Brule, SD 57548

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Green:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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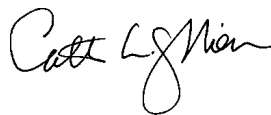
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Catherine Glidden
Section of Environmental Analysis

Cc: Michael Jandreau, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Pamela Halverson
Tribal Historic Preservation Officer
Lower Sioux Indian Community
39527 Res. Hwy 1, Box 308
Morton, MN 56270

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Halverson:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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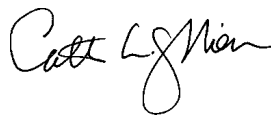
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Catherine Glidden
Section of Environmental Analysis

Cc: Jean Stacy, President

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. David Grignon
Tribal Historic Preservation Officer
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, WI 54135

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Grignon:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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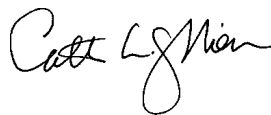
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Catherine Glidden
Section of Environmental Analysis

Cc: Laurie Boivin, Chairperson

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Darlene Conrad
Tribal Historic Preservation Officer
Northern Arapaho Tribe
P.O. Box 396
Fort Washakie, WY 82514

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Conrad:

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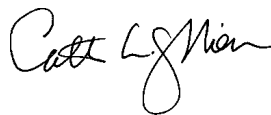
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Catherine Glidden
Section of Environmental Analysis

Cc: Harvey Spoon Hunter, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Linwood Tallbull
Tribal Historic Preservation Officer
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Tallbull:

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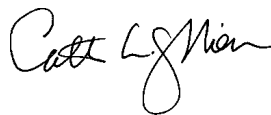
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Catherine Glidden
Section of Environmental Analysis

Cc: Leroy Sprang, President

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Michael Catches Enemy
Tribal Historic Preservation Officer
Oglala Sioux Tribe
P.O. Box 320
Pine Ridge, SD 57770

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Catches Enemy:

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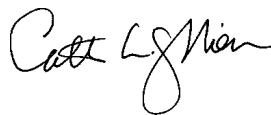
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Catherine Glidden
Section of Environmental Analysis

Cc: Theresa Two Bulls, President

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Tony Provost
NAGPRA Coordinator
Omaha Tribe of Nebraska
P.O. Box 368
Macy, NE 68039

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Provost:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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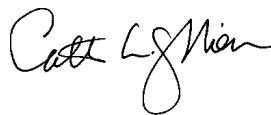
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Catherine Glidden
Section of Environmental Analysis

Cc: Amen Sheridan, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Alice Alexander
Historic Preservation Officer
Pawnee Nation of Oklahoma
P.O. Box 470
Pawnee, OK 74058

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Alexander:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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The report includes of a line-of-sight analysis to assess potential visual effects on known historic properties located within three miles of the project's proposed New Build segment, including 33 properties located in western South Dakota (SD) and 39 properties located in eastern Wyoming (WY). The study concludes that two National Register-eligible archaeological sites located along the New Build segment in Wyoming (48CA2810, 48CA3768) may be adversely affected by the project. It also recommends further assessment of effects for seven of

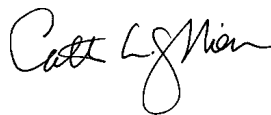
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In accordance with Section A.3.1 of the PA, please provide your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow, with The Louis Berger Group, at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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

Sincerely,

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Catherine Glidden
Section of Environmental Analysis

Cc: George Elton Howell, President

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Gary Robinette
Historic Preservation Officer
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Robinette:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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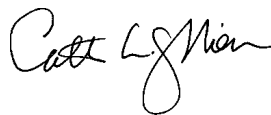
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Thank you taking the time to review the enclosed report. I look forward to hearing from you.

Sincerely,

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Catherine Glidden
Section of Environmental Analysis

Cc: Larry Wright Jr., Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Marc Mogan
Cultural Committee
Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, MN 55089

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Mogan:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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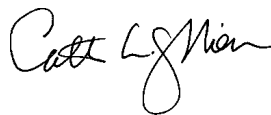
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Catherine Glidden
Section of Environmental Analysis

Cc: Ron Johnson, President

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Russell Eagle Bear
Tribal Historic Preservation Officer
Rosebud Sioux Tribe
P.O. Box 658
Rosebud, SD 57570

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Eagle Bear:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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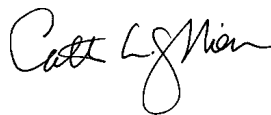
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Catherine Glidden
Section of Environmental Analysis

Cc: Rodney Bordeaux, President

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Robert Campbell
Santee Sioux Tribe of Nebraska
108 Spirit Lake Avenue West
Niobrara, NE 68760

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Campbell:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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Catherine Glidden
Section of Environmental Analysis

Cc: Roger Trudell, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Leonard Wabasha
Cultural Committee
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 (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Wabasha:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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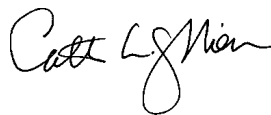
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Catherine Glidden
Section of Environmental Analysis

Cc: Stanley R. Crooks, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Dianne Desrosiers
Tribal Historic Preservation Officer
Sisseton-Wahpeton Oyate
P.O. Box 907
Sisseton, SD 57262-0907

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Desrosiers:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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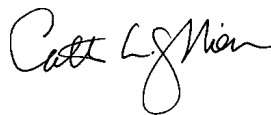
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Catherine Glidden
Section of Environmental Analysis

Cc: Michael Selvage, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

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

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Pearson:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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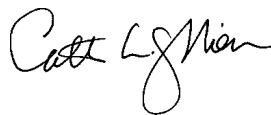
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Catherine Glidden
Section of Environmental Analysis

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Ms. Waste'Win Young
Tribal Historic Preservation Officer
Standing Rock Sioux Tribe
P.O. Box D
Ft. Yates, ND 58538-0522

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Ms. Young:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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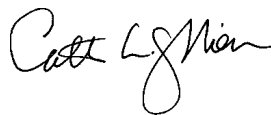
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Catherine Glidden
Section of Environmental Analysis

Cc: Ron His-Horse-Is-Thunder, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Perry Brady
Tribal Historic Preservation Officer
Three Affiliated Tribes (MHA Nation)
404 Frontage Road
New Town, ND 58763

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Brady:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

The enclosed report was prepared by DM&E on behalf of the STB in response to concerns expressed by consulting parties regarding the project's potential indirect or visual effects on historic properties located outside the limits of direct impact Area of Potential Effect.

The report includes of a line-of-sight analysis to assess potential visual effects on known historic properties located within three miles of the project's proposed New Build segment, including 33 properties located in western South Dakota (SD) and 39 properties located in eastern Wyoming (WY). The study concludes that two National Register-eligible archaeological sites located along the New Build segment in Wyoming (48CA2810, 48CA3768) may be adversely affected by the project. It also recommends further assessment of effects for seven of

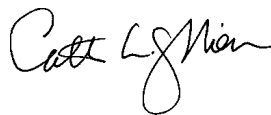
¹ Note: The alpha-numeric code associated with each report is a notation used by STB's Third Party Consultant for tracking purposes. The letters refer to the state(s) discussed in the report and the number references the individual report. Please reference these codes in your response.

the 33 sites located in SD and four of the 39 sites located in WY, citing the fact that these sites may also be subject to direct effects based on their close proximity to the project's proposed centerline.

In accordance with Section A.3.1 of the PA, please provide your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow, with The Louis Berger Group, at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Glidden". The signature is fluid and cursive, with the first name "Catherine" written in a larger, more prominent script than the last name "Glidden".

Catherine Glidden
Section of Environmental Analysis

Cc: Marcus Levings, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Brady Grant
Tribal Historic Preservation Officer
Turtle Mountain Band of Chippewa
P.O. Box 900
Belcourt, ND 58316

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Grant:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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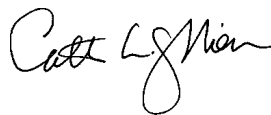
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In accordance with Section A.3.1 of the PA, please provide your written comments and/or suggested revisions regarding this report within 30 days of receiving this letter. If you have any questions or comments regarding any of the above, please feel free to contact me at 202-245-0293 or by email at Catherine.Glidden@stb.dot.gov. You can also contact Randy Withrow, with The Louis Berger Group, at 319-373-3043 or by email at (rwithrow@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with the report content and findings.

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

Sincerely,

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Catherine Glidden
Section of Environmental Analysis

Cc: David Brien, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

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

November 12, 2009

Mr. Scott Larsen
Board Member
Upper Sioux Community
P.O. Box 147
Granite Falls, MN 56241-0147

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Larsen:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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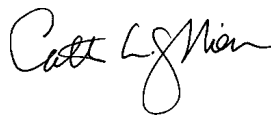
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Thank you taking the time to review the enclosed report. I look forward to hearing from you.

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Catherine Glidden
Section of Environmental Analysis

Cc: Kevin Jensvold, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. David Lee Smith
Tribal Historian
Winnebago Tribe of Nebraska
100 Bluff Street, P.O. Box 687
Winnebago, NE 68071

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Smith:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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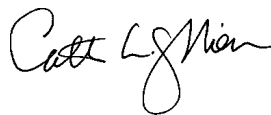
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Catherine Glidden
Section of Environmental Analysis

Cc: John Blackhawk, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

Recipient Distribution List



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

November 12, 2009

Mr. Kip Collins
Tribal Historic Preservation Officer
Yankton Sioux Tribe
P.O. Box 667
Lake Andes, SD 57356

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad (DM&E) Corporation Construction into the Powder River Basin Project: Report Provided for Your Comment

Dear Mr. Collins:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with the report: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming* (LBG Tracking No. SDWY-2¹). This report is being sent to you for review and comment in accordance 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 this report pursuant to Section A.3.1 of the PA.

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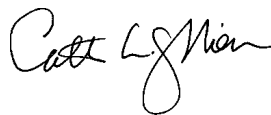
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Catherine Glidden
Section of Environmental Analysis

Cc: Robert Cournoyer, Chairman

Enclosures: *Assessment of the Visual Effects of the Powder River Basin Project, New Build Segment, on Previously Identified Historic Properties in South Dakota and Wyoming*

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