

EO-845

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Date: Wednesday, April 09, 2008 12:39PM
Subject: PA Extension Document for DM&E Project: FD 33407

Hello All:

The Surface Transportation Board's Section of Environmental Analysis invites you to review the attached Programmatic Agreement (PA) Extension Document (PA Ext.) that we have drafted to extend the existing Section 106 PA for the Dakota, Minnesota and Eastern Railroad Corporation (DM&E), Powder River Basin Expansion Project (Project). As you know, the current Section 106 PA, executed for the DM&E Project in 2003, is due to expire on May 15, 2008. We are consequently extending the existing PA in order to ensure that its provisions remain in effect. Please provide any comments that you have regarding the document, if any, by this Friday, April 11th. We intend to send the PA Ext. to you for signature once you have had a chance to provide input on the document.

Note that an earlier version of the PA Ext. was sent out to some of you last month along with an invitation to the tribal summit held in Pierre, SD last week. The PA has been modified since then due to concerns expressed by the SD SHPO regarding a lack of an expiration date for the document. The PA has thus been revised to include a expiration date of May 15, 2008, or 10 years.

Thanks for your prompt attention.

Sincerely,

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Attachments:

PA Extension -.doc