

EO-947

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Section of Environmental Analysis

June 5, 2008

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

RE: Inspection of Site 21BE0036 for Suspected Human Remains

Dear Ms. Halverson:

I understand from Dave Bibler that arrangements have been finalized to conduct a field inspection of DM&E property adjacent to the Price Site (21BE0036) on June 9, 2008 for possible human remains. Per your request, DM&E has secured the services of a qualified physical anthropologist (Dr. Susan Myster, Hamline University) to examine any bone that may be present to determine if it is indeed human.

Attached is a memorandum that we received from DM&E that outlines recommended procedures for conducting the field inspection in accordance with relevant sections of Minnesota's Private Cemeteries Act (MN Statute 307.08) which I'm certain you are already very familiar with. STB endorses the proposed procedures.

I regret that I am unable to be present, but I have asked a representative from our Third-Party Contractor, Mr. Randy Withrow, to attend on STB's behalf. Please convey any questions or concerns that you may have during the field inspection to Mr. Withrow. In the meantime, please feel free to contact me directly at 202-245-0293 or by email (gliddenc@stb.dot.gov) if you have any additional questions as we all work to address this concern.

Sincerely,

Catherine Glidden

Attachment: DM&E Memorandum dated June 3, 2008

Cc: Herb Jones, DM&E
Dave Bibler, LBG
Michael Madson, HDR



Memo

To: Cathy Glidden, Historic Preservation Specialist, Surface Transportation Board	
From: Herb M. Jones, Director, Government Affairs	Project: Powder River Basin Expansion Project
CC:	
Date: June 3, 2008	Job No:

Subject: Protocols for the Price Site examination for possible human remains scheduled for June 9, 2008.

1. A pre-field meeting of the participants will be held at the motel to discuss expectations and tasks.
2. Upon arrival on site, tribal participants will perform any ceremony/prayer as they deem necessary prior to fieldwork.
3. Michelle Terrell and Alan Stanfill will flag the ROW boundary with flagging to ensure all actions are conducted within the ROW.
4. A systematic examination of the ground surface will be conducted (participants lined up and moving in same direction parallel to the ROW).
5. Pinflags will be used to mark where any human bone or possible human bone are observed.
6. Susan Myster will check each marked item to assess possible human attribution.
 - a. If human remains are identified, the material will be left in place and DM&E will notify the State Archaeologist in accordance with the MN State burial law.
 - b. If the physical anthropologist determines it will be necessary to remove possible bone from the area in order to make an identification, she will , at the direction of the State Archaeologist, map, catalogue, and securely bag any such items.
 - c. Participants will be invited to perform any ceremonies or prayers they deem appropriate prior to removal of possible human remains.
7. Closing ceremony/prayer and departure from site.
8. A briefing will be prepared by DM&E within one week of the field visit summarizing the events of the visit and general observations.
9. A final summary report will be provided by Susan Myster to DM&E explaining her observations, evaluations and recommendations. DM&E will distribute the Myster report to the participants.
10. In the event human remains are detected, the State Archaeologist will be notified and procedures followed in accordance with the MN State burial law. Interested parties will be kept informed of any new developments in this event.