



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

May 12, 2008

Ms. Paige Hoskinson 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 Corporation Construction into the Powder River Basin: *Level I and II Cultural Resource Survey and Site Testing and Evaluation for 317 miles of Railroad Reconstruction From the Minnesota Border to Wall, South Dakota: DM&E's Proposed Powder River Expansion Project***

Dear Ms. Hoskinson Olson:

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

The enclosed report presents the results of a Level I and II cultural resources investigation conducted by Burns & McDonnell in July 2001 for proposed reconstruction and rehabilitation of the existing railroad line between the Minnesota border and Wall, South Dakota. As described in the report, the Area of Potential Effect for this segment of the Project includes approximately 317 miles of existing railroad right-of-way and encompasses approximately 4,981.82 acres (2,016.07 ha).

Our records show that the enclosed report was submitted to the South Dakota State Historic Preservation Office for review and comment by Burns & McDonnell on August 27, 2001 (see attached letter). At that time, Burns & McDonnell was acting as Third-Party Contractor on behalf of the STB; however, we have no record that the report was ever accepted for review by your office.

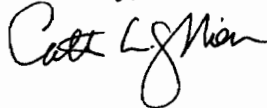
The enclosed report was redistributed to all cooperating federal agencies and consulting Tribes for their review and comment on November 9, 2007. STB subsequently hosted several project meetings with federal agency representatives and Tribes to encourage their response to the

findings presented in this report. In response to a request from the consulting parties, STB also arranged for the project sponsor to establish a website, located at www.stbpa106.org, where participants could easily download and review this report. On January 31, 2008, STB distributed a reminder to all federal agency representatives and consulting Tribes that the review deadline for this report was approaching and once again invited all interested parties to provide comment. On March 7, 2008, STB agreed to a request from 11 consulting Tribes to extend the comment period for this report to March 21, 2008. As of today's date, STB has not received comments from any consulting parties regarding this report.

STB believes that its efforts to consult with federal agency representatives and Tribal government representatives on the finding presented in this report satisfies the good faith effort standard for consultation as defined in the PA. Therefore, STB is proceeding with consensus determinations of National Register eligibility based on the best available information. STB hereby requests your office's review and concurrence with the determinations of eligibility and effect provided as an attachment to this letter.

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

Sincerely,



Catherine L. Glidden
Section of Environmental Analysis

Enclosures: *Level I and II Cultural Resource Survey and Site Testing and Evaluation for 317 Miles of Railroad Reconstruction From the Minnesota Border to Wall, South Dakota: DM&E's Proposed Powder River Expansion Project (1 copy).*

List of Identified Resources with Determinations of NRHP Eligibility and Effect

List of Identified Resources With Determinations of NRHP Eligibility and Effect

Burns and McDonnell: Phase I and II Evaluation of Cultural Resources for 317 miles of Railroad Reconstruction From the Minnesota Border to Wall, South Dakota: DM&E's Proposed Powder River Expansion Project

Site #	Site Type	APE	NRHP Status	Effect
39BE129	Historic whistle stop	In	Eligible Criterion D	Adverse Effect
39BE130	Historic whistle stop	In	Not Eligible	-
39BK104	Historic whistle stop	In	Not Eligible	-
39HB37	Historic whistle stop	In	Not Eligible	-
39HD74	Historic	Out	Unevaluated	No Effect
39HD76	Historic town site	In	Not Eligible	-
39HE21	Prehistoric cairn/stone feature	In	Eligible Criteria A&D	Adverse Effect
39HE22	Prehistoric cairn/stone feature	In	Eligible Criteria A&D	Adverse Effect
39HE23	Historic whistle stop	In	Not Eligible	-
39HE24	Historic Whistle Stop	In	Not Eligible	-
39HK76	Historic whistle stop	In	Eligible Criterion D	Adverse Effect
39HK77	Historic whistle stop	In	Eligible Criterion D	Adverse Effect
39HK78	Prehistoric lithic scatter	In	Not Eligible	-
39HK79	Historic whistle stop	In	Not Eligible	-
39HU114	Prehistoric	Out	Unevaluated	No Effect
39HU130	Historic	Out	Unevaluated	No Effect
39HU132	Prehistoric	Out	Unevaluated	No Effect
39HU133	Prehistoric	Out	Unevaluated	No Effect
39HU134	Historic	Out	Unevaluated	No Effect
39HU135	Historic	Out	Unevaluated	No Effect
39HU191	Prehistoric	Out	Unevaluated	No Effect
39HU202	Prehistoric	Out	Unevaluated	No Effect
39HU208	Prehistoric	Out	Eligible Criterion	No Effect
39HU209	Historic	Out	Unevaluated	No Effect
39HU262	Historic whistle stop	In	Not Eligible	-
39HU267	Prehistoric	Out	Not Eligible	-
39HU283	Prehistoric cairn	In	Eligible Criteria A&D	Adverse Effect
39HU284	Prehistoric cairn/stone feature	In	Eligible Criteria A&D	Adverse Effect
39HU285	Historic whistle stop	In	Not Eligible	-
39HU286	Prehistoric campsite	In	Not Eligible	-

39HU287	Prehistoric cairn/stone feature	In	Eligible Criteria A&D	Adverse Effect
39HU288	Historic whistle stop	In	Not Eligible	-
39HU289	Prehistoric cairn/stone feature	In	Eligible Criteria A&D	Adverse Effect
39HU5	Prehistoric village site	In	Listed	
39HU52	Historic	Out	Eligible Criterion D	No Effect
39HU6	Prehistoric	Out	Eligible Criterion D	No Effect
39HU66	Multicomponent	Out	Eligible Criterion D	No Effect
39HU7	Prehistoric village (McClure site)	In	Listed	Adverse Effect
39HU77	Prehistoric village site	In	Not Eligible	-
39HU97	Multicomponent/ Prehistoric earthlodge village and Historic occupation (Euroamerican)	In	Listed	Adverse Effect
39JK207	Prehistoric	Out	Unevaluated	No Effect
39JK239	Historic whistle stop	In	Not Eligible	-
39JN10	Historic whistle stop	In	Not Eligible	-
39JN4	Prehistoric	Out	Unknown	No Effect
39JN8	Prehistoric	Out	Unevaluated	No Effect
39JN9	Historic whistle stop	In	Not Eligible	-
39KB12	Historic whistle stop	In	Not Eligible	-
39KB13	Historic whistle stop	In	Not Eligible	-
39KB14	Historic whistle stop	In	Not Eligible	-
39KB15	Historic whistle stop	In	Eligible Criterion D	Adverse Effect
39PN1952	Historic whistle stop	In	Not Eligible	-
39ST295	Historic whistle stop	In	Not Eligible	-
39ST296	Historic whistle stop	In	Not Eligible	-
39ST85	Prehistoric	Out	Unevaluated	No Effect
39ST86	Preshistoric	Out	Unevaluated	No Effect
IF ML-1	Prehistoric flaked lithic	In	Not Eligible	-
IF ML-2	Prehistoric flaked lithic	In	Not Eligible	-
IF ML-3	Prehistoric flaked lithic	In	Not Eligible	-
IF WN-1	Prehistoric flaked lithic	In	Not Eligible	-
IF WN-2	Prehistoric flaked lithic	In	Not Eligible	-

The project is considered to have an adverse effect to all eligible sites located within the project right-of-way pending the development of a treatment plan.



August 27, 2001

Mr. Jay D. Vogt, SHPO
State Historic Preservation Office
Cultural Heritage Center
900 Governors Drive
Pierre, SD 57501

DM&E's Proposed Powder River Expansion Project, Finance Docket #33407
Transmittal of the Phase I and II Archaeological Report for Reconstruction
DMERR 97-304-4-031/20950

Dear Mr. Vogt:

Enclosed in two volumes is the final Phase I and II Evaluation of Cultural Resources for 317 miles of Railroad Construction from the Minnesota Border to Wall, South Dakota: DM&E's Proposed Powder River Expansion Project, Finance Docket #33407. This report only covers the portion of the project in South Dakota that involves reconstruction of existing rail. It does not cover any yards, borrow areas, or other areas that may be affected by construction. All of the work was performed in the presence of a Native American monitor. Comments received on the draft report have been addressed in this final version.

The Wyoming, Minnesota and South Dakota new construction portions of the project have been put on hold or delayed until the EIS process is completed. Once the EIS process is complete the Wyoming, Minnesota and South Dakota new construction portions of the project will be completed in accordance with the Programmatic Agreement and Identification Plan which are expected to be approved prior to issuance of the FEIS.

In accordance with the Programmatic Agreement, a 15 day review period is provided. If there are any objections to the report the STB should be notified within the 15 work-day review period. The information in this report is confidential and should not be distributed to the public. If you have any questions or require additional information please call me at (816) 822-3915.

Sincerely,

Kimberly Carver
for Orval E. "Dan" Shinn
Archaeologist

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