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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

May 13, 2008

Mr. Richard Currit
Historic Preservation Specialist
Department of State Parks & Cultural Resources State Historic Preservation Office
2301 Central Avenue
Cheyenne, Wyoming 82002

Re: STB Finance Docket No. 33407, Dakota Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin: A Class III Cultural Resource Inventory of Eight Portions of Dakota, Minnesota, and Eastern Railroad Corporation's Powder River Basin Expansion Project, Segments 1 And 2, Campbell, Niobrara, and Weston Counties, Wyoming.

Dear Mr. Currit:

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.

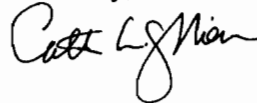
The enclosed report presents the results of a Class III cultural resource inventory conducted by TRC Mariah Associates Inc. A total of 1,094 acres (443 ha) were inventoried for these eight portions of Segments 1 and 2. A full description of the project's Area of Potential Effect is located on Page 3, Section 1.5. Mapping for the project area from east to west is located in Appendix B.

The enclosed report was distributed to all cooperating federal agencies and consulting tribes for their review and comment on August 31, 2007. STB subsequently hosted several project meetings with federal agency representatives and Tribes to encourage 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 listed on the attached page.

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,

A handwritten signature in black ink, appearing to read "Cath L Glidden", written in a cursive style.

Catherine L. Glidden
Section of Environmental Analysis

Enclosure: Copy of A Class III Cultural Resource Inventory of Eight Portions of Dakota, Minnesota, and Eastern Railroad Corporation's Powder River Basin Expansion Project, Segments 1 and 2, Campbell, Niobrara, and Weston Counties, Wyoming

List of Identified Resources With Determinations of NRHP Eligibility and Effect

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A Class III Cultural Resource Inventory of Eight Portions of Dakota, Minnesota, and Eastern Railroad Corporation's Powder River Basin Expansion Project, Segments 1 and 2, Campbell, Niobrara, and Weston Counties, Wyoming

Site #	Site Type	APE	NRHP Status	Effect
48CA1682	Prehistoric lithic scatter, historic trash scatter	In	Not Eligible	-
48CA1683	Prehistoric open camp	In	Not Eligible	-
48NO388	Historic scatter (water well)	In	Not Eligible	-
48NO470	Historic Structure remnants and trash scatter	In	Not Eligible	-
48WE1080	Historic homestead	In	Eligible Criterion C	Adverse
48WE1084	Prehistoric open camp, historic can	In	Not Eligible	-
48WE1087	Prehistoric lithic scatter	In	Not Eligible	-
48WE1089	Historic trash scatter and well pad	In	Not Eligible	-
48WE1280	Stone circles, lithic scatter	In	Eligible Criteria A,B,C	Adverse
48WE1347	Prehistoric open camp	In	Not Eligible	-
48WE1348	Historic homestead and prehistoric lithic scatter	In	Not Eligible	-
48WE1349	Prehistoric open camp	In	Not Eligible	-
48WE1350	Historic Carlson Ditch	In	Not Eligible	-
48WE1352	Prehistoric open camp	In	Not Eligible	-
IR-NF-1	Retouched flake and two flakes	In	Not Eligible	-
IR-NF-2	Biface and historic trash scatter	In	Not Eligible	-
IR-NF-3	Biface and nine flakes	In	Not Eligible	-
IF-NF-4	Retouched flake and seven flakes	In	Not Eligible	-
IR-NF-5	Biface and six flakes	In	Not Eligible	-
IR-NF-6	Three flake tools	In	Not Eligible	-
IR-NF-7	Projectile point and flake	In	Not Eligible	-
IR-NF-8	Heat-altered rock and cobble tool	In	Not Eligible	-
IR-NF-9	Two heat-altered rocks	In	Not Eligible	-
IR-NF-10	Projectile point and final biface	In	Not Eligible	-
IR-NF-11	Projectile point	In	Not Eligible	-
IR-NF-12	One flake tool	In	Not Eligible	-
IR-NF-13	Modified cobble	In	Not Eligible	-

IR-NF-14	Core	In	Not Eligible	-
IR-NF-15	Historic trash scatter	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.