



FD 33407

EO-1086

CG

SURFACE TRANSPORTATION BOARD

395 E. Street, SW
Washington, DC 20423
Section of Environmental Analysis

September 19, 2008

Mr. Herb Jones
Director, Government Affairs
Dakota, Minnesota & Eastern Railroad Corporation
140 North Phillips Avenue
Sioux Falls, SD 57104

Re: **STB Finance Docket No. 33407, Dakota Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin: Review Comments, A Level III Cultural Resource Inventory of the Dakota, Minnesota and Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, PRC Segment 1, Haakon, Jones, and Stanley Counties, South Dakota Addendum 1-SWCA (LBG- SD3a_Ad1)**

Dear Mr. Jones:

The Surface Transportation Board's Section of Environmental Analysis (SEA) has completed its review of the above-referenced report. We have attached a copy of our written comments to this letter and will be providing you with an interactive spreadsheet (MSEExcel format) via email that includes columns for comment location, reviewer's comments, action taken, and review. Please address each comment provided and specify any textual changes to the report in your response to us by providing an electronic copy of the revised report with "track changes" activated.

Should you have questions as you review the attached comments, please feel free to contact me (Catherine.Glidden@stb.dot.gov; 202-245-0293) or Randy Withrow of the Louis Berger Group (rwithrow@louisberger.com; 319-373-3043). We look forward to working with you on the review of this document.

Sincerely,

Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis

Enclosure: Comment Response Form

Level III Cultural Resource Inventory of the Dakota, Minnesota and Eastern Railroad Corporation's Powder River Basin Expansion Project

Corridor, PRC Segment 1, Haakon, Jackson, and Pennington Counties, South Dakota - (SD3a_Ad1) 9/18/08

Comment #	Comment Location in Document				Comment	Name of Reviewer	Action Taken to Address Comment
	Chapter	Section	Page	Paragraph	Line		
1	General					Withdraw	
2	General					L. Bambrey	
3	General					C. Schoen	
4	Abstract	i	2			C. Schoen	
5	Abstract	i	3	3	1	C. Schoen	
6	Abstract	i	3	3	2	C. Schoen	
7	1.0	1.0	1-1	2		C. Schoen	

18	2.0	2.7.2	2-6	1		I would recommend using the general term "Non-archaeological Historic Resources" rather than "Non-archaeological Historic Sites". Avoids having to clarify the whole site/non-site distinction. Beyond this, it is always good practice to adhere to the property types recognized by the NRHP: districts, sites, buildings, structures, & objects.	Withdraw	
19	3.0	3.0	3-4	1	3	"...one site (39JN0041) is located outside of the expanded ROW but was revisited as its boundaries were encompassed into the expanded ROW." Is it accurate to say that both JN4 and JN41 are located within the "expanded ROW"? If so, then please revise to simplify this statement.	C. Schoen	
20	3.0	3.0	3-4	1	7	Please revise to clearly state which resources are within the APE and which resources are entirely outside the project APE.	C. Schoen	
21	4.0	4.0	4-1	1	1	Report which resources were previously recorded and which are the newly recorded sites (including the isolated find sites).	C. Schoen	
22	4.0	4.0	4-1	1	4	Please make an eligibility recommendation on the unevaluated site.	L. Bambrey	
23	4.0	4.0	4-1	1		Recommend listing which site is recommended eligible, which is currently listed, which is recommended not eligible, etc.	C. Schoen	
24	4.1	4.1.1	4-3	3		Author states that the 1982 SARC survey observed site materials at 39JN04 exposed in a "graded cut". Did the survey team observe any evidence of this type of previous disturbance in the vicinity of the recorded site boundary?	Withdraw	
25	4.0	4.1.1	4-6			We disagree with the recommendation that Site 39JN04 is not eligible. How does one evaluate a site that has not been successfully relocated? Based on the site map, the cited disturbances are all outside the recorded site boundary, and none of SWCA's shovel tests show obvious evidence for ground disturbance; therefore, I don't think reviewers will be convinced by this line of reasoning. Assuming the site location is accurate, then the absence of site materials in 5 shovel tests excavated within the site boundary is clearly a more appropriate basis for judging the site's research potential. The problem here is that, absent finding any material whatsoever, one has to wonder whether the site was misplotted back in 1982. Without confirmation of the site's location, a recommendation that the site be considered "potentially eligible" is warranted pending additional systematic subsurface testing in the immediate area sufficient to confirm its location and eligibility status. If the site cannot be relocated and properly evaluated, then the reported site location should either be avoided or monitored during construction.	Withdraw	

38	4.0	4.3.2	4-22	2		Recording a piece of abandoned farm machinery as an archaeological site seems ridiculous to me (39JN0048). Are we sure that this is consistent with the intent of state guidelines for recording isolated finds? Please verify with SHPO and SARC and revise as appropriate.	C. Schoen	
39	4.0	4.3.3	4-23			Did previous survey by B&M detect any evidence of Site 39JN0049 north of the expanded ROW?	C. Schoen	
40	4.0	4.3.3	4-27	1	1	"Site 39JN0049 is a sparse lithic procurement site..." The debitage assemblage and presence of abandoned tools suggests lithic reduction and other on-site activities. Why is this a procurement site?	C. Schoen	
41	4.0	4.3.3	4-27	1	6-7	Please revise eligibility recommendation for 39JN49 per comment #1. Include specific recommendations regarding the nature and scope of the "additional survey and subsurface testing" that is required.	Withdraw	
42	4.0	4.3.4	4-28	2		Site 39TO368 includes 11 artifacts (3 flakes, 7 historic glass, and 1 burned and crushed animal bone). Doesn't this preclude it being classified as an isolated find (less than 10 artifacts)?	C. Schoen	
43	4.0	4.3.4	4-28	2		What is the geomorphic context for the site materials found at 39TO368? Author states that cutbank profiles in the vicinity exhibit homogenous alluvial deposits. Does this mean there is absence of soil development and differentiation of soil horizons suggesting this is a recent alluvial deposit? What is the site's proximity to this cutbank exposure? Is it possible that the near channel deposits could be different from those where the site is located? Geomorphological assessment seems appropriate to properly evaluate this site.	C. Schoen	
44	4.0	4.3.4	4-28	3		Given that Site 39TO368 has more than the maximum artifacts appropriate for an isolated find and the site need geomorphological assessment, the conclusion that this site is not eligible since it is an IF and "not likely to yield any further information to the prehistory or history of the area" is not valid.	C. Schoen	
45	5.0		5-1			Change the conclusions to match the changes in previous chapters.	L. Bambrey	
46	5.0	5.0	5-1	2		List the new site, three isolated finds, and revisited sites in the 2008 fieldwork for clarity.	C. Schoen	
47	Appendix B site forms					Make changes accordingly.	Bambrey	



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1	General					STB will not accept reports that list sites located within the APE as "unevaluated" (i.e., 39JN39). Sites may be recommended "eligible", "not eligible", or "potentially eligible". We recognize that complete evaluations may not be possible for all sites due to lack of access or other restrictions imposed on subsurface testing; therefore, if further work is needed to fully establish NRHP eligibility, then the consultant should recommend that the site be considered "potentially eligible" pending completion of additional work. The scope of that additional work should also be clearly defined and stated in the form of recommendations. Please revise the report as necessary.	Withdraw
2	General					The SAA Style Guide states that simple citations in text should be as follows: Smith 2008. Please delete the comma between the author and the year (e.g., Smith, 2008) throughout the report.	L. Bambrey
3	General					Reassigning feature numbers at a previously investigated site can be very confusing (e.g. 39JN0041). Why didn't SWCA simply build on the feature numbers that were already assigned instead of renumbering them?	C. Schoen
4	Abstract	i	2			Add: "Eight areas remain to be surveyed for cultural resources." at the end of the paragraph.	C. Schoen
5	Abstract	i	3	3	1	For clarity, please include site numbers in parens when introducing the new site, three isolated finds, and revisited sites investigated during 2008 fieldwork.	C. Schoen
6	Abstract	i	3	3	2	The Bridge (JN00000001) is a structure, not a "site". Change references to be consistent throughout report. Would also be helpful to clarify that this is not a railroad bridge.	C. Schoen
7	1.0	1.0	1-1	2		Add: "Eight areas remain to be surveyed for cultural resources." at the end of the paragraph.	C. Schoen

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