



SURFACE TRANSPORTATION BOARD
395 E Street, SW
Washington, DC 20423-0001
Section of Environmental Analysis

August 26, 2009

Mr. Russell Eagle Bear
Rosebud Sioux Tribe
Tribal Historic Preservation Officer
PO Box 809
Rosebud, South Dakota 57570

Dear Russell Eagle Bear:

Thank you for your August 13, 2009 letter regarding your concerns about the Dakota, Minnesota and Eastern (DM&E) Railroad Project. In your letter you said that you had received notice that the Surface Transportation Board (STB) had intended to exclude ten sites from the recorded data base along the DM&E new build section of its project in Wyoming and South Dakota. You also expressed disappointment that STB had decided to not provide payment for the Standing Rock Sioux Tribe for field visits being conducted between August 24 and September 1, 2009. I address both of these issues below.

As you know, the purpose of allowing tribal access to sites in Wyoming and South Dakota is to provide the STB with information from tribes regarding the National Register eligibility of approximately 60 unevaluated archaeological sites. The sites, though identified by archaeologists in the field and documented in cultural resources reports, were left unevaluated as tribal monitors that had accompanied the archaeologists stated that additional tribal input was needed. Following distribution of the archaeological reports, almost no input from tribes was forthcoming. It was for that reason that the STB determined the need to provide additional tribal access to the sites whose National Register eligibility remained in question and were therefore left unevaluated.

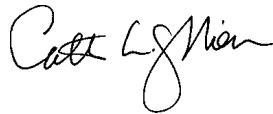
At no time had the STB made the decision to eliminate any sites from its database. We were, however, asked by DM&E to make certain that we only provide tribal access to sites for which additional expertise was in fact needed. In some cases, DM&E rightly noted that some sites for which the STB had originally considered providing future access to tribes were located almost a mile away from the railroad construction site. As it turns out, the STB and DM&E, with input from the South Dakota State Historic Preservation Officer, determined that all but two sites for which STB had agreed to provide access to tribes would remain on our list of sites for the ongoing round of field visits.

Regarding the Standing Rock Sioux Tribe: We had originally made the decision to not provide Standing Rock with paid compensation to participate in the current round of field visits as they had not provided us with National Register recommendations following the field visits in June. However, we were

recently advised by Sisseton Wahpeton that you and Standing Rock participated in the development of the National Register report that you submitted to us in July. Based on this new information, we have subsequently determined that it would be appropriate to pay Standing Rock for the ongoing field visits.

I apologize for any misunderstanding on my end regarding any of the above and I hope my letter explains and clarifies your concerns. I am personally grateful for all that you had done to make this project a success and I look forward to our continued cooperative working relationship.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine L. Glidden". The signature is fluid and cursive, with the first name "Catherine" written in a larger, more prominent script than the last name "Glidden".

Catherine L. Glidden
Section of Environmental Analysis

Cc: Paige Hoskinson-Olson, SD SHPO
Dianne Desrosiers, THPO Sisseton Wahpeton Oyate
Waste'Win, THPO Standing Rock Sioux Tribe
Herb Jones, DM&E
Victoria Rutson, STB
Randy Withrow, LBG