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Department of Tourism and State DevelopmentLetter first sent via
e-mail

July 21, 2009

Ms. Catherine L. Glidden
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington DC 20423-0001

SECTION 106 PROJECT CONSULTATION – IDENTIFICATION/EVALUATION

Project: 080515042F (6) – Dakota, Minnesota and Eastern Railroad Corporation Powder River Basin Expansion Project Corridor – PRC Segment 3 (Project No. SD3c and SD3c-Ad 1)

Location: Haakon, Jackson, and Pennington Counties
(STB)

Dear Ms. Glidden:

Thank you for the opportunity to comment on the above referenced undertaking pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). The South Dakota Office of the State Historic Preservation Officer (SHPO) concurs with the following determinations of eligibility based on the information received on May 26, 2009:

1) your correspondence; 2) report entitled "Level III Cultural Resource Inventory of the Dakota, Minnesota and Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, PRC Segment 3, Pennington, Jackson, and Haakon Counties, South Dakota," prepared by SWCA Environmental Consultants; and 3) report entitled "A Level III Cultural Resource Inventory of the Dakota, Minnesota and Eastern Railroad Corporation's Powder River Basin Expansion Project Corridor, PRC Segment 3, Haakon, Jackson, and Pennington Counties, South Dakota, Addendum 1," prepared by SWCA Environmental Consultants.

- Sites/structures 39HK0078, 39HK0107, 39JK0294, 39JK0295, 39JK0296, 39JK0297, 39JK0298, 39PN2997, PN-000-00752, PN-000-00753 should be considered not eligible for listing on the NRHP.
- We agree that sites/structures JK-003-00002 through JK-003-00005, which are located along JK-003-00001 (US Highway 14), are not eligible for listing on the NRHP under National Register Criteria C.

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However, we disagree with the determinations of eligibility for sites/ structures JK-003-00001 and PN-033-00001. It is unclear how much of the original alignment maintains integrity. Therefore, these sites should be considered unevaluated for listing on the NRHP.

We are also unable to comment on the eligibility of site 39JK0299 until additional information is provided. It is unclear how it was determined that site 39JK0299 has no potential for subsurface deposits given that no testing was conducted.

Should you require additional information, please contact Paige Hoskinson Olson at (605) 773-6004. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,

Jay D. Vogt
State Historic Preservation Officer

A handwritten signature in cursive script, reading "Paige Hoskinson Olson". The signature is written in dark ink and is positioned above the typed name of the signatory.

Paige Hoskinson Olson
Review and Compliance Coordinator

Cc: Mr. Randy Withrow, Louis Berger Group Inc.
Ms. Jane Watts, Archaeological Research Center