

February 19, 2010

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

re: Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin:
Request for Review and Comment on 21 Archaeological Sites (SHPO File # 0498RLC044)

Dear Ms. Rutson:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project.

Our office is unable to review this report at this time because it does not meet the standards required under the "Programmatic Agreement Among Advisory Council on Historic Preservation, Surface Transportation Board, Wyoming State Historic Preservation Officer, Minnesota State Historic Preservation Officer, the U.S.D.A. Forest Service, Region 2, U.S.D.I. Bureau of Land Management, Montana/Dakotas State Office, U.S.D.I. Bureau of Land Management, Wyoming State Office, U.S. Army Corps of Engineers, Omaha District, U.S. Army Corps of Engineers, St. Paul District, U.S.D.I. Bureau of Reclamation and Dakota, Minnesota & Eastern Railroad Corporation Regarding the Powder River Basin Expansion Project, Finance Docket No. 33407 (PA).

In a conversation today concerning this issue, Catherine Glidden of your office stated that reports for this project did not need to meet the State of Wyoming's standards. This is factually incorrect. According to the PA, Appendix D, Attachment A, Section 5 (in part, emphasis added):

"All Reports for the ID Plan will be submitted in two parts designed to be one report when combined. *Each report will be modified from the outline below to address the specific requirements of the state where the survey was conducted.*"



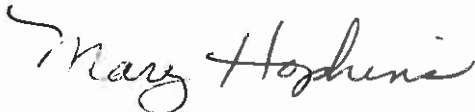
Dave Freudenthal, Governor
Milward Simpson, Director

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Unfortunately, failure to conform with the terms of the PA has become a consistent pattern with this project. In particular, submitting reports to our office for concurrent review contrary to stipulation A.3 of the PA has been an ongoing issue. It is our hope that these issues can be swiftly corrected so that the Section 106 process can proceed in an efficient manner.

Please refer to SHPO project #0498RLC044 on any future correspondence regarding this project. If you have any questions, please contact me at 307-777-6311.

Sincerely,

A handwritten signature in cursive script that reads "Mary Hopkins". The signature is written in dark ink and is positioned to the left of the printed name.

Mary Hopkins
Interim State Historic Preservation Officer

Cc: Reid Nelson, Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
Najah Duvall-Gabriel, Advisory Council on Historic Preservation
Sara Needles, Division Administrator, Cultural Resources