



Department of Tourism and State Development

EI - 17801

CG

June 17, 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: 080515043(4)F – Dakota, Minnesota and Eastern Railroad Corporation Powder River Basin Expansion Project Corridor (LBG-SD1, LBG-SD1a, LBG-SD1b, LBG-SD1c and LBG-SD1d)

Location: Custer, Fall River 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.

We have made this consensus determination based on the following information received on April 20, 2009: 1) your correspondence; 2) report entitled "A Level III Cultural Resources Inventory of the Dakota, Minnesota & Eastern Railroad Corporation's Power River Basin Expansion Project Corridor, Custer, Fall River and Pennington Counties, South Dakota (LBG-SD1), prepared by SWCA Environmental Consultants, Inc and Archaeology Laboratory, University of South Dakota; and 3) report entitled "A Level III Cultural Resources Inventory of the Dakota, Minnesota & Eastern Railroad Corporation's Power River Basin Expansion Project Corridor, Custer, Fall River and Pennington Counties, South Dakota, Addendum 1 (LBG-SD1a)," prepared by Archeology Laboratory, Augustana College; and 4) report entitled "A Level III Cultural Resources Inventory of the Dakota, Minnesota & Eastern Railroad Corporation's Power River Basin Expansion Project Corridor, Custer, Fall River and Pennington Counties, South Dakota, Addendum 2 (LBG-SD1b); 5) report entitled "A Level III Cultural Resources Inventory of the Dakota, Minnesota & Eastern Railroad Corporation's Power River Basin Expansion Project Corridor, Custer, Fall

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River and Pennington Counties, South Dakota, Addendum 3 (LBG-SD1c); and 6) report entitled "A Level III Cultural Resources Inventory of the Dakota, Minnesota & Eastern Railroad Corporation's Power River Basin Expansion Project Corridor, Custer, Fall River and Pennington Counties, South Dakota, Addendum 4 (LBG-SD1d). In agreement with the recommendations, we concur with the following determinations of eligibility.

- Sites 39PN1616, 39PN1630, 39PN1623, 39PN1626, 39PN1625, 39PN1624, 39PN1628, 39PN1629, 39PN1744, 39PN1765, 39PN2081, 39PN1742, 39PN1740, 39PN1739, 39PN1743, 39PN1738, 39PN1733, 39PN1735, 39PN1766, 39PN1737, 39PN1745, 39PN1749, 39PN1750, 39PN1752, 39PN1751, 39PN1754, 39PN1753, 39PN1747, 39PN1748, 39PN1746, 39PN1768, 39PN1780, 39PN1755, 39PN1779, 39CU1808, 39CU1809, 39CU1810, 39CU1811, 39CU1816, 39CU1812, 39CU1820/1821, 39CU1832, 39CU1833, 39CU1828, 39CU1834, 39CU1835, 39CU1836, 39CU1837, 39CU1839, 39CU1843, 39CU1846, 39CU1847, 39CU1848, 39CU1849, 39CU1899, 39CU1854, 39CU1855, 39CU1856, 39CU1859, 39CU1860, 39CU1862, 39CU1869, 39CU1868, 39CU1866, 39CU1867, 39CU1923, 39CU1925, 39CU1927, 39CU1933, 39CU1934, 39CU1931, 39CU1929, 39FA1342, 39FA1343, 39FA1344, 39FA1345, 39FA1346, 39FA1347, 39FA1348, 39FA1349, 39FA1350, 39FA1351, 39FA1352, 39FA1354, 39FA1356, 39FA1357, 39FA1358, 39FA1359, 39FA1464, 39FA1465, 39FA1369, 39FA1364, 39FA1365, 39FA1368, 39FA1370, 39FA1372, 39FA1373, 39FA1374, 39FA1377, 39FA1378, 39FA1379, 39FA1381, 39FA1382, 39FA1383, 39FA1384, 39FA1385, 39FA1387, 39FA1388, 39FA1298, 39FA1389, 39FA1390, 39FA1391, 39FA1392, 39FA1393, 39FA1394, 39FA1395, 39FA1396, 39FA1397, 39FA1398, 39FA1466, 39FA1399, 39FA1467, 39FA1400, 39FA1401, 39FA1402, 39FA1403, 39FA1404, 39FA1408, 39FA1409, 39FA1410, 39FA1411, 39FA1412, 39FA1414, 39FA1415, 39FA1416, 39FA1418, 39FA1419, 39FA1421, 39FA1422, 39FA1423, 39FA1426, 39FA1428, 39FA1429, 39FA1430, 39FA1431, 39FA1433, 39FA1434, 39FA1866 and 39FA1424 should be considered not eligible for listing on the National Register of Historic Places under National Register Criteria D.
- Architectural features FA-018-00001, FA-018-00002, FA-017-00001, FA-017-00002, FA-019-00002, FA-019-00003, FA-020-00001, FA-020-00003, FA-020-00004, FA-020-00005, FA-02-00006, FA-020-00007, FA-021-00001, FA-021-00002, FA-021-00003, FA-021-00004, FA-021-00005, FA-021-00006, FA-021-00007, FA00000144, and FA00000149 should be considered not eligible for listing on the National Register of Historic Places under National Register Criteria A, B or C.
- Site 39FA2003 should be considered eligible for listing on the National Register of Historic Places under National Register Criteria A and C.

However, we are unable to comment on sites 39FA1413, 39FA1427, 39FA1432, 39CU1871, 39CU1813, 39CU1814, 39CU1815, 39CU1863, 39FA1240, 39FA1425, 39CU2088,

39CU1940, 39CU1863, 39CU1871, 39CU1872, 39CU1873, 39CU1874, 39CU1924, 39CU1812, 39PN1875, 39PN1615, 39PN1614, 39PN1622, 39PN1621, 39PN1620, 39PN1619, 39PN2007, 39PN1618, 39FA1381, 39FA2087, 39FA1383, 39FA1375, 39CU1829, 39CU1830, 39CU1831, 39CU1850, 39CU1851, 39CU1852, 39CU1832, 39CU1833, and 39FA1376. Please provide the following information.

- It is unclear which state agency manages sites 39FA1375, 39CU1829, 39CU1830, 39CU1831, 39CU1850, 39CU1851, 39CU1852, 39CU1832, 39CU1833, and 39FA1376. Explain if the land managing agency was given an opportunity to comment on the eligibility of these sites; and if so, provide any comments submitted.
- Provide the Forest Service's comments regarding the eligibility of sites 39CU2088, 39CU1940, 39CU1863, 39CU1871, 39CU1872, 39CU1873, 39CU1874, 39CU1924, 39CU1812, 39PN1875, 39PN1615, 39PN1614, 39PN1622, 39PN1621, 39PN1620, 39PN1619, 39PN2007, and 39PN1618.
- Provide Bureau of Land Management's comments regarding the eligibility of sites 39FA1381 and 39FA2087.
- In survey SD1 (pg 4-1) it says "During the final report preparation, no record of the previously recorded sites identified in the 1999 files search were provided to SWCA from ARCHLAB, with the exception of the information presented within the text of site narratives in the original draft report (Appendix B)." Did SWCA conduct another files search to confirm that ARCHLAB had not missed sites or if any new sites had been recorded in the APE?
- Site 39FA1413 (SD1-pg 5-341): This site was determined eligible but is entirely within the right-of-way (r-o-w). How did you determine "no adverse effect" for this site?
- Site 39FA1432 (SD1-pg 5-422): What was considered eligible for this site, the archaeology or the architecture?
- Tepee Creek Basin (SD1-pg 5-368): According to the report this area was not surveyed due to denied access. Was this area ever surveyed, and where is that information?
- While the individual lithic procurement sites may not be eligible, together could they answer important questions concerning lithic procurement patterns; and what effect do these lithic procurement areas have on general site distribution?

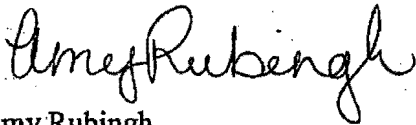
- Site 39CU1932 (SD1b-pg 3-105): Was any geomorphologic testing done to establish the depth of the hearth features? How did you determine that the features were deflated?
- Site 39FA1380 (SD1b-pg 3-159): What is the comparison in size between historic wagon ruts and modern vehicles?
- Sites 39FA1363, 39FA1381, and 39FA1367: The site boundaries for these sites have been changed without any subsurface testing for the entirety of the change. In order to change a site boundary, especially to a smaller boundary, investigators need to provide more information than just the observation of surface scatter to base these changes on. Please have these sites correctly evaluated from their original boundary.
- The SDSHPO's office feels that a determination of eligible but with non-contributing portions is an inappropriate assessment of archaeological sites. We feel that archaeological sites should be tested and evaluated as a whole site and not divided into sections. Therefore, please answer the following questions.
  - Site 39FA1353 (SD1b-pg 3-125): Did SWCA do any shovel testing before altering the determination? Please explain how you determined that only three shovel tests suffice to test this large of an area?
  - Site 39FA1355 (SD1b-pg 3-130): According to the map on page 3-132, only one shovel test was conducted within the non-contributing portion of the site. How was this area tested to adequately determine that it was non-contributing?
  - Site 39FA1367 (SD1b-pg 3-175): The report failed to give a complete explanation of why a 20% portion should be considered non-contributing. Please elaborate.
  - Site 39FA1407 (SD1b-pg 3-175): Roughly 70% of this site is within the r-o-w and has been recommended as non-contributing. How is it possible that a site is eligible but only 30% is contributing?
  - Site 39FA1353 (SD1b-pg 3-186): How much of the mapped trail was recommended as non-contributing? Why was only one trail spur determined contributing while the others were not?
- Sites 39FA1240, 39CU1853, 39FA1362, and 39FA1417 were originally evaluated as eligible. Then they were re-evaluated as unevaluated. We recommend that these sites remain listed as eligible until they are properly evaluated.
- Structures FA-019-00001, FA-020-00002, FA-020-00008, and FA-020-00009 have been recommended as eligible. However we would disagree and recommend the structures be considered not eligible.

- Given that we feel that structures FA-020-00008 and FA-020-00009 are not eligible for the National Register, and since the archaeological portion of the site 39FA1425 is not eligible, we suggest this makes the entire site not eligible.
- Please provide photos of structure CU-000-00633 for a complete review of the structure.
- In their correspondence, BLM concurred with a determination of eligible for site 39FA1383. However in SD1b, the site was re-evaluated as not eligible. Please provide BLM's comments regarding this change.

Should you require additional information, please contact Amy Rubingh at (605) 773-8370. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,

Jay D. Vogt  
State Historic Preservation Officer



Amy Rubingh  
Review and Compliance Archaeologist

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