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Preserving America's Heritage

January 3, 2007

David Valenstein
Federal Railroad Administration
US Department of Transportation
1120 Vermont Avenue, NW MS 15
Washington DC 20590

REF: *Amended Programmatic Agreement regarding the DM&E Powder River Railroad Expansion Project.*

Dear Mr. Valenstein:

The enclosed amended Programmatic Agreement (PA) regarding the Powder River Railroad expansion project has been executed by the ACHP. Through this action, the Federal Railroad Administration (FRA) is now a signatory to the PA for this project. This action also constitutes the comments of the ACHP required by Section 106 of the National Historic Preservation and the ACHP's regulations regarding FRA's consideration of a loan application from DM&E. Please provide copies of the fully executed Amendment to the other signatories.

We appreciate your cooperation and the assistance of DM&E in the completion of this Amendment.. Should you have any questions or require the additional assistance of the ACHP, please contact Carol Legard at (202)606-8522 or by e-mail at clegard@achp.gov.

Sincerely,

(for) Christine Dwin Vaughn
Assistant Director
Office of Federal Agency Programs

Enclosure

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8447 • achp@achp.gov • www.achp.gov

**AMENDMENT TO THE MARCH 2003 PROGRAMMATIC AGREEMENT REGARDING THE
POWDER RIVER BASIN EXPANSION PROJECT
Finance Docket No. 33407**

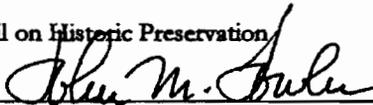
**AMENDMENT NUMBER 1
SEPTEMBER 2006**

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SIGNATORIES

Federal Agencies

Advisory Council on Historic Preservation

Signature:  Date: 1/4/07
Printed Name and Title: _____

The Surface Transportation Board

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.A Forest Service, Region 2

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Wyoming State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, St. Paul District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Reclamation

Signature: _____ Date: _____
Printed Name and Title: _____

RECEIVED OCT 05 2006

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SIGNATORIES

Federal Agencies

Advisory Council on Historic Preservation

Signature: _____ Date: _____
Printed Name and Title: _____

The Surface Transportation Board

Signature: *Victoria J. Ruston* Date: *10-2-06*
Printed Name and Title: *Victoria J. Ruston*

Chief, Section of Envir. Analysis
The U.S.D.A Forest Service, Region 2

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Wyoming State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, St. Paul District

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Signature: _____ Date: _____
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Advisory Council on Historic Preservation

Signature: _____ Date: _____
Printed Name and Title: _____

The Surface Transportation Board

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.A Forest Service, Region 2

Signature: *Greg Smith* Date: 10/31/2006
Printed Name and Title: Deputy Regional Forester

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Wyoming State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, St. Paul District

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Printed Name and Title: _____

The Surface Transportation Board

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.A Forest Service, Region 2

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office

Signature: Donald S. Smurthwaite Date: 10/4/06
Printed Name and Title: Donald S. Smurthwaite, Acting Associate State Director

The U.S.D.I. Bureau of Land Management Wyoming State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, St. Paul District

Signature: _____ Date: _____
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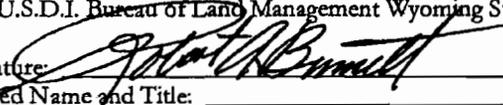
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Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Wyoming State Office

Signature:  Date: 10/3/06
Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, St. Paul District

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Printed Name and Title: _____

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Printed Name and Title: _____

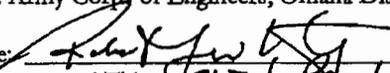
The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Wyoming State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature:  Date: Oct 11, 2006
Printed Name and Title: Chief Regulatory Counsel

The U.S. Army Corps of Engineers, St. Paul District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Reclamation

Signature: _____ Date: _____
Printed Name and Title: _____

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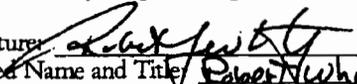
The U.S.D.I. Bureau of Land Management Wyoming State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, St. Paul District

Signature:  Date: Oct 18, 2006
Printed Name and Title: Robert Whitling, Chief Regulatory

The U.S.D.I. Bureau of Reclamation

Signature: _____ Date: _____
Printed Name and Title: _____

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Printed Name and Title: _____

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Printed Name and Title: _____

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Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Land Management Wyoming State Office

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature: *D.C. Press* Date: 3 NOV 06
Printed Name and Title: Colonel David C. Press, Commander

The U.S. Army Corps of Engineers, St. Paul District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Reclamation

Signature: _____ Date: _____
Printed Name and Title: _____

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Printed Name and Title: _____

The U.S. Army Corps of Engineers, Omaha District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S. Army Corps of Engineers, St. Paul District

Signature: _____ Date: _____
Printed Name and Title: _____

The U.S.D.I. Bureau of Reclamation

Signature: Dorinda Britman Date: 10/3/06
Printed Name and Title: Area Manager, Dakotas Area Office

AMENDMENT TO THE PROGRAMMATIC AGREEMENT
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AMENDMENT NUMBER 1

State Historic Preservation Offices

Minnesota State Historic Preservation Office

Signature: Gene M. Archbold Date: 12/20/06
Printed Name and Title: State Historic Preservation Officer

South Dakota State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

Wyoming State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

Applicant

President, Dakota, Minnesota & Eastern Railroad Corporation

Signature: _____ Date: _____
Printed Name and Title: _____

INVITED SIGNATORIES

Tribes

Chairman, Winnebago Tribe

Signature: _____ Date: _____
Printed Name: _____

Chairman, Pawnee Nation of Oklahoma

Signature: _____ Date: _____
Printed Name: _____

Chairman, Lower Brule Sioux Tribe

Signature: _____ Date: _____
Printed Name: _____

ADDED SIGNATORY

Federal Agency

The Federal Railroad Administration

Signature: _____ Date: _____
Printed Name and Title: _____

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State Historic Preservation Offices

Minnesota State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

South Dakota State Historic Preservation Office

Signature: Jay D. Vogt Date: 10-05-2006
Printed Name and Title: JAY D. VOGT, SHPO

Wyoming State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

Applicant

President, Dakota, Minnesota & Eastern Railroad Corporation

Signature: _____ Date: _____
Printed Name and Title: _____

INVITED SIGNATORIES

Tribes

Chairman, Winnebago Tribe

Signature: _____ Date: _____
Printed Name: _____

Chairman, Pawnee Nation of Oklahoma

Signature: _____ Date: _____
Printed Name: _____

Chairman, Lower Brule Sioux Tribe

Signature: _____ Date: _____
Printed Name: _____

ADDED SIGNATORY

Federal Agency

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Signature: _____ Date: _____
Printed Name and Title: _____

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Minnesota State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

South Dakota State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

Wyoming State Historic Preservation Office

Signature: [Handwritten Signature] Date: 10/03/00
Printed Name and Title: Gara E. Needles, State Historic Preservation Officer

Applicant

President, Dakota, Minnesota & Eastern Railroad Corporation

Signature: _____ Date: _____
Printed Name and Title: _____

INVITED SIGNATORIES

Tribes

Chairman, Winnebago Tribe

Signature: _____ Date: _____
Printed Name: _____

Chairman, Pawnee Nation of Oklahoma

Signature: _____ Date: _____
Printed Name: _____

Chairman, Lower Brule Sioux Tribe

Signature: _____ Date: _____
Printed Name: _____

ADDED SIGNATORY

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Signature: _____ Date: _____
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South Dakota State Historic Preservation Office

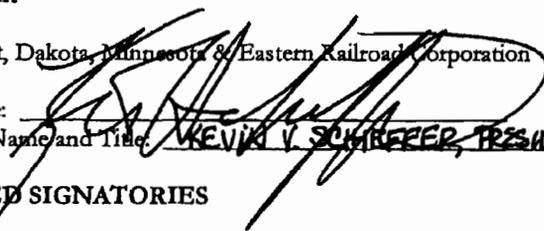
Signature: _____ Date: _____
Printed Name and Title: _____

Wyoming State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

Applicant

President, Dakota, Minnesota & Eastern Railroad Corporation

Signature:  Date: _____
Printed Name and Title: KEVIN V. SCHREFFLER, PRESIDENT & CEO

INVITED SIGNATORIES

Tribes

Chairman, Winnebago Tribe

Signature: _____ Date: _____
Printed Name: _____

Chairman, Pawnee Nation of Oklahoma

Signature: _____ Date: _____
Printed Name: _____

Chairman, Lower Brule Sioux Tribe

Signature: _____ Date: _____
Printed Name: _____

ADDED SIGNATORY

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Signature: _____ Date: _____
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South Dakota State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

Wyoming State Historic Preservation Office

Signature: _____ Date: _____
Printed Name and Title: _____

Applicant

President, Dakota, Minnesota & Eastern Railroad Corporation

Signature: _____ Date: _____
Printed Name and Title: _____

INVITED SIGNATORIES

Tribes

Chairman, Winnebago Tribe

Signature: Matthew Pilcher Date: 10-24-06
Printed Name: MATTHEW PILCHER

Chairman, Pawnee Nation of Oklahoma

Signature: _____ Date: _____
Printed Name: _____

Chairman, Lower Brule Sioux Tribe

Signature: _____ Date: _____
Printed Name: _____

ADDED SIGNATORY

Federal Agency

The Federal Railroad Administration

Signature: _____ Date: _____
Printed Name and Title: _____

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Printed Name and Title: _____

Applicant

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Printed Name and Title: _____

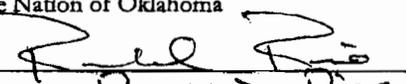
INVITED SIGNATORIES

Tribes

Chairman, Winnebago Tribe

Signature: _____ Date: _____
Printed Name: _____

Chairman, Pawnee Nation of Oklahoma

Signature:  Date: 10/9/06
Printed Name: RONALD RICE

Chairman, Lower Brule Sioux Tribe

Signature: _____ Date: _____
Printed Name: _____

ADDED SIGNATORY

Federal Agency

The Federal Railroad Administration

Signature: _____ Date: _____
Printed Name and Title: _____

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Signature: _____ Date: _____
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President, Dakota, Minnesota & Eastern Railroad Corporation

Signature: _____ Date: _____
Printed Name and Title: _____

INVITED SIGNATORIES

Tribes

Chairman, Winnebago Tribe

Signature: _____ Date: _____
Printed Name: _____

Chairman, Pawnee Nation of Oklahoma

Signature: _____ Date: _____
Printed Name: _____

Chairman, Lower Brule Sioux Tribe

Signature: Michael B. Jandreau Date: 10-16-06
Printed Name: MICHAEL B. JANDREAU

ADDED SIGNATORY

Federal Agency

The Federal Railroad Administration

Signature: _____ Date: _____
Printed Name and Title: _____

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Printed Name and Title: _____

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Printed Name and Title: _____

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President, Dakota, Minnesota & Eastern Railroad Corporation

Signature: _____ Date: _____
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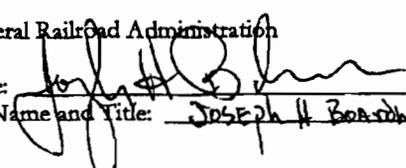
Chairman, Lower Brule Sioux Tribe

Signature: _____ Date: _____
Printed Name: _____

ADDED SIGNATORY

Federal Agency

The Federal Railroad Administration

Signature:  _____ Date: 11/3/06
Printed Name and Title: JOSEPH H. BOARDMAN Administrator