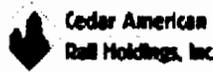


FD 33407

EI-6993



CG

March 17, 2008

Catherine Glidden
Surface Transportation Board
395 E. Street, SW
Washington, D.C. 20423-0001

Dear Ms. Glidden:

Please find enclosed the attached documents in response to your request of the Dakota, Minnesota and Eastern Railroad (DM&E) to offer a proposal for an Office of Tribal Involvement (OTI) for the Powder River Basin Expansion and Rehabilitation Project. Our intent is to offer these to you for your review and we ask that you in turn provide them to the tribal participants for their consideration. We thank you and the tribal participants for working together with us to implement the Programmatic Agreement and the Memorandum of Agreement through the Work Plan and through the OTI.

You asked the DM&E for a letter of commitment regarding OTI, and for that reason we have included language to that effect in the "Establishment Specifications for the Office of Tribal Involvement" document (under "Duration of DM&E Support") which provides for DM&E's financial support of the office. To that end, the DM&E is prepared to agree to the terms laid out and remains open to further discussion. That commitment will be made when the various signatories confirm their support and there is a clear indication from the tribal community that they are in agreement with the final specifications and mission statement.

Again, we truly appreciate the efforts being made by all who are genuinely interested in identifying a workable process to better address the workload associated with the Project—a process that will ensure the timely, efficient and effective handling of Project-related materials and a process that will serve in the best interest of all parties involved. Do not hesitate to call me should you have any questions regarding these documents or our commitment to meaningful implementation of the Programmatic Agreement through the mechanisms provided by the Work Plan and OTI.

Sincerely,

A handwritten signature in black ink, appearing to read "Herb M. Jones".

Herb M. Jones
Director of Government Affairs

cc:

Mr. David Valenstein
Environmental Programs Manager
Federal Railroad Administration
1200 New Jersey Avenue NE, Mail Stop 20
Washington, DC 20590

Mr. Brad Johnson
Archaeologist
US Army Corps of Engineers, St. Paul
District
190 Fifth Street East
Saint Paul, MN 55101-1638

Mr. James Kangas
Archaeologist
Bureau of Reclamation
515 9th Street, Suite 101, Rapid City Field
Office
Rapid City, SD 57701

Mr. Richard Currit
Senior Archaeologist
Wyoming State Historic Preservation Office
2301 Central Avenue
Cheyenne, WY 82002

Ms. Ruth Toahty
NAGPRA Coordinator
Comanche Tribe of Oklahoma
P.O. Box 908
Lawton, OK 73502

Mr. Curley Youpee
Historic Preservation Officer
Ft. Peck Assiniboine and Sioux Tribes
601 Court Avenue, P.O. Box 1027
Poplar, MT 59255-1027

Mr. Scott Jones
Cultural Resources Director
Lower Brule Sioux Tribe
187 Oyate Circle
Lower Brule, SD 57548

Ms. Jo Ann White
Historic Preservation Officer
Northern Arapaho Tribe
P.O. Box 1182
Fort Washakie, WY 82514

Mr. Tony Provost
NAGPRA Coordinator
Omaha Tribe of Nebraska
P.O. Box 368
Macy, NE 68039

Mr. Marc Mogan
Cultural Committee
Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, MN 55089

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, Room 1106
Washington, DC 20423-0001

Mr. Ian Ritchie
Archaeologist
Douglas Ranger District
2250 East Richards Street
Douglas, WY 82633

Mr. David Mather
National Register Archaeologist
Minnesota State Historic Preservation
Office
345 W. Kellogg Blvd.
Saint Paul, MN 55102-1906

Mr. Gordon L. Yellowman
Historic Preservation Officer
Cheyenne and Arapaho Tribes of Oklahoma
P.O. Box 145
Concho, OK 73022

Ms. Reed Tidzump
Director, Cultural Services
Eastern Shoshone Tribe
P.O. Box 1008
Ft. Washakie, WY 82514

Mr. Larry Garvin
Tribal Historic Preservation Officer
Ho-Chunk Nation
P.O. Bo 667
Black River Falls, WI 54615

Ms. Pamela Halverson
Tribal Historic Preservation Officer
Lower Sioux Community
39527 Res. Hwy 1, Box 308
Morton, MN 56270

Mr. Conrad Fisher
Tribal Historic Preservation Officer
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

Ms. Alice Alexander
Historic Preservation Officer
Pawnee Nation of Oklahoma
P.O. Box 470
Pawnee, OK 74058

Mr. Russell Eagle Bear
Tribal Historic Preservation Officer
Rosebud Lakota Tribe
P.O. Box 658
Rosebud, SD 57570

Ms. Sandra Barnum
Cultural Resources Director
Department of the Army US Army -
Engineer District, Omaha
106 South 15th Street
Omaha, NE 68102-1618

Ms. Alice Tratebas
Archaeologist
Bureau of Land Management
1101 Washington Blvd.
Newcastle, WY 82701

Ms. Paige Hoskinson Olson
Review & Compliance Coordinator
South Dakota State Historic Preservation
Office
900 Governors Drive
Pierre, SD 57501-2217

Mr. Donna Rae Peterson
Acting Tribal Historic Preservation Officer
Cheyenne River Lakota Tribe
P.O. Box 590
Eagle Butte, SD 57625

Mr. Sam Allen
Economic Development
Flandreau Santee Sioux
P.O. Box 283
Flandreau, SD 57028

Mr. Dewey Tsonetokey
NAGPRA Office
Kiowa Tribe of Oklahoma
Route 3, P.O. Box 470
Carnegie, OK 73015

Mr. David Grignon
Tribal Historic Preservation Officer
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, WI 54135

Mr. Joyce Whiting
Historic Preservation Officer
Oglala Lakota Tribe
P.O. Box 2070
Pine Ridge, SD 57770

Mr. Gary Robinette
Historic Preservation Officer
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

Mr. Robert Campbell
Treasurer
Santee Sioux Tribe of Nebraska
108 Spirit Lake Avenue West
Niobrara, NE 68760

Mr. Rodney Bordeaux
President
Rosebud Lakota Tribe
P.O. Box 430
Rosebud, SD 57570

Mr. Michael Selvage
Chairman
Sisseton-Wahpeton Dakota Nation
P.O. Box 509
Agency Village, SD 57262-0509

Mr. Marcus Wells, Jr.
Chairman
Three Affiliated Tribes (MHA Nation)
404 Frontage Road
New Town, ND 58763

Mr. Matthew Pilcher
Chairman
Winnebago Tribe of Nebraska
100 Bluff Street, P.O. Box 687
Winnebago, NE 68071

Ms. Katy Harris
Historic Preservation Specialist
Advisory Council for Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Washington, DC 20004

Mr. Roger Trudell
Chairman
Santee Sioux Tribe of Nebraska
425 Frazier Avenue N, Suite 2
Niobrara, NE 68760

Ms. Myra Pearson
Chairwoman
Spirit Lake Tribe
P.O. Box 359
Ft. Totten, ND 58335

Mr. David Brien
Chairman
Turtle Mountain Band of Chippewa
P.O. Box 900
Belcourt, ND 58316

Mr. Robert Courmoyer
Chairman
Yankton Sioux Tribe
P.O. Box 248
Marty, SD 57361

Mr. Herb Jones
Government Affairs Director
Dakota, Minnesota, & Eastern Railroad
140 North Phillips Avenue
Sioux Falls, SD 57101

Mr. Stanley R. Crooks
Chairman
Shakopee Mdewakanton Sioux (Dakota)
Community of Minnesota
2330 Sioux Trail NW
Prior Lake, MN 55372

Mr. Ron His-Horse-Is-Thunder
Chairman
Standing Rock Sioux Tribe
P.O. Box D
Ft. Yates, ND 58538

Mr. Kevin Jensvold
Chairman
Upper Sioux Indian Community
P.O. Box 147
Granite Falls, MN 56241-0147

Mr. Lester Thompson, Jr.
Chairman
Crow Creek Lakota Tribe
P.O. Box 50
Ft. Thompson, SD 57339-0050

Mr. Barry Williams
Archaeologist
Bureau of Land Management
99 23rd Avenue, West
Dickinson, ND 58601

DRAFT
February 13, 2008

Office of Tribal Involvement Mission Statement

The mission of the Office of Tribal Involvement (OTI) is to promote effective communication of tribal concerns regarding the effects of the Powder River Basin Expansion Project on properties of traditional religious and cultural importance and on traditional values. To carry out this mission, OTI will perform the following functions:

1. Assist tribes by coordinating report reviews and providing technical information and advice upon request.
2. Administer contract for the Tribal Study as specified in the Work Plan for Tribal Involvement (date), including coordination of confidentiality concerns among participating tribes, and ensure timely completion of the contract requirements.
3. Assist in training tribal monitors to ensure effective and accurate information gathering pertinent to the recognition and evaluation of traditional cultural properties.
4. Administer contractual and reimbursement arrangements for tribal representatives participating in STB and DM&E sponsored meetings, including summits and training.
5. Administer contractual and reimbursement arrangements for tribal monitors participating in field work for the project, including identification and construction monitoring efforts.
6. Coordinate and communicate tribal positions and preferences regarding the disposition of Native American human remains and associated cultural items.
7. Facilitate daily work towards the fulfillment of the Programmatic Agreement, including compliance with established, project-specific milestones for report reviews and fieldwork initiation and completion.
8. Assist in implementing alternative mitigation measures negotiated among the consulting parties, as needed.

March 11, 2008
Draft

Establishment Specifications for the Office of Tribal Involvement

Authority: This document establishes the Office of Tribal Involvement (OTI) in support of the Programmatic Agreement (PA) and Memorandum of Agreement (MOA) for the Powder River Basin Expansion Project (Project); specifically with regard to the implementation of the Work Plan for Tribal Involvement (Work Plan).

Objectives and Scope of the OTI: OTI will coordinate tribal participation in the review of federal undertakings that may affect properties of traditional religious and cultural importance on tribal and aboriginal homelands. For purposes of the Project, OTI will perform the functions specified in the Office of Tribal Involvement Mission Statement. OTI's contributions will help to streamline review procedures and improve opportunities for tribal participation under the Work Plan and PA. Tribal participation under OTI's coordinative role is voluntary. STB will continue to work individually with those tribes which choose not to participate through OTI in accordance with the review procedures of the PA. Specifically, OTI will:

- Coordinate with tribes and consolidate report reviews within established timelines under the PA;
- Facilitate daily work toward the fulfillment of the PA, including compliance with established project-specific milestones for report reviews and fieldwork initiation and completion;
- Administer the contract for the Tribal Study as specified in the Work Plan;
- Consult with tribal elders and authorities as needed to promote efficiency and achieve project goals;
- Assist in recruiting and training tribal monitors;
- Administer contractual reimbursements for tribal monitors;
- Coordinate with tribes regarding the treatment and disposition of human remains and associated cultural items;
- Assist in implementing alternative mitigation measures, including but not limited to any jobs program which may be developed to provide job opportunities for tribal members.

OTI Location and Staff: For purposes of the Project, OTI will be housed at either Wakpa Sica in Fort Pierre or at the Intertribal Cooperative in Rapid City. DM&E will provide adequate funding to support salaries, office functions, equipment needs, travel costs and the following staff:

- *Office Director* with primary responsibilities for management and administration, and budget;
- *Historic Preservation Specialist* who meets the Secretary of Interior's qualifications standards; and
- *Administrator* to provide clerical support.

The U.S.D.I. Bureau of Land Management Wyoming State Office
Mr. Robert Bennett, State Director

Signature: _____ Date: _____

The U.S. Army Corps of Engineers, Omaha District
Col. David C. Press, District Engineer

Signature: _____ Date: _____

The U.S. Army Corps of Engineers, St. Paul District
Col. Michael F. Pfenning, District Engineer

Signature: _____ Date: _____

The U.S.D.I. Bureau of Reclamation
Mr. Dennis E. Breitzman, Area Manager

Signature: _____ Date: _____

The Federal Railroad Administration
Mr. David Valenstein, Environmental Programs Manager

Signature: _____ Date: _____

Minnesota State Historic Preservation Office
Ms. Nina Archabal, Director

Signature: _____ Date: _____

South Dakota State Historic Preservation Office
Mr. Jay D. Vogt, Director

Signature: _____ Date: _____

Wyoming State Historic Preservation Office
Ms. Sara E. Needles, Director

Kiowa Tribe of Oklahoma
Mr. Billy Evans Horse, Chairman

Signature: _____ Date: _____

Menominee Indian Tribe of Wisconsin
Ms. Lisa Waukau, Chairwoman

Signature: _____ Date: _____

Oglala Lakota Tribe
Mr. John Yellow Bird Steele, President

Signature: _____ Date: _____

Ponca Tribe of Nebraska
Mr. Larry Wright, Jr.

Signature: _____ Date: _____

Santee Sioux Tribe of Nebraska
Mr. Roger Trudell, Chairman

Signature: _____ Date: _____

Spirit Lake Tribe
Ms. Myra Pearson, Chairwoman

Signature: _____ Date: _____

Turtle Mountain Band of Chippewa
Mr. David Brien, Chairman

Signature: _____ Date: _____

Cheyenne River Lakota Tribe
Mr. Joseph Brings Plenty, Chairman

Upper Sioux Indian Community
Mr. Kevin Jensvold, Chairman

Signature: _____ Date: _____

Comanche Tribe of Oklahoma
Mr. Wallace Coffey, Chairman

Signature: _____ Date: _____

Eastern Shoshone Tribe
Mr. Ivan Posey, Chairman

Signature: _____ Date: _____

Ho-Chunk Nation
Mr. George R. Lewis, President

Signature: _____ Date: _____

Lower Sioux Community
Ms. Jean Tracy, President

Signature: _____ Date: _____

Northern Cheyenne Tribe
Mr. Eugene Little Coyote, President

Signature: _____ Date: _____

Rosebud Lakota Tribe
Mr. Rodney Bordeaux

Signature: _____ Date: _____

**Office of Tribal Involvement
Proposed Operations Budget - 8 Months (May 1-Dec 31, 2008)**

Estimated Direct Labor (1400 hours equals approximately 8 Months)

Office Director (\$62,400/yr)	1400	hours @	\$30.00	\$42,000.00
Archaeologist (\$52,000/yr)	1400	hours @	\$25.00	\$35,000.00
GIS Specialist/Database Manager (\$41,600/yr)	1400	hours @	\$20.00	\$28,000.00

Total Direct Labor \$105,000.00

Estimated Overhead (100% of Direct Labor) \$105,000.00

Total Direct Labor & Overhead \$210,000.00

Direct Expenses (15% of Total Labor & Overhead) \$31,500.00

Fee: (10% of Total Labor & Overhead) \$21,000.00

Total Operating Budget \$262,500.00

Estimated One-Time Start-up Costs

Office Telephone System (w/ installation)				\$2,000.00
Computer workstations	3	workstations @	\$2,000.00	\$6,000.00
GIS workstation				\$4,000.00
Network Server w/ backup				\$3,000.00
Software (ArcView 9.2, Adobe, etc)				\$3,000.00
Integrated fax/copier/scanner/printer				\$10,000.00
Office furniture (desks, chairs, tables, file cabinets, bookshelves, etc.)				\$15,000.00
GPS unit (Geo XT with beacon receiver, case, etc.)				\$7,000.00
				<u>\$50,000.00</u>

Assumptions

Costs associated with hiring additional tribal consultants to assist OTI staff with Field Checks, completion of the Tribal Study, and Construction Monitoring are not included in OTI's operating budget. These costs will be invoiced to STB/LBG based on pre-approved scopes of work and established rates for honorarium, wages, per diem, and related direct expenses.