

E0-821

letter sent via email
and regular mail



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 7, 2008

Ms. Dianne Desrosiers
Tribal Historic Preservation Officer
Sisseton-Wahpeton Oyate
P.O. Box 907
Sisseton, SD 57262-0907

RE: Tribal Review of Archaeological Reports: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin

Dear Ms. Desrosiers,

Thank you for your February 13, 2008 letter requesting additional time, on behalf of the Sisseton-Wahpeton Oyate and 10 other Tribes, to review the four archaeological survey reports referenced in our January 31, 2008 letter to you (copy attached). In your letter, you ask that we extend the report review deadline for these four reports an additional 30 days, or from February 20, 2008, until March 21, 2008. As stipulated below, your final comments on these reports must now be received by the Surface Transportation Board (STB) by March 21, 2008.

As you know, the Work Plan for Tribal Involvement (though still in draft form) provides Tribes with an additional 30-day period, beyond the 30 days allowed for in the Programmatic Agreement, to review archaeological reports. The purpose of this additional review time is to give Tribes an opportunity to conduct field visits of archaeological sites discussed in the reports, in cases where the National Register eligibility of such sites is difficult to determine from a review of the reports alone. Therefore, please be advised that any site visits associated with your reviews must be requested before March 21, 2008.

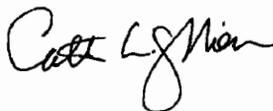
I can appreciate the large workload and challenging schedules that you and the other Tribal Historic Preservation Officers and Cultural Committee Representatives must face on a regular basis. This is one of the reasons that the STB is supporting the Office of Tribal Involvement initiative proposed as a means to assist with the consultation demands of the Powder River Basin Expansion project. I am hopeful that all parties will be in a

position to move forward with this initiative at our next meeting on April 1-2, 2008 in Pierre, South Dakota.

The Dakota Minnesota and Eastern Railroad (DM&E) and its archaeological consultants have offered to answer any questions you may have regarding these four reports (and two others recently sent out) to assist you in your reviews. DM&E would like to schedule a meeting for this purpose for March 18 or 19, 2008 in a location in South Dakota to be determined. If you are interested in attending this report review meeting, please contact DM&E's consultant, Mike Madson, at (612) 501-6237 to confirm your plan to attend.

Thank you for your continued interest in this project. If you have any questions regarding this letter, please feel free to call me at (202) 245-0293 or Mr. David Bibler with the Louis Berger Group (LBG) at (319) 373-3043. Mr. Randy Withrow, also with LBG, will serve as an additional point of contact and can also be reached at (319) 373-3043.

Sincerely,



Catherine Glidden
Surface Transportation Board
395 E Street SW
Washington, DC 20043-0001

Cc: Sam Allen, Flandreau Sioux Tribe
Robert Campbell, Santee Sioux Tribe
Richard Currit, WY State Historic Preservation Office
Russell Eagle Bear, Rosebud Sioux Tribe
Conrad Fisher, Northern Cheyenne Tribe
Dennis Gimmestad, MN State Historic Preservation Office
Brady Grant, Turtle Mountain Chippewa Tribe
Pam Halverson, Lower Sioux Tribe
Paige Hoskinson, SD State Historic Preservation Office
Herb Jones, Dakota, Minnesota & Eastern Railroad
Tim Mentz, Standing Rock Sioux Tribe
JoAnn White, Northern Arapaho Tribe
Joyce Whiting, Oglala Sioux Tribe
Curley Youpee, Fort Peck Sioux & Assiniboine Tribes

Enclosure: STB Letter (January 31, 2008)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

January 31, 2008

To: Tribal Governments Interested In the Powder River Basin Expansion Project

The following four archaeological survey reports related to the DM&E Powder River Basin Expansion Project were submitted in 2007 (either hard copy or on CD) to cooperating agencies and interested tribes. Copies of these reports are also available on the Powder River Basin Project website: www.stbpa106.org. Your designated government representative should have received a username and password to access this website by email sometime during the past week. The reports include:

- *A Class III Cultural Resource Inventory of Eight Portions of Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project, Segments 1 and 2, Campbell, Niobrara, and Weston Counties, Wyoming.* Prepared by TRC Mariah Associates, 2007. Distributed by STB for comment on August 31, 2007.
- *Level I and II Cultural Resource Survey and Site Testing Evaluation for 317 Miles of Railroad Reconstruction From the Minnesota Border to Wall, South Dakota: Dakota, Minnesota & Eastern's Proposed Powder River Expansion Project.* Prepared by Burns & McDonnell, 2001. Distributed by STB for comment on November 9, 2007.
- *A Level III Cultural Resources Evaluation of the Proposed Dakota, Minnesota & Eastern Railroad Corporation Powder River Basin Expansion Project Corridor, Huron Yard Locale, Beadle County, South Dakota.* Prepared by Archeology Lab at Augustana College, 2007. Distributed by STB for comment on November 9, 2007.
- *A Class III Cultural Resource Inventory of the Seven Remaining Portions of Dakota, Minnesota & Eastern Railroad Corporation's Powder River Basin Expansion Project, Segments 1 and 2, Campbell, Niobrara, and Weston Counties, Wyoming.* Prepared by TRC Mariah Associates, 2007. Distributed by STB for comment on November 9, 2007.

At the Tribal Summit on January 15-16, 2008, the STB announced its intent to restart the 30-day review period for the aforementioned reports and is requesting comment from interested tribes on the adequacy of the reports and the National Register eligibility of properties identified and described within each report. STB is also requesting that interested tribes identify properties or locations within each of these project segments where field visits by tribal members are needed to assess potential traditional cultural values.

For your convenience, we have included individual comment forms for use with each of these reports. Please submit your report reviews to Catherine Glidden of the STB at the following address:

Ms. Catherine Glidden
Surface Transportation Board
395 E Street SW
Washington, DC 20043-0001
202-245-0293

Representatives from DM&E and their archaeological consultants (HDR Engineering and SWCA Environmental Consultants) will be available to discuss each of these reports with you at the next Tribal Summit scheduled for February 12 and 13, 2008.