

#EO-408

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

Herb M. Jones
Director, Government Affairs
Cedar American Rail Holdings, Inc.
DM&E / IC&E Railroads
140 North Phillips Avenue
Sioux Falls, SD 57104

January 29, 2007

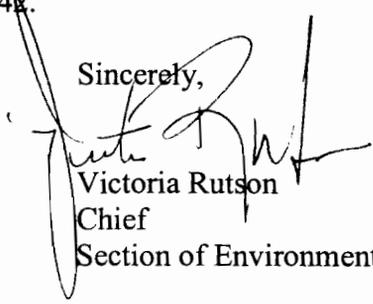
Re: STB Finance Docket 33407 – Dakota, Minnesota & Eastern
Railroad, Powder River Basin Expansion Project; Third Party
Contractor Approval to Ensure Compliance with Programmatic
Agreement

Dear Mr. Jones:

The Surface Transportation Board's Section of Environmental Analysis (SEA) is approving, under 49 CFR 1105.10(d), Louis Berger Group, Inc. (Louis Berger) as the independent third-party consultant for the above cited project. Louis Berger will assist the Board in fulfilling its responsibilities under the Programmatic Agreement executed in the above-captioned proceeding.

Attached is a disclosure statement, which I ask that you forward to Louis Berger to complete and return to us. As previously discussed, SEA will direct, supervise, review, and approve the work done by the independent third-party consultant to ensure the Board's compliance with the Programmatic Agreement executed in this proceeding.

If we can be of further assistance, please contact me at (202) 565-1545 or Catherine Glidden of my staff at (202) 565-1548.

Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure

SURFACE TRANSPORTATION BOARD

DISCLOSURE STATEMENT

On behalf of The Louis Berger Group, Inc., I certify that I have no financial or other interests in the outcome of STB Finance Docket 33407, Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin.

Signed: _____

Date: _____