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***SURFACE TRANSPORTATION BOARD***  
***Washington, DC 20423***

*Section of Environmental Analysis*

October 19, 2007

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

Re: STB Finance Docket No. 33407, Dakota, Minnesota and Eastern Railroad Corporation, Powder River Basin Expansion Project; **Invitation for Tribal Participation in Archaeological Fieldwork**

Dear Mr. Provost:

As you know, the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently hosted a Tribal Summit in Rapid City, SD, October 9-11. During the Summit, tribal attendees<sup>17</sup> expressed concerns regarding archaeological field studies planned by the Dakota, Minnesota and Eastern Railroad (DM&E) immediately following the Summit. The tribes told SEA that they want to have the opportunity to participate in these surveys, of which they were previously unaware. In order to respond to the tribes' concerns, SEA has requested and DM&E has suspended all archaeological field work (Phase I and Phase II) until Monday, November 5, 2007.

Between now and November 5, SEA would like to provide your Tribal government an opportunity to enlist official tribal representatives to join the archaeologists in the field surveys scheduled for this fall season. (Attached is a summary table of the planned field work including locations, intended work activities and start dates).

SEA will be holding a meeting on **October 30 and 31 for all tribal representatives specifically interested in the Mankato to New Ulm, Minnesota section of the project area**. The meeting will include a visit to several known Native American sites scheduled for archaeological testing beginning November 5, 2007 and will allow tribal representatives an opportunity to assess the need for additional tribal field participation in this segment of the project area. Lodging accommodations and meeting facilities will be provided for meeting participants at the **Jackpot Junction Casino Hotel located at the Lower Sioux Indian Community in Morton, Minnesota**. DM&E will provide access to the site areas via high rail.

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<sup>17</sup> See attached list of tribal summit attendees.

We are also requesting **Tribal participation for archaeological survey and site testing work** scheduled at three different locations along the project corridor west of Pierre, South Dakota (see attached summary table). This fieldwork is also scheduled to begin on **November 5, 2007**. No pre-field coordination meeting is planned prior to beginning work in these areas; instead, **SEA is requesting that interested Tribes provide us with names of Tribal representatives that you wish to have participate on your behalf.**

If you wish to participate in the meeting in Minnesota on October 30-31 and/or if you wish to provide Tribal representatives to join the archaeological survey teams working west of Pierre, please contact SEA's Third-Party Contractor (Randy Withrow of The Louis Berger Group 319-373-3043) **no later than October 26<sup>th</sup>**. Please be prepared to provide us with the name(s) of your designated representatives, contact information, and honorarium, housing, mileage and per diem needs. DM&E will develop contracts and make other arrangements, as appropriate, for those Tribes that intend to provide official Tribal representatives to assist with the field surveys in these project segments.

We will follow-up with phone calls to your Tribe early next week to confirm your interest and availability to assist with this work. Meanwhile, please feel free to contact me (202-245-0295) or Catherine Glidden of my staff (202-245-0293) should you have any concerns or questions. Thank you for providing SEA with your continued guidance and participation in this project.

Sincerely,



Victoria Rutson  
Chief, Section of Environmental Analysis

Attachments (1)  
CC: Chairman Parker

Please direct your response to one of the following individuals by either letter, email, or telephone.

Cathy Glidden, Project Manager  
Surface Transportation Board  
Section of Environmental Analysis  
395 E Street NW  
Washington DC 20423-0001  
202-245-0293 (PH)  
[gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov)

Randy Withrow, Tribal Liaison  
The Louis Berger Group, Inc.  
950 50<sup>th</sup> Street  
Marion, IA 52302-3853  
319-373-3043 (PH)  
[rwithrow@louisberger.com](mailto:rwithrow@louisberger.com)

## Summary of Planned Archaeological Field Investigations with Staffing Needs and Schedules Powder River Basin Expansion Project

| Project Segment(s)                                | Work Description                                                                                            | Counties                                                                 | DM&E Field Staff                                                                           | Requested Tribal Representatives           | Start Date              | End Date                             | Scheduled Working Days                                           |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------|--------------------------------------|------------------------------------------------------------------|
| <b>Minnesota – Rehab Segment</b>                  | Archaeological testing of historic whistle stops and known Native American Sites; geomorphological sampling | <b>Brown, Blue Earth; Whistle stops are located throughout Minnesota</b> | <b>3 work crews consisting of 2 to 6 archaeologists and 1 EIC per work crew</b>            | <b>1 representative per crew (3 total)</b> | <b>November 5, 2007</b> | <b>December 1, 2007</b>              | <b>8 days/10 days on (including weekends), 6 days/4 days off</b> |
| <b>South Dakota - New Build Segment</b>           | Revisit 71 archaeological sites recorded during 1999 USD survey                                             | Pennington, Custer, Fall River                                           | 4 work crews consisting of 4 to 6 archaeologists and 1 EIC* per work crew                  | 1 representative per crew (4 total)        | November 5, 2007        | December 1, 2007                     | 8 days/10 days on (including weekends), 6 days/4 days off        |
| South Dakota – New Build Segment                  | Geomorphological sampling                                                                                   | All                                                                      | 1 work crew consisting of 2 geoarchaeologists and 1 EIC                                    |                                            | Not yet scheduled       |                                      |                                                                  |
| South Dakota - New Build Segment (~20 miles)      | Currently inaccessible; landowners deny access                                                              | Pennington, Custer, Fall River                                           | 4 work crews consisting of 4 to 6 archaeologists/geoarchaeologists and 1 EIC per work crew |                                            | Not yet scheduled       |                                      |                                                                  |
| <b>South Dakota - PRC Segment 2 and Segment 3</b> | Archaeological survey of areas adjacent to existing DM&E right-of-way                                       | <b>Haakon, Jackson, Pennington</b>                                       | <b>2 work crews consisting of 3 archaeologists and 1 EIC per work crew</b>                 | <b>1 representative per crew (2 total)</b> | <b>November 5, 2007</b> | <b>November 21, 2007</b>             | <b>8 days/10 days on (including weekends), 6 days/4 days off</b> |
| <b>South Dakota – Rehab Segment</b>               | <b>New Railyard at Huron, SD; New East Pierre Siding</b>                                                    | <b>Beadle, Hughes</b>                                                    | <b>2 work crews consisting of 4 to 6 archaeologists and 1 EIC per work crew</b>            | <b>1 representative per crew (2 total)</b> | <b>November 5, 2007</b> | <b>November 12 (possibly longer)</b> | <b>8 days/10 days on (including weekends), 6 days/4 days off</b> |
| Wyoming – New Build Segment                       | Geomorphological Sampling                                                                                   | All                                                                      | 1 work crew consisting of 2 geoarchaeologists and 1 EIC                                    |                                            | Not yet scheduled       |                                      |                                                                  |

\* EIC refers to DM&E's "Employee-in-Charge"

### Tribal Governments Represented at Rapid City Summit Meetings, October 9-11, 2007

Fort Peck Assiniboine and Sioux Tribes (Curley Youpee)

Lower Sioux Indian Community (Pamela Halverson)

Northern Arapaho Tribe (Jo Ann White)

Northern Cheyenne Tribe (Gilbert Brady, Sr.)

Ponca Tribe of Nebraska (Richard Wright)

Rosebud Sioux Tribe (Russell Eagle Bear, Charlie Spotted Tail, Ruben McCloskey, Ben Rhodd)

Santee Sioux Tribe (Wyatt Thomas, Robert Campbell)

Sisseton-Wahpeton Oyate (James Whitted)

Standing Rock Sioux Tribe (Wasté Win Young)

Three Affiliated Tribes (Elgin Crows Breast)

Yankton Sioux Tribe (John Stone)